

Title of Proposed Rule:	Unregulated Child Custody Transfer	
CDHS Tracking #:	23-12-05-01	
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley	Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit		E-Mail: kate.bradley@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. 1500 Char max

House Bill 23-1157 was signed into law on April 17, 2023 which resulted in the addition of article 5.5, Uniform Unregulated Child Custody Transfer Act, to title 19. Rules around the Act are necessary to provide guidance to licensed providers around steps to take when it is suspected that an unregulated child custody transfer has occurred. Development of these rules were dependent upon recently passed legislation and as such, were not reliant upon data, studies or questionnaires. Unregulated Custody Transfer is known to be a problem across the United States, however, and as of 2022, approximately 17 states had enacted laws that prohibit Unregulated Custody Transfers according to the Children’s Bureau.

Unregulated custody transfer (UCT) occurs when a parent, guardian/custodian, or an individual with whom a child/youth has been placed for adoption intends to abandon rights and responsibilities without engaging appropriate agencies or legal processes. This includes court jurisdiction, oversight by a licensed agency, and/or approval through the Interstate Compact for the Placement of Children (ICPC).

Except as already allowed in statute, the law also prohibits advertising or soliciting a child custody transfer with the intent to abandon the child; identifying a child/youth for such a custody transfer; or acting as an intermediary or facilitator in such a custody transfer.

Licensed child placement agencies (CPAs) have long identified unregulated custody transfer as problematic for children and youth who come from already traumatic backgrounds. These rules provide CPAs with guidance on appropriate steps to take when they believe an illegal custody transfer has occurred.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- to comply with state/federal law and/or
- to preserve public health, safety and welfare

Justification for emergency:

N/A

State Board Authority for Rule:

Code	Description
§ 26-1-107(5)(b), C.R.S. (2024)	The state board shall have authority to adopt “board rules” for programs administered and services provided by the state department as set forth in this title and in title 27, C.R.S.

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

§ 26-1-109(3), C.R.S. (2024)	The state department shall cooperate with the federal department of health, education, and welfare and other federal agencies in any reasonable manner, in conformity with the laws of this state, which may be necessary to qualify for federal aid, including the preparation of state plans, the making of reports in such form and containing such information as any federal agency may from time to time require, and the compliance with such provisions as the federal government may from time to time find necessary to assure the correctness and verification of the reports.
------------------------------	---

Program Authority for Rule: Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.

Code	Description
§ 19-5.5-308, C.R.S. (2024)	The state board of human services may adopt rules to implement sections 19-5.5-303 to 19-5.5-306.

Does the rule incorporate material by reference?	X	Yes			No
Does this rule repeat language found in statute?	X	Yes			No
If yes, please explain.	<i>The below rules repeat language verbatim found in statute.</i>				
§ 7.701.2	§ 19-1-103 (50), C.R.S. (2024) is verbatim within rule - Definition of "Custodian"				
§ 7.701.2	§ 19-5.5-102(4), C.R.S. (2024) is verbatim within rule - Definition of "Custody"				
§ 7.701.2	§ 19-5.5-201(3), C.R.S. (2024) is verbatim within rule - Definition of "Facilitator"				
§ 7.701.2	§ 19-5.5-201(4), C.R.S. (2024) is verbatim within rule - Definition of "Guardian"				
§ 7.701.2	§ 19-5.5-102(5), C.R.S. (2024) is verbatim within rule - Definition of "Intercountry Adoption"				
§ 7.701.2	§ 19-5.5-201(5), C.R.S. (2024) is verbatim within rule - Definition of "Intermediary"				
§ 7.701.2	§ 19-5.5-301, C.R.S. (2024) is verbatim within rule - Definition of "Prospective Adoption Parent"				
§ 7.701.2	§ 19-5.5-102(7), C.R.S. (2024) is verbatim within rule - Definition of "Person"				
§ 7.701.2	§ 19-5.5-102(9), C.R.S. (2024) is verbatim within rule - Definition of "State"				
§ 7.710.55.D	§ 19-5.5.303(1)(a)-(c), C.R.S. (2024) is verbatim within rule				
§ 7.710.58.B.1-3	§ 19-5.5-305(2)(a)-(c), C.R.S. (2024) is verbatim within rule				
§ 7.710.6.H	§ 19-5.5-306, C.R.S. (2024) is verbatim with rule.				
§ 7.710.654	19-5.5-203(2), C.R.S. (2024) is verbatim within rule				
	<i>The below rules are comparable to language found in statute.</i>				
§ 7.701.2	§ 19-1-103(105)(a), C.R.S. (2024) is verbatim within rule - Definition of "Parent"				

Title of Proposed Rule:	Unregulated Child Custody Transfer	
CDHS Tracking #:	23-12-05-01	
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley	Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit		E-Mail: kate.bradley@state.co.us

§ 7.701.2	§ 19-3-304.5(1), C.R.S. (2024) is comparable to the language in the rule defining "Safe Haven"
§ 7.701.2	§ 19-5.5-203(1)-(2), C.R.S. (2024) is comparable to the language in the rule defining "Unregulated Custody Transfer"
§ 7.710.58.A.2, 6	§ 19-5.5-304(1)(a)-(h) C.R.S. (2024) is comparable to the language of that within rule
§ 7.710.58.A.2	§ 19-5.5-305(2), C.R.S. (2024) is comparable to the language within the rule
§ 7.710.58.B.4.a-b	§ 19-5.5-305(3), C.R.S. (2024) is comparable to the language within the rule.
§ 7.710.6.G	§ 19-5.5-304(2), C.R.S. (2024) is comparable to the language of that within rule
§ 7.710.62.E	§ 19-5.5-304(3), C.R.S. (2024) is comparable to the language of that within rule
§§ 7.710.650, 7.710.651	§ 19-5.5-203, C.R.S. (2024) is comparable to the language within the rule.
§ 7.710.652	§19-5.5-205, C.R.S. (2024) is comparable to the language within the rule.
§ 7.710.653	§ 19-5.5-204, C.R.S. (2024) is comparable to the language within the rule.
	The below rules were references only.
§ 7.710.58.A.1	§ 12-240-101 through § 12-240-145, C.R.S. (2024) are referenced in rule

Title of Proposed Rule:	Unregulated Child Custody Transfer	
CDHS Tracking #:	23-12-05-01	
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley	Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit		E-Mail: kate.bradley@state.co.us

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Children/youth will benefit from this rule update. A parent, guardian/custodian, or an individual with whom a child/youth has been placed for adoption with the intent to abandon rights and responsibilities, will bear some level of burden. Individuals soliciting or advertising the activities above may bear some level of burden. County departments that receive reports and elect to assess such reports of unregulated custody transfer will bear the burden to address safety, well-being, and safety of the children/youth. Law enforcement may bear some level of burden.

No populations are anticipated to be adversely affected by these changes.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

Licensed child placement agencies (CPAs) have long identified unregulated custody transfer as problematic for children and youth who come from already traumatic backgrounds. CPAs have sought guidance on appropriate steps to take when such illegal custody transfers are believed to have occurred. As such, CPAs will benefit from guidance provided by rules around appropriate and necessary action that have already been adopted in statute. CPAs and other constituents will also benefit from consistency in practice as well as from mechanisms for tracking and reporting these instances. Most importantly, the already vulnerable children/youth for whom custody has been illegally transferred and those who are at risk for illegal transfer of custody will be impacted, as the rules require notification, protection, and follow up regarding these transfers.

In addition, local law enforcement may be involved in these cases initially, and for a short period of time. Further, county departments across Colorado may be impacted in several ways; in the short-term, county staff will be tasked with screening referrals and/or opening an assessment where appropriate. Longer-term implications may result when a case is opened, a petition for Dependency and Neglect is filed, a report to local law enforcement is made, and/or the concerns are referred to the Colorado Department of Human Services. As such, CDHS may also be impacted through receipt of reports from county staff regarding unregulated custody transfer and subsequently making reports to the U.S. Department of State on unregulated custody transfer in Colorado.

A parent, guardian, custodian, or another individual who intends to abandon rights and responsibilities of a child/youth, may be involved for the long-term if child/youth safety or legal violations occur and the appropriate legal steps were not followed, such as court jurisdiction and approvals through the Interstate Compact for the Placement of Children (ICPC). Individuals that identify a person to whom to make a transfer of custody; identify a child/youth for a transfer of custody; or act as an intermediary or facilitator in a transfer of custody outside of exceptions allowed in statute may also be impacted for the long-term if child safety is involved or there is a legal violation.

Title of Proposed Rule:	Unregulated Child Custody Transfer	
CDHS Tracking #:	23-12-05-01	
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley	Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit		E-Mail: kate.bradley@state.co.us

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just “no impact” answer should include “no impact because....”***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

The fiscal impact for the Colorado Department of Human Services will result from its requirement to receive reports of suspected unregulated custody transfers, which will most often come from county staff throughout Colorado. CDHS must create a mechanism for accepting those reports, providing county staff with support and guidance specific to each case, documenting reports received, and reporting to the U.S. Department of State.

County Fiscal Impact

The fiscal impact for counties throughout Colorado may result from an increase in workload related to referrals for screening and assessment as appropriate. It may also include opening a case, cost for placement in out-of-home care, ongoing and permanency casework, and legal representation. In the event of concern of Unregulated Custody Transfer, county staff would also be tasked with reporting concerns to the Colorado Department of Human Services. Given that these are new rules, the number of cases cannot currently be determined.

Federal Fiscal Impact

The fiscal impact on a federal level may result from workload responsibilities assumed upon receipt of reports of unregulated custody transfer made by the Colorado Department of Human Services to the U.S. State Department. Given that these are new rules, the number of cases cannot currently be determined.

Other Fiscal Impact (such as providers, local governments, etc.)

As previously mentioned, local law enforcement may be impacted in cases where unregulated custody transfer concerns are reported. Given that these are new rules, the number of cases cannot currently be determined.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

Development of these rules was dependent upon recently passed legislation and as such, was not reliant upon data, studies or questionnaires.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather

Title of Proposed Rule:	Unregulated Child Custody Transfer	
CDHS Tracking #:	23-12-05-01	
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley	Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit		E-Mail: kate.bradley@state.co.us

than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”

There are no alternatives to these new rules as they are necessary to implement statute.
--

Title of Proposed Rule:		Unregulated Child Custody Transfer	
CDHS Tracking #:		23-12-05-01	
Office, Division, & Program: OCYF, DCW, Permanency		Rule Author: Kate Bradley	Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit		E-Mail: kate.bradley@state.co.us	

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.701.14 Civil Rights	AMEND	<p>7.701.14 Civil Rights</p> <p>All facilities licensed under the Child Care Licensing Act are subject to the following federal laws and regulations: the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D ET SEQ. (2018), and its implementing regulation, 45 C.F.R. Part 80 (2018); the Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6017 (2018) and its implementing regulation, 45 C.F.R., Part 91 (2018); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (2018), and its implementing regulation, 45 C.F.R. Part 84 (2018). All of which are hereby incorporated by reference. No later editions or amendments are incorporated. These statutes and regulations are available for public inspection and copying at the Colorado Department of Human Services 1575 Sherman St., 8th floor, Denver, Colorado 80203, during regular business hours. These statutes and regulations are also available at no cost at HTTP://USCODE.HOUSE.GOV AND HTTP://WWW.ECFR.GOV.</p> <p>All facilities licensed under the Child Care Licensing Act are also subject to Titles I through V of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (2012), and it's implementing regulation, 29 C.F.R., part 1630 (2018), which are hereby incorporated by reference. No later editions or amendments are incorporated. These statutes and</p>	<p>7.701.14 Civil Rights</p> <p>All facilities licensed under the Child Care Licensing Act are subject to the following federal laws and regulations: the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D <i>et seq.</i> (2018), and its implementing regulation, 45 C.F.R. Part 80 (2018); the Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6017 (2018) and its implementing regulation, 45 C.F.R. Part 91 (2018); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (2018), and its implementing regulation, 45 C.F.R. Part 84 (2018), all of which are hereby incorporated by reference. No later editions or amendments are incorporated. These statutes and regulations are available for public inspection and copying at the Colorado Department of Human Services 1575 Sherman St., 8th floor, Denver, Colorado 80203, during regular business hours. These statutes and regulations are also available at no cost at HTTP://USCODE.HOUSE.GOV AND HTTP://WWW.ECFR.GOV.</p> <p>All facilities licensed under the Child Care Licensing Act are also subject to Titles I through V of the Americans with Disabilities Act, 42 U.S.C. § 12101 <i>et seq.</i> (2012), and it's implementing regulation, 29 C.F.R. Part 1630 (2018), which are hereby incorporated by reference. No later editions or amendments are incorporated. These statutes and regulations are available for public</p>	<p>This section was updated to include an incorporation by reference for the Indian Child Welfare Act (ICWA), which is a part of the new proposed rules in the text below.</p>	<p>No public comments were received regarding this amendment.</p>

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

regulations are available for public inspection and copying at The Colorado Department of Human Services 1575 Sherman St., 8th floor, Denver, Colorado 80203, during regular business hours. These statutes and regulations are also available at no cost at [HTTP://USCODE.HOUSE.GOV](http://USCODE.HOUSE.GOV) AND [HTTP://WWW.ECFR.GOV](http://WWW.ECFR.GOV).

Decisions related to the enrollment, placement, or dismissal of a child with a disability or chronic condition must be in compliance with the Americans with Disabilities Act. The facility must provide reasonable accommodations for the child with a disability who has special needs.

A lack of independent ambulation or the need for assistance in feeding, toileting, or dressing or in other areas of self-care cannot be used as sole criteria for enrollment or placement or denial of enrollment or denial of placement. Efforts must be made to accommodate the child's needs and to integrate the child with his/her peers who do not have disabilities.

inspection and copying at the Colorado Department of Human Services 1575 Sherman St., 8th floor, Denver, Colorado 80203, during regular business hours. These statutes and regulations are also available at no cost at [HTTP://USCODE.HOUSE.GOV](http://USCODE.HOUSE.GOV) AND [HTTP://WWW.ECFR.GOV](http://WWW.ECFR.GOV).

Decisions related to the enrollment, placement, or dismissal of a child with a disability or chronic condition must be in compliance with the Americans with Disabilities Act. The facility must provide reasonable accommodations for the child with a disability who has special needs.

A lack of independent ambulation or the need for assistance in feeding, toileting, or dressing or in other areas of self-care cannot be used as sole criteria for enrollment or placement or denial of enrollment or denial of placement. Efforts must be made to accommodate the child's needs and to integrate the child with his/her peers who do not have disabilities.

ALL FACILITIES AND AGENCIES LICENSED UNDER THE FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY LICENSING AND CERTIFICATION ACT ARE ALSO SUBJECT TO ALL APPLICABLE RULES AND REGULATIONS IN THE INDIAN CHILD WELFARE ACT (ICWA) OF 1978, 25 U.S.C. SECTION 1901 THROUGH SECTION 1963, AND ITS IMPLEMENTING REGULATIONS, 25 C.F.R. PART 23 (2024), WHICH ARE HEREBY INCORPORATED BY REFERENCE. NO LATER ADDITIONS OR AMENDMENTS ARE INCORPORATED. THESE STATUTES AND REGULATIONS ARE AVAILABLE FOR

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES, 1575 SHERMAN STREET, DENVER, CO 80203, DURING REGULAR BUSINESS HOURS. THESE REGULATIONS ARE AVAILABLE FOR PUBLIC INSPECTION AT NO COST THROUGH THE INDIAN CHILD WELFARE ACT WEBSITE AT <https://www.govinfo.gov/content/pkg/CFR-2024-title25-vol1/pdf/CFR-2024-title25-vol1-part23.pdf>

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

<p>7.701.2 Definitions</p> <p>DOCUMENT 3</p>	<p>AMEND</p>	<p>7.701.2 Definitions</p> <p>Analysis Page 11</p>	<p>7.701.2 Definitions</p> <p>“CUSTODIAN” MEANS A PERSON WHO HAS BEEN PROVIDING SHELTER, FOOD, CLOTHING AND OTHER CARE FOR A CHILD IN THE SAME FASHION AS A PARENT WOULD, WHETHER OR NOT BY ORDER OF THE COURT.</p> <p>"CUSTODY" MEANS THE EXERCISE OF PHYSICAL CARE AND SUPERVISION OF A CHILD.</p> <p>“FACILITATOR” MEANS A PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, FIRM, AGENCY, OR INSTITUTION, OTHER THAN AN ADOPTION EXCHANGE, COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES, OR A CHILD PLACEMENT AGENCY, THAT OFFERS, GIVES, CHARGES, OR RECEIVES MONEY OR OTHER CONSIDERATION OR THINGS OF VALUE IN CONNECTION WITH LOCATING OR IDENTIFYING, FOR PURPOSES OF ADOPTION, ANY CHILD, BIRTH PARENT, EXPECTANT NATURAL PARENT, OR PROSPECTIVE ADOPTIVE PARENT.</p> <p>"GUARDIAN" MEANS A PERSON OTHER THAN A PARENT WHO HAS THE LEGAL AUTHORITY AND DUTY TO CARE FOR A CHILD.</p> <p>“INTERCOUNTRY ADOPTION” MEANS AN ADOPTION OR PLACEMENT FOR ADOPTION OF A CHILD WHO RESIDES IN A FOREIGN COUNTRY AT THE TIME OF ADOPTION OR PLACEMENT. THE TERM INCLUDES AN ADOPTION FINALIZED IN THE CHILD’S COUNTRY OF RESIDENCE OR IN A STATE.</p>	<p>This section was updated to include definitions relevant to terms in the Uniform Unregulated Custody Transfer Act.</p>	<p>No public comments were received regarding this amendment.</p>
--	--------------	---	--	---	---

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

"INTERMEDIARY" MEANS A PERSON WHO ASSISTS OR FACILITATES A TRANSFER OF CUSTODY OF A CHILD/YOUTH, WHETHER OR NOT FOR COMPENSATION.

"PARENT" MEANS EITHER A NATURAL PARENT OF A CHILD, AS MAY BE ESTABLISHED PURSUANT TO ARTICLE 4 OF TITLE 19, OR A PARENT BY ADOPTION.

"PROSPECTIVE ADOPTIVE PARENT" MEANS AN INDIVIDUAL WHO HAS BEEN APPROVED OR PERMITTED UNDER OTHER LAW OF THIS STATE TO ADOPT A CHILD.

"PERSON" MEANS AN INDIVIDUAL, ESTATE, BUSINESS OR NONPROFIT ENTITY, PUBLIC CORPORATION, GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, OR OTHER LEGAL ENTITY.

"SAFE HAVEN" REFERS TO A SITUATION DESCRIBED IN SECTION 19-3-304.5, C.R.S. IN WHICH A PARENT VOLUNTARILY DELIVERS A CHILD WHO IS SEVENTY-TWO (72) HOURS OR YOUNGER TO A FIREFIGHTER, AS DEFINED IN SECTION 18-3-201(1.5), OR A STAFF MEMBER WHO ENGAGES IN THE ADMISSION, CARE, OR TREATMENT OF PATIENTS AT A HOSPITAL OR COMMUNITY CLINIC EMERGENCY CENTER, WHEN THE FIREFIGHTER IS AT A FIRE STATION OR THE STAFF MEMBER IS AT A HOSPITAL OR COMMUNITY CLINIC EMERGENCY

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

CENTER, AND THE PARENT DOES NOT EXPRESS AN INTENT TO RETURN FOR THE CHILD.

"STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, OR ANY OTHER TERRITORY OR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES A FEDERALLY RECOGNIZED INDIAN TRIBE.

"UNREGULATED CUSTODY TRANSFER" REFERS TO WHEN A PARENT, GUARDIAN, CUSTODIAN OR AN INDIVIDUAL WITH WHOM A CHILD HAS BEEN PLACED FOR ADOPTION, OR OTHER INDIVIDUAL TRANSFERS (OR INTENDS TO TRANSFER) CUSTODY OF THE CHILD/YOUTH TO ANOTHER PERSON WITH THE INTENT, AT THE TIME OF THE TRANSFER, OF ABANDONING THEIR RIGHTS AND RESPONSIBILITIES OF THE CHILD/YOUTH PERMANENTLY, OUTSIDE OF A LEGAL ADOPTION OR GUARDIANSHIP PROCEEDING, JUDICIAL AWARD OF CUSTODY, OTHER JUDICIAL OR TRIBAL ACTION, OR COLORADO'S SAFE HAVEN LAW AS DESCRIBED IN SECTION 19-3-304.5, C.R.S.

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

7.710.55 Training

AMEND

7.710.55 Training

- A. The adoptive agency shall verify and document that all adoptive applicants have completed in training provided or approved by the agency as a part of the adoption process.
1. All adoptive applicants shall complete sixteen (16) core hours of training provided in face to face format.
 2. Reasonable effort must be made to compete all required hours of training prior to the placement of a child(ren).
 3. All training must be completed by each adoptive applicant prior to the finalization of the adoption.
 4. Applicants adopting children over twelve (12) months of age or completing an intercountry adoption must complete training topics as listed at Section 7.710.55, C.
 5. Training must be separate from and in addition to the family assessment.
 6. If an adoptive applicant(s) is completing a subsequent adoption through the same agency or has complete documented training from their previous agency, the core training need not be repeated if documentation of the prior training is on record with the current agency.

7.710.55 Training

- A. The adoptive agency shall verify and document that all adoptive applicants have completed in training provided or approved by the agency as a part of the adoption process.
1. All adoptive applicants shall complete sixteen (16) core hours of training provided in face-to-face format.
 2. Reasonable effort must be made to complete all required hours of training prior to the placement of a child(ren)**YOUTH**.
 3. All training must be completed by each adoptive applicant prior to the finalization of the adoption.
 4. Applicants adopting children over twelve (12) months of age or completing an intercountry adoption must complete training topics as listed at Section 7.710.55.C.
 5. Training must be separate from and in addition to the family assessment.
 6. If an adoptive applicant(s) is completing a subsequent adoption through the same agency or has complete documented training from their previous agency, the core training need not be repeated if

This section was updated to include additional areas of training as outlined in the Uniform Unregulated Custody Transfer Act.

A public comment was received suggesting the addition of information on behavioral management of the child in cases where disruption or dissolution is because of behavioral challenges. It was determined this topic is addressed under 7.710.58.A, 7 and 7.710.58.C

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

		<p>7. All training must be documented in writing, including dates, number of hours and topics covered.</p> <p>B. Core training must include all of the following topics:</p> <ol style="list-style-type: none"> 1. Attachment/bonding issues. 2. Loss and grief issues, including infertility, as applicable for all parties to the adoption. 3. Adoption as a lifelong issue as it pertains to all parties to the adoption. 4. Key concepts of child growth and development. 5. Boundary setting and discipline. 6. Parenting a child of a different cultural or racial background infancy through adulthood, if applicable. 7. Disclosure issues including the accuracy of family history information regarding the child and birth parent(s) family, discussion with the child and sharing information with others. 8. Understanding adoption laws and procedures, including termination of parental rights and the expedited 	<p>documentation of the prior training is on record with the current agency.</p> <p>7. All training must be documented in writing, including dates, number of hours and topics covered.</p> <p>B. Core training must include all of the following topics:</p> <ol style="list-style-type: none"> 1. Attachment/bonding issues. 2. Loss and grief issues, including infertility, as applicable for all parties to the adoption. 3. Adoption as a lifelong issue as it pertains to all parties to the adoption. 4. Key concepts of child growth and development. 5. Boundary setting and discipline. 6. Parenting a child of a different cultural or racial background infancy through adulthood, if applicable. 7. Disclosure issues including the accuracy of family history information regarding the child and birth parent(s) family, discussion with the child and sharing information with others. 		
--	--	--	--	--	--

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

		<p>relinquishment process pursuant to Section 19-5-103.5, C.R.S., and the administrative notice for any other birth parent or possible birth parent pursuant to Section 19-5-103.7, C.R.S., if applicable.</p> <p>9. On-going contact and/or communication of child and adoptive family with biological family and/or significant individuals, if applicable.</p> <p>10. Possible current and/or future use of community resources, including help with parenting techniques.</p> <p>11. Medical and health issues including, but not limited to, shaken baby syndrome, parental substance abuse, relevant environmental issues, and genetic risk factors.</p> <p>12. Expectations of adoption and adoptive process.</p> <p>13. Basic core and supervision appropriate to the age of the child.</p> <p>14. Reasonable and Prudent Parent Standard.</p> <p>C. Additional Areas of Training</p>	<p>8. Understanding adoption laws and procedures, including termination of parental rights and the expedited relinquishment process pursuant to Section 19-5-103.5, C.R.S., and the administrative notice for any other birth parent or possible birth parent pursuant to Section 19-5-103.7, C.R.S., if applicable.</p> <p>9. On-going contact and/or communication of child and adoptive family with biological family and/or significant individuals, if applicable.</p> <p>10. Possible current and/or future use of community resources, including help with parenting techniques.</p> <p>11. Medical and health issues including, but not limited to, shaken baby syndrome, parental substance abuse, relevant environmental issues, and genetic risk factors.</p> <p>12. Expectations of adoption and adoptive process.</p> <p>13. Basic core and supervision appropriate to the age of the child.</p> <p>14. Reasonable and Prudent Parent Standard.</p>		
--	--	---	--	--	--

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

1. For families that will be adopting a child who is either medically fragile, over twelve (12) months of age or any intercountry adoption, four (4) additional hours from the following topics must be completed as applicable and appropriate for the age(s) of the child(ren) being adopted for a total of twenty (20) hours. These four (4) hours of training may be approved in formats other than face-to-face training at the agency's discretion.
 - a. Parenting a child that has been abused or neglected.
 - b. Parenting the physically, mentally, developmentally or emotionally delayed child.
 - c. The impact of frequent moves and multiple caregivers on the development of a child.

C. Additional Areas of Training:

1. For families that will be adopting a child who is either medically fragile, over twelve (12) months of age or any intercountry adoption, four (4) additional hours from the following topics must be completed as applicable and appropriate for the age(s) of the child(ren) being adopted for a total of twenty (20) hours. These four (4) hours of training may be approved in formats other than face-to-face training at the agency's discretion.
 - a. Parenting a child that has been abused or neglected.
 - b. Parenting the physically, mentally, developmentally, or emotionally delayed child.
 - c. The impact of frequent moves and multiple caregivers on the development of a child.

D. POSSIBLE PHYSICAL, MENTAL, EMOTIONAL, AND BEHAVIORAL ISSUES PURSUANT TO SECTION 19-5.5-303, C.R.S. CONCERNING:

1. **IDENTITY, LOSS, AND TRAUMA THAT A**

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley	Phone: 303.915.7258	
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit		E-Mail: kate.bradley@state.co.us	

		<p>2. For families that are just completing an intercountry adoption, an additional four (4) hours of training on all topic areas listed below must be completed as applicable for a total of twenty-four (24) hours. These four (4) hours of training may be provided in formats other than face-to-face at the discretion of the</p>	<p>CHILD/YOUTH MAY EXPERIENCE BEFORE, DURING, OR AFTER ADOPTION;</p> <p>2. A CHILD/YOUTH LEAVING FAMILIAR TIES AND SURROUNDINGS;</p> <p>3. THE EFFECT THAT THE ACCESS TO RESOURCES, INCLUDING HEALTH INSURANCE, MAY HAVE ON THE ABILITY OF AN ADOPTIVE PARENT TO MEET THE NEEDS OF A CHILD/YOUTH;</p> <p>4. CAUSES OF DISRUPTION OF AN ADOPTIVE PLACEMENT OR DISSOLUTION OF AN ADOPTION AND RESOURCES AVAILABLE TO HELP AVOID DISRUPTION OR DISSOLUTION.</p>		
			<p>2. For families that are just completing an intercountry adoption, an additional four (4) hours of training on all topic areas listed below must be completed as applicable for a total of twenty-four (24) hours. These four (4) hours of training may be provided in formats other than</p>		

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

agency and must be completed prior to travel.

- a. U.S. immigration requirements and the laws and procedures of the foreign country, including reporting requirements such as any post-placement or post-adoption reports required by the expected country of origin.
- b. Cultural heritage of the child, including available community resources.
- c. Information on the long term implications for a family that has become multicultural through intercountry adoption, including:
 - 1) The child's history and cultural, racial, religious, ethnic and linguistic background; and,
 - 2) The known health risks in the specific region or country where the child resides. Any general characteristics and needs of children awaiting adoption and the in-country conditions that affect children from the expected country of origin.

face-to-face at the discretion of the agency and must be completed prior to travel.

- a. U.S. immigration requirements and the laws and procedures of the foreign country, including reporting requirements such as any post-placement or post-adoption reports required by the expected country of origin.
- b. Cultural heritage of the child, including available community resources.
- c. Information on the long-term implications for a family that has become multicultural through intercountry adoption, including:
 - 1). The child's history and cultural, racial, religious, ethnic and linguistic background; and,
 - 2). The known health risks in the specific region or country where the child resides. Any general characteristics and needs of children awaiting adoption and the in-country conditions that affect children

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

		<ul style="list-style-type: none"> d. Any other medical, social and other data known about the particular child. e. The impact of a child leaving familiar surroundings as appropriate to the expected age of child. f. The impact of frequent moves and multiple caregivers on the development of a child and data on institutionalized children and the impact of institutionalization on children, including the effect on children depending on the length of time spent in an institution and of the type of care provided in the expected country of origin. <p>D. Applicants participating in the foreign children's visiting program must complete training in the following areas prior to a child/youth being cared for in the home:</p> <ul style="list-style-type: none"> 1. CPR and first aid training for all adults applicants in the home. 2. Mandatory reporter training. 3. Any known health risks in the specific region or country where the child/youth resides. 	<p>from the expected country of origin.</p> <ul style="list-style-type: none"> d. Any other medical, social and other data known about the particular child. e. The impact of a child leaving familiar surroundings as appropriate to the expected age of child. f. The impact of frequent moves and multiple caregivers on the development of a child and data on institutionalized children and the impact of institutionalization on children, including the effect on children depending on the length of time spent in an institution and of the type of care provided in the expected country of origin. <p>D. Applicants participating in the foreign children's visiting program must complete training in the following areas prior to a child/youth being cared for in the home:</p> <ul style="list-style-type: none"> 1. CPR and first aid training for all adults applicants in the home. 2. Mandatory reporter training. 		
--	--	---	---	--	--

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley	Phone: 303.915.7258	
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit		E-Mail: kate.bradley@state.co.us	

		4. The child/youth's history, cultural, racial, religious, ethnic and linguistic background.	3. Any known health risks in the specific region or country where the child/youth resides. 4. The child/youth's history, cultural, racial, religious, ethnic and linguistic background.		
7.710.58 The Child Available for Adoption		<p>7.710.58 The Child Available for Adoption [Rev. eff. 5/1/10]</p> <p>Available information shall be obtained on each child for adoption which shall include, but need not be limited to:</p> <p>A. For domestic adoptions and outgoing adoptions, a report of a physical examination performed within the six months prior to adoptive placement, documenting the current physical condition of the child.</p>	<p>7.710.58 The Child Available for Adoption [Rev. eff. 5/1/10]</p> <p>Available information shall be obtained on each child for adoption which shall include, but need not be limited to:</p> <p>A. For domestic adoptions and outgoing adoptions, a report of a physical examination performed within the six months prior to adoptive placement, documenting the current physical condition of the child.</p> <p>A. ANY CPA INVOLVED IN ASSISTING RELINQUISHING PARENTS AND/OR PROSPECTIVE ADOPTIVE PARENTS MUST OBTAIN ALL AVAILABLE INFORMATION REGARDING EACH CHILD AVAILABLE FOR ADOPTION. SUCH INFORMATION MUST BE OBTAINED FROM THE RELINQUISHING PARENT, AND/OR THE CPA OR COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES INVOLVED IN AN ORIGINAL ADOPTION, WHERE APPLICABLE. DOCUMENTATION MUST INCLUDE BUT NEED NOT BE LIMITED TO:</p>	<p>This section was updated to include additional areas of information about the child available for adoption that should be gathered from relinquishing parents and/or provided to prospective adoptive parents as outlined in the Uniform Unregulated Custody Transfer Act.</p>	<p>Public comment was made to add a copy of the child/youth's previous birth certificates, which was added to 7.710.62.A.</p> <p>Public comment was made regarding the acceptable resources of information ; this was not added as it appeared too prescriptive and there are many</p>

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

B. A history of the child including as much of the following information as can be obtained:

1. Physical appearance
2. Emotional, behavioral, and cognitive history
3. Race or ethnic origin
4. Religion

1. A REPORT OF A PHYSICAL EXAMINATION PERFORMED BY A MEDICAL PROFESSIONAL LICENSED PURSUANT TO SECTIONS 12-240-101, C.R.S. THROUGH 12-240-145, C.R.S. CONDUCTED WITHIN THE SIX (6) MONTHS PRIOR TO ADOPTIVE PLACEMENT.

2.B A history of the child/YOUTH including as much of the following information, INCLUDING AVAILABLE RECORDS, as can be obtained:

A4. Physical appearance;

B2. PHYSICAL, MENTAL, eEmotional, and behavioral HEALTH, and cognitive history;

~~3. Race or ethnic origin~~

~~4. Religion~~

C. THE CHILD'S MEDICAL HISTORY, INCLUDING IMMUNIZATION, MEDICATION AND BIRTH RECORDS WHEN AVAILABLE;

D. FAMILY BACKGROUND; INCLUDING, BUT NOT LIMITED TO, RACIAL OR ETHNIC, CULTURAL, RELIGIOUS, AND LINGUISTIC BACKGROUNDS;

forms of acceptable resources of information

Public comment was made requesting the addition of birth record when available; this was added to 7.710.58.2. B;

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

- 5. Education
- 6. Interest/hobbies/talents
- 7. Developmental history
- 8. Region of origin
- 9. Personal qualities
- 10. Placement history
- 11. Any previous written assessments
- 12. Health/medical history

- E. GENDER IDENTITY AND BACKGROUND;
- F. 5. EducationAL BACKGROUND;
- G.6. Interest/hobbies/talents;
- H.7. Developmental history;
- I.8. Region of origin;
- J.9. Personal qualities;
- ~~10. Placement history~~
- K.4. Any previous written assessments;
- ~~12. Health/medical history~~
- L. UNITED STATES IMMIGRATION STATUS;
- M. INFORMATION AVAILABLE FROM THE FEDERAL GOVERNMENT ON THE PROCESS FOR THE CHILD/YOUTH TO ACQUIRE UNITED STATES CITIZENSHIP WHERE APPLICABLE;
- N. WHETHER THE CHILD HAS BEEN SEPARATED FROM A SIBLING OR OTHER SIGNIFICANT RELATION;

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

		<p>C. Statement documenting the chronological history of a child's family background in as much detail as available, including verification of the child's birth date and place and reasons for relinquishment or termination of the parent child legal relationships, as listed on the petition of relinquishment or international equivalent and signed by the birth or legal parent, including a personal description written by the birth parent(s), if available.</p>	<p>O. PREVIOUS ADOPTION(S) OR OUT-OF-HOME PLACEMENT(S) AND THE REASON(S) THE ADOPTION(S) OR PLACEMENT(S) ENDED;</p> <p>P. TRAUMA AND ATTACHMENT HISTORY; AND</p> <p>Q. HISTORY OF ABUSE OR NEGLECT, INCLUDING ADVERSE CHILDHOOD/YOUTH EXPERIENCES SUCH AS MALNUTRITION OR DRUG/ALCOHOL EXPOSURE.</p> <p>3. ANY OTHER MATTER A CHILD PLACEMENT AGENCY CONSIDERS MATERIAL TO THE ADOPTION.</p> <p>4. G. A statement documenting the chronological history of a child's family background in as much detail as available, including verification of the child's YOUTH'S birth date and place and reasons for relinquishment or termination of the parent-child legal relationships, as listed on the petition of relinquishment or international equivalent and signed by the birth or legal parent(S), including a personal description written by the birth OR LEGAL parent(s), if available.</p>		
--	--	--	---	--	--

Title of Proposed Rule:	Unregulated Child Custody Transfer	
CDHS Tracking #:	23-12-05-01	
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley	Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit		E-Mail: kate.bradley@state.co.us

D. The agency shall provide to the adoptive applicant(s) all non-identifying information that has been obtained by the agency or provided to the agency regarding the child or child's birth family.

E. A social history of the child's birth family including birth parents, extended family and siblings as applicable, including as much of the following information as can be obtained:

1. Physical appearance
2. Health/medical history
3. Race or ethnic origin
4. Religion
5. Education
6. Occupation
7. Hobbies/interests/talents
8. Mental health

~~5.D.~~ The agency shall provide to the adoptive applicant(s) ~~a~~All non-identifying information that has been obtained by the agency or provided to the agency regarding the child/**YOUTH** or child's/**YOUTH'S** birth family.

~~6.E.~~ ~~A social history of~~ **ALL AVAILABLE INFORMATION REGARDING** the child's/**YOUTH'S** birth family including birth parents, extended family, and siblings as applicable, including as much of the following information as can be obtained:

~~A.4.~~ Physical appearance;

~~B.2.~~ Health/medical history;

~~C.3.~~ Race or ethnic origin;

~~D.4.~~ Religion **RELIGIOUS BACKGROUND;**

E. CULTURAL BACKGROUND;

F. LINGUISTIC BACKGROUND;

~~G.5.~~ Education **AL BACKGROUND;**

~~H.6.~~ Occupation;

~~I.7.~~ Hobbies/interests/talents;

~~J.8.~~ Mental health;

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

- 9. Substance use/abuse
- 10. Personal qualities

K.9. Substance use/~~MISUSE~~ ~~abuse~~; **AND**

L.10. Personal qualities.

7. MEDICAL, THERAPEUTIC, AND EDUCATIONAL RESOURCES, INCLUDING LANGUAGE ACQUISITION TRAINING, AVAILABLE TO THE ADOPTIVE PARENT AND CHILD AFTER PLACEMENT FOR ADOPTION OR ADOPTION TO ASSIST IN RESPONDING EFFECTIVELY TO PHYSICAL, MENTAL, EMOTIONAL, OR BEHAVIORAL HEALTH ISSUES AND AVAILABLE RECORDS RELEVANT TO THE INFORMATION IN SUBSECTION 7.710.58.A.2.A-G OF THIS SECTION.

B. ANY CPA INVOLVED IN ASSISTING RELINQUISHING PARENT(S) AND/OR PROSPECTIVE ADOPTIVE PARENT(S) MUST PROVIDE ALL INFORMATION OBTAINED SPECIFIC TO THE CHILD/YOUTH TO THE PROSPECTIVE ADOPTIVE PARENT(S) TO PROVIDE HISTORICAL CONTEXT FOR THE CHILD/YOUTH'S EXPERIENCE AND TO SUPPORT THE ADOPTIVE PARENTS WITH RESOURCES TO EFFECTIVELY RESPOND TO THE NEEDS OF THE CHILD/YOUTH. SUCH INFORMATION MUST INCLUDE, BUT MAY NOT BE LIMITED TO:

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

			<p>1. THE POTENTIAL EFFECT ON THE CHILD OF:</p> <p>A. A PREVIOUS ADOPTION OR OUT-OF-HOME PLACEMENT;</p> <p>B. MULTIPLE PREVIOUS ADOPTIONS OR OUT-OF-HOME PLACEMENTS;</p> <p>C. TRAUMA, INSECURE ATTACHMENT, FETAL ALCOHOL EXPOSURE, OR MALNUTRITION;</p> <p>D. NEGLECT, ABUSE, DRUG EXPOSURE, OR SIMILAR ADVERSITY;</p> <p>E. SEPARATION FROM A SIBLING OR SIGNIFICANT CAREGIVER;</p> <p>F. A DIFFERENCE IN ETHNICITY, RACE, OR CULTURAL IDENTITY BETWEEN THE CHILD AND THE PROSPECTIVE ADOPTIVE PARENT OR OTHER CHILD OF THE PARENT.</p> <p>2. INFORMATION AVAILABLE FROM THE FEDERAL GOVERNMENT ON THE PROCESS FOR THE CHILD TO ACQUIRE UNITED STATES CITIZENSHIP; AND</p>		
--	--	--	--	--	--

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

3. ANY OTHER MATTER A CHILD PLACEMENT AGENCY CONSIDERS MATERIAL TO THE ADOPTION.
4. THE GUIDANCE AND INSTRUCTION MUST BE PROVIDED:
 - A. FOR ADOPTION OF A CHILD/YOUTH RESIDING IN THE UNITED STATES WITHIN SEVENTY-TWO (72) HOURS OF RECEIPT OF THE INFORMATION BEFORE THE ADOPTION IS FINALIZED; OR
 - B. FOR AN INTERCOUNTRY ADOPTION, IN ACCORDANCE WITH THE FEDERAL LAW.
 - C. THE CPA MUST FURTHER PROVIDE THE ADOPTIVE PARENTS WITH RESOURCES TO EFFECTIVELY RESPOND TO THE NEEDS OF THE CHILD/YOUTH AFTER PLACEMENT FOR ADOPTION OR UPON THE FINALIZATION OF AN ADOPTION. SUCH INFORMATION MUST INCLUDE, BUT MAY NOT BE LIMITED TO:
 1. MEDICAL, THERAPEUTIC, AND EDUCATIONAL RESOURCES;

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

			<p>2. LANGUAGE ACQUISITION TRAINING TO ASSIST IN RESPONDING EFFECTIVELY TO PHYSICAL, MENTAL, EMOTIONAL, OR BEHAVIORAL HEALTH ISSUES; AND</p> <p>3. AVAILABLE RECORDS RELEVANT TO THE CHILD/YOUTH.</p>		
7.710.6 Responsibility of the Agency After Placement		<p>7.710.6 Responsibility of the Agency After Placement [Rev. eff. 5/1/10]</p> <p>A. The placement agency having legal custody is responsible for the welfare of the child until a decree of adoption is granted and shall:</p> <ol style="list-style-type: none"> 1. Assume financial and planning responsibility for the child in the event that a child's adoptive placement is disrupted. 2. Assume financial and planning responsibility for the child where a court refuses to grant a decree of adoption. 3. Maintain a copy of the final decree of adoption from the court in the agency file on each child. 	<p>7.710.6 Responsibility of the Agency After Placement [Rev. eff. 5/1/10]</p> <p>A. The placement agency having legal custody is responsible for the welfare of the child until a decree of adoption is granted and shall:</p> <ol style="list-style-type: none"> 1. Assume financial and planning responsibility for the child in the event that a child's adoptive placement is disrupted. 2. Assume financial and planning responsibility for the child where a court refuses to grant a decree of adoption. 3. Maintain a copy of the final decree of adoption from the court in the agency file on each child. 	This section was updated to include additional areas of responsibility of the CPA after placement has occurred as outlined in the Uniform Unregulated Custody Transfer Act.	

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

B. Placements shall be supervised from the time a child(ren) is placed until court finalization to ensure:

1. The physical and emotional well-being of the child(ren); and,
2. Successful attachment between the child and parents; and,
3. Positive adjustment of all family members; and,
4. Adoption related issues are resolved as necessary.

C. For adoptions to be finalized in Colorado the agency must provide post placement services until court finalization, and must provide at least a six (6) month period of post placement services between the time of placement and the finalization of the adoption and shall maintain at least monthly contact with the adoptive family and child(ren) until court finalization of the adoption. The supervision shall include:

1. For children of less than one (1) year of age at time of placement, no less than three (3) face-to-face supervisory visits, including at least two (2) visits to the adoptive home, one visit to the adoptive home must be within the first

B. Placements shall be supervised from the time a child(ren) is placed until court finalization to ensure:

1. The physical and emotional well-being of the child(ren); ~~and~~,
2. Successful attachment between the child and parents; ~~and~~,
3. Positive adjustment of all family members; and,
4. Adoption related issues are resolved as necessary.

C. For adoptions to be finalized in Colorado the agency must provide post placement services until court finalization, and must provide at least a six (6) month period of post placement services between the time of placement and the finalization of the adoption and shall maintain at least monthly contact with the adoptive family and child(ren) until court finalization of the adoption. The supervision shall include:

1. For children of less than one (1) year of age at time of placement, no less than three (3) face-to-face supervisory visits, including at least two (2) visits to the adoptive home, one (1) visit to the adoptive home must be within the first two (2) weeks after placement.

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

		<p>two weeks after placement. Visits in the adoptive home should include all adoptive family members.</p> <p>2. For children of one (1) year of age or older at time of placement, at least one (1) visit per month with no less than half (1/2) of the visits as face-to-face visits in the adoptive home. The first (1st) visit must be within two (2) weeks after placement of the child(ren). Visits in the adoptive home should include all adoptive family members.</p> <p>D. During the period of supervision the placement agency shall maintain records that include:</p> <p>1. Legible, well organized case/contact notes of all contacts. These must be placed in the adoptive applicant's case file in a timely manner and must be available for review by the State Department.</p> <p>2. Two (2) formal post placement reports shall be completed for the court, one (1) at three (3) months after placement and the second (2nd) at the time of finalization, or more frequently if required by the court, and must include information regarding:</p>	<p>Visits in the adoptive home should include all adoptive family members.</p> <p>2. For children of one (1) year of age or older at time of placement, at least one (1) visit per month with no less than half (1/2) of the visits as face-to-face visits in the adoptive home. The first (1st) visit must be within two (2) weeks after placement of the child(ren). Visits in the adoptive home should include all adoptive family members.</p> <p>D. During the period of supervision the placement agency shall maintain records that include:</p> <p>1. Legible, well-organized case/contact notes of all contacts. These must be placed in the adoptive applicant's case file in a timely manner and must be available for review by the State Department.</p> <p>2. Two (2) formal post-placement reports shall be completed for the court, one (1) at three (3) months after placement and the second (2nd) at the time of finalization, or more frequently if required by the court, and must include information regarding:</p> <p>a. The physical health and emotional well-being of the child.</p>		
--	--	---	---	--	--

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

		<ul style="list-style-type: none"> a. The physical health and emotional well-being of the child. b. Adjustments of the family and child to the adoption. c. Financial changes. d. Changes in family composition. e. Other adoption issues that have arisen. f. Recommendation on the continued placement of the child. g. Recommendation on the finalization of the adoption. <p>E. The agency may obtain a progress report, if appropriate or as necessary, from a school official or child care provider for each adoptive child that is attending child care or school.</p> <p>F. The placement supervisor of the Colorado CPA (Child Placement Agency) shall be responsible for removing the child from the home, at the request of the adoptive family, or in accordance with state law, if the placement is not in the best interests of the child.</p>	<ul style="list-style-type: none"> b. Adjustments of the family and child to the adoption. c. Financial changes. d. Changes in family composition. e. Other adoption issues that have arisen. f. Recommendation on the continued placement of the child. g. Recommendation on the finalization of the adoption. <p>E. The agency may obtain a progress report, if appropriate or as necessary, from a school official or child care provider for each adoptive child that is attending child care or school.</p> <p>F. The placement supervisor of the Colorado CPA (Child Placement Agency) shall be responsible for removing the child from the home, at the request of the adoptive family, or in accordance with state law, if the placement is not in the best interests of the child.</p> <p>G. IF ANY INFORMATION BECOMES KNOWN OR CAN BE OBTAINED BEFORE AN ADOPTION IS FINALIZED THAT HAD NOT ALREADY BEEN REPORTED, THE CHILD PLACEMENT AGENCY MUST PROVIDE ANY AND ALL</p>		
--	--	--	--	--	--

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

			<p>INFORMATION TO THE PROSPECTIVE ADOPTIVE PARENT(S).</p> <p>H. ON REQUEST OF A CHILD WHO WAS PLACED FOR ADOPTION OR THE CHILD'S ADOPTIVE PARENT, THE CHILD PLACEMENT AGENCY OR THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES, AS REFERENCED IN 7.306.55, SHALL PROVIDE INFORMATION ABOUT HOW TO OBTAIN ADOPTION ASSISTANCE AND RESOURCES:</p> <ol style="list-style-type: none"> 1. TO ASSIST THE CHILD OR PARENT TO RESPOND EFFECTIVELY TO ADJUSTMENT, BEHAVIORAL HEALTH, AND OTHER CHALLENGES; AND 2. TO HELP PRESERVE THE PLACEMENT OR ADOPTION. 		
7.710.62 Post Adoption	AMEND	7.710.62 Post Adoption [Rev. eff. 5/1/10]	<p>7.710.62 Post Adoption [Rev. eff. 5/1/10]</p> <p>A. ANY AND ALL PREVIOUSLY ISSUED CERTIFICATES OF BIRTH, TO INCLUDE CERTIFICATES OF FOREIGN BIRTH, MUST BE PROVIDED TO THE CHILD'S ADOPTIVE PARENT(S) UPON FINALIZATION OF ADOPTION, WHERE APPLICABLE.</p> <p>BA. If the CPA agency does not provide post adoption services, the agency must provide resource and referral information regarding post adoption services available to the birth parent(s), adoptive family, and child, if appropriate.</p>	This section was updated to include additional areas of responsibility of the CPA after the finalization of an adoption has occurred as outlined in the Uniform Unregulated Custody Transfer Act.	
		A. If the agency does not provide post adoption services, the agency must provide resource and referral information regarding post adoption services available to the birth			

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

- parent(s), adoptive family, and child, if appropriate.
- B. Post adoption services may include, but not be limited to:
1. Consultation.
 2. On-going support and education.
 3. Resources for counseling or medical needs.
 4. Search or reunification resources.
 5. Networking with other adoptive families.
 6. Adoption education and support groups.
 7. Providing to the adoptive family additional social and/or medical background information obtained after placement that could significantly impact the child.
- C. For intercountry adoptions, the agency must provide post adoption services including, but not limited to, completion of written reports on the adoptive family and child if required by the foreign country.

- CB.** Post adoption services may include, but not be limited to:
1. Consultation.
 2. Ongoing support and education.
 3. Resources for counseling or medical needs.
 4. Search or reunification resources.
 5. Networking with other adoptive families.
 6. Adoption education and support groups.
 7. Providing to the adoptive family additional social and/or medical background information obtained after placement that could significantly impact the child.

DG. For intercountry adoptions, the agency must provide post adoption services including, but not limited to, completion of written reports on the adoptive family and child if required by the foreign country.

E. IF ANY INFORMATION BECOMES KNOWN OR CAN BE OBTAINED AFTER AN ADOPTION IS FINALIZED THAT HAD NOT ALREADY BEEN REPORTED, THE CPA MUST MAKE

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley	Phone: 303.915.7258	
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit		E-Mail: kate.bradley@state.co.us	

			REASONABLE EFFORTS TO PROVIDE ANY AND ALL INFORMATION TO THE ADOPTIVE PARENT(S).		
7.710.650 Unregulated Child Custody Transfer - Applicability	NEW RULE	Not Applicable	<p>7.710.650 UNREGULATED CHILD CUSTODY TRANSFER - APPLICABILITY</p> <p>A. THE TRANSFER OF CUSTODY OF A CHILD/YOUTH BY A PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD/YOUTH, OR AN INDIVIDUAL WITH WHOM A CHILD/YOUTH HAS BEEN PLACED FOR ADOPTION, TO ANY OF THE FOLLOWING INDIVIDUALS IS NOT UNREGULATED CHILD CUSTODY TRANSFER:</p> <ol style="list-style-type: none"> 1. A PARENT OF THE CHILD/YOUTH; 2. A STEPPARENT OF THE CHILD/YOUTH; 3. AN ADULT WHO IS RELATED TO THE CHILD/YOUTH BY BLOOD, MARRIAGE, ADOPTION, OR OTHER RELATIONSHIP RECOGNIZED BY OTHER LAW OF THIS STATE; 4. AN ADULT WHO, AT THE TIME OF THE TRANSFER, HAD A MEANINGFUL AND SAFE RELATIONSHIP WITH THE CHILD/YOUTH FOR A PERIOD OF AT LEAST SIX (6) MONTHS PRIOR TO THE TRANSFER, AND WHOM THE PARENT, GUARDIAN, OR CUSTODIAN REASONABLY 	This new rule was added to provide context regarding the applicability in cases where statute and rule does not apply.	No public comments were received regarding this rule addition.

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley	Phone: 303.915.7258	
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit		E-Mail: kate.bradley@state.co.us	

			<p>BELIEVES, AT THE TIME OF THE TRANSFER, TO BE A FIT CUSTODIAN OF THE CHILD/YOUTH; OR</p> <p>5. AN INDIAN CUSTODIAN AS OUTLINED IN THE INDIAN CHILD WELFARE ACT (ICWA) AND ITS IMPLEMENTING REGULATIONS, INCORPORATED BY REFERENCE IN SECTION 7.701.14.</p> <p>B. THE TRANSFER OF CUSTODY OF A CHILD/YOUTH BY A PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD/YOUTH, OR AN INDIVIDUAL WITH WHOM A CHILD/YOUTH HAS BEEN PLACED FOR ADOPTION, TO ANY INDIVIDUAL OTHER THAN THOSE LISTED UNDER 7.710.650.A, IS UNREGULATED CHILD CUSTODY TRANSFER UNLESS THE TRANSFER OCCURS THROUGH ONE OF THE FOLLOWING LEGAL PROCESSES AS OUTLINED IN 19-5.5-203(2), C.R.S.:</p> <p>A. A LEGAL ADOPTION OR GUARDIANSHIP PROCEEDING;</p> <p>B. JUDICIAL AWARD OF CUSTODY;</p> <p>C. OTHER JUDICIAL OR TRIBAL ACTION; OR</p>		
--	--	--	--	--	--

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley	Phone: 303.915.7258	
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit		E-Mail: kate.bradley@state.co.us	

			D. COLORADO'S SAFE HAVEN LAW AS DESCRIBED IN SECTION 19-3-304.5, C.R.S.		
7.710.651 Prohibited Custody Transfer	NEW RULE	Not Applicable	<p>7.710.651 PROHIBITED UNREGULATED CUSTODY TRANSFERS</p> <p>UNREGULATED CHILD CUSTODY TRANSFERS ARE PROHIBITED, AS FOLLOWS:</p> <p>A. A PARENT, GUARDIAN, OR CUSTODIAN OF A CHILD/YOUTH OR AN INDIVIDUAL WITH WHOM A CHILD/YOUTH HAS BEEN PLACED FOR ADOPTION MAY NOT TRANSFER CUSTODY OF THE CHILD/YOUTH TO ANOTHER PERSON WITH THE INTENT, AT THE TIME OF THE TRANSFER, TO PERMANENTLY ABANDON THE RIGHTS AND RESPONSIBILITIES CONCERNING THE CHILD/YOUTH.</p> <p>B. A PERSON MAY NOT RECEIVE PERMANENT CUSTODY OF A CHILD/YOUTH OR ACT AS AN INTERMEDIARY IF PERMITTED UNDER OTHER LAW OF THIS STATE, IN A TRANSFER OF CUSTODY OF A CHILD/YOUTH IF THE PERSON KNOWS OR REASONABLY SHOULD KNOW THE TRANSFER VIOLATES SECTION 7.710.651.A. THIS PROHIBITION DOES NOT APPLY IF THE PERSON NOTIFIES THE STATE DEPARTMENT OF THE TRANSFER OR TAKES APPROPRIATE ACTION TO ESTABLISH CUSTODY UNDER</p>	This new rule was added to provide context and understanding of unregulated custody transfer and legal limitations outlined in the Uniform Unregulated Custody Transfer Act.	Public questions were posed regarding the "practical amount of time" for reporting, which was established here.

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley	Phone: 303.915.7258	
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit		E-Mail: kate.bradley@state.co.us	

			SECTION 7.710.650.B WITHIN SEVENTY-TWO (72) BUSINESS HOURS.		
7.710.652 Prohibited Solicitation or Advertising	NEW RULE	Not Applicable	<p>7.710.652 PROHIBITED SOLICITATION OR ADVERTISING</p> <p>A. A PERSON MAY NOT SOLICIT OR ADVERTISE FOR THE PURPOSE OF:</p> <ol style="list-style-type: none"> 1. IDENTIFYING A PERSON TO WHOM TO MAKE A TRANSFER OF CUSTODY IN VIOLATION OF SECTION 19-5.5-203 (1), C.R.S.; 2. IDENTIFYING A CHILD/YOUTH FOR A TRANSFER OF CUSTODY IN VIOLATION OF SECTION 19-5.5-203(3), C.R.S.; OR 3. ACTING AS AN INTERMEDIARY OR FACILITATOR, IF PERMITTED UNDER OTHER LAW OF THIS STATE, IN A TRANSFER OF CUSTODY IN VIOLATION OF SECTION 19-5.5-203(3), C.R.S.; <p>B. ENGAGING IN PROHIBITED SOLICITATION OR ADVERTISING IS A CLASS SIX (6) FELONY AS IDENTIFIED.</p>	This new rule was added to provide context regarding prohibited solicitation and advertising of custody transfer.	
7.710.653 Suspected Unregulated Custody Transfer	NEW RULE	Not Applicable	<p>7.710.653 SUSPECTED UNREGULATED CUSTODY TRANSFER</p> <p>A. WHEN A CPA SUSPECTS AN UNREGULATED TRANSFER OF CUSTODY OF A CHILD/YOUTH HAS OCCURRED, THE</p>	This new rule was added to provide context regarding the applicability of custody transfer specific to cases in which the transfer is allowable.	No public comments were received regarding this rule addition.

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

CPA MUST REPORT ALL KNOWN INFORMATION REGARDING THE SUSPECTED TRANSFER TO THE APPROPRIATE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES. THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES WILL DETERMINE APPROPRIATE ACTION TO PROTECT THE WELFARE OF THE CHILD/YOUTH AS PROVIDED IN OTHER AREAS OF RULE, REGARDLESS OF ANY ADDITIONAL CONCERN OF ABUSE OR NEGLECT. IF AN ASSESSMENT IS COMPLETED REGARDING CONCERNS OF AN UNREGULATED CUSTODY TRANSFER OF AN ADOPTED CHILD/YOUTH, AND IT IS DETERMINED THAT A PERSON HAS TRANSFERRED OR INTENDS TO TRANSFER CUSTODY IN VIOLATION OF SECTION 19-5.5-203, C.R.S., THEN THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES SHALL:

1. PROVIDE NOTICE OF THE ASSESSMENT TO THE COLORADO DEPARTMENT OF HUMAN SERVICES WHEN IT INVOLVES AN UNREGULATED CUSTODY TRANSFER OF AN INTERCOUNTRY ADOPTED CHILD/YOUTH; AND

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit		E-Mail: kate.bradley@state.co.us	

			<p>2. IN ANY CIRCUMSTANCE WHERE THERE IS AN ALLEGATION OF UNREGULATED CUSTODY TRANSFER, THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES SHALL SEND THE REFERRAL TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR AGENCIES.</p>		
--	--	--	---	--	--

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

There were numerous partners involved in the development of this rule-making packet including several child placement agencies (Lutheran Family Services Rocky Mountains, Ariel Clinical Services and Adoption Options), Colorado’s ICPC Specialist overseeing private adoption placements, county child welfare staff (from Broomfield County, Douglas County, Denver County, Weld County, Logan County, Larimer County and Yuma County) and the Division of Child Welfare including representatives from the Provider Services Unit and the Child Protection and Prevention team.

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

All licensed child placement providers; county human service directors; subscribers to the Office of Children, Youth, and Families community partners email list that elect to receive a notification when the Office issues a memo; Provider Services Unit staff, Colorado Department of Human Services staff; and other pertinent state entities with an interest in the rule sets such as Health Care Policy and Financing (HCPF), Colorado Department of Public Health and Environment (CDPHE), the Behavioral Health Administration (BHA), and the Colorado Department of Education (CDE) were all notified of this rule-making proposal.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

If yes, who was contacted and what was their input?

Staff from Health Care Policy and Financing (HCPF), Colorado Department of Public Health and Environment (CDPHE), the Behavioral Health Administration (BHA), and the Colorado Department of Education (CDE) were included on the distribution of the Information Memo regarding this rule-making proposal and the three partner engagement sessions held to gather feedback. No staff from any other state agencies attended any of the partner engagement sessions held, nor did staff provide feedback in any other manner.

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes No

Name of Sub-PAC	Finance Sub-PAC and Child Welfare Sub-PAC		
Date presented	December 5, 2024		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous		

Title of Proposed Rule:	Unregulated Child Custody Transfer		
CDHS Tracking #:	23-12-05-01		
Office, Division, & Program: OCYF, DCW, Permanency	Rule Author: Kate Bradley		Phone: 303.915.7258
Office of Children, Youth and Families, Division of Child Welfare, Provider Services Unit			E-Mail: kate.bradley@state.co.us

If not presented, explain why.	
--------------------------------	--

PAC

Have these rules been approved by PAC?

Yes No

Date presented	January 9, 2025		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous		
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

Yes No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

CHILD CARE FACILITY LICENSING

12 CCR 2509-8

7.701.14 Civil Rights

All facilities licensed under the Child Care Licensing Act are subject to the following federal laws and regulations: the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D *et seq.* (2018), and its implementing regulation, 45 C.F.R. Part 80 (2018); the Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6017 (2018) and its implementing regulation, 45 C.F.R. Part 91 (2018); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (2018), and its implementing regulation, 45 C.F.R. Part 84 (2018), all of which are hereby incorporated by reference. No later editions or amendments are incorporated. These statutes and regulations are available for public inspection and copying at the Colorado Department of Human Services 1575 Sherman St., 8th floor, Denver, Colorado 80203, during regular business hours. These statutes and regulations are also available at no cost at [HTTP://USCODE.HOUSE.GOV](http://USCODE.HOUSE.GOV) AND [HTTP://WWW.ECFR.GOV](http://WWW.ECFR.GOV).

All facilities licensed under the Child Care Licensing Act are also subject to Titles I through V of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* (2012), and its implementing regulation, 29 C.F.R. Part 1630 (2018), which are hereby incorporated by reference. No later editions or amendments are incorporated. These statutes and regulations are available for public inspection and copying at the Colorado Department of Human Services 1575 Sherman St., 8th floor, Denver, Colorado 80203, during regular business hours. These statutes and regulations are also available at no cost at [HTTP://USCODE.HOUSE.GOV](http://USCODE.HOUSE.GOV) AND [HTTP://WWW.ECFR.GOV](http://WWW.ECFR.GOV).

Decisions related to the enrollment, placement, or dismissal of a child with a disability or chronic condition must be in compliance with the Americans with Disabilities Act. The facility must provide reasonable accommodations for the child with a disability who has special needs.

A lack of independent ambulation or the need for assistance in feeding, toileting, or dressing or in other areas of self-care cannot be used as sole criteria for enrollment or placement or denial of enrollment or denial of placement. Efforts must be made to accommodate the child's needs and to integrate the child with his/her peers who do not have disabilities.

ALL FACILITIES AND AGENCIES LICENSED UNDER THE FOSTER CARE, KINSHIP FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND CHILD PLACEMENT AGENCY LICENSING AND CERTIFICATION ACT ARE ALSO SUBJECT TO ALL APPLICABLE RULES AND REGULATIONS IN THE INDIAN CHILD WELFARE ACT (ICWA) OF 1978, 25 U.S.C. SECTION 1901 THROUGH SECTION 1963, AND ITS IMPLEMENTING REGULATIONS, 25 C.F.R. PART 23 (2024), WHICH ARE HEREBY INCORPORATED BY REFERENCE. NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED. THESE STATUTES AND REGULATIONS ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES, 1575 SHERMAN STREET, 8th FLOOR, DENVER, CO 80203, DURING REGULAR BUSINESS HOURS. THESE REGULATIONS ARE AVAILABLE FOR PUBLIC INSPECTION AT NO COST THROUGH THE INDIAN CHILD WELFARE ACT WEBSITE AT

<https://www.govinfo.gov/content/pkg/CFR-2024-title25-vol1/pdf/CFR-2024-title25-vol1-part23.pdf>

7.701.2 DEFINITIONS

“CUSTODIAN” MEANS A PERSON WHO HAS BEEN PROVIDING SHELTER, FOOD, CLOTHING AND OTHER CARE FOR A CHILD IN THE SAME FASHION AS A PARENT WOULD, WHETHER OR NOT BY ORDER OF THE COURT.

"CUSTODY" MEANS THE EXERCISE OF PHYSICAL CARE AND SUPERVISION OF A CHILD.

"FACILITATOR" MEANS A PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, FIRM, AGENCY, OR INSTITUTION, OTHER THAN AN ADOPTION EXCHANGE, COUNTY DEPARTMENT, OR A CHILD PLACEMENT AGENCY, THAT OFFERS, GIVES, CHARGES, OR RECEIVES MONEY OR OTHER CONSIDERATION OR THINGS OF VALUE IN CONNECTION WITH LOCATING OR IDENTIFYING, FOR PURPOSES OF ADOPTION, ANY CHILD, BIRTH PARENT, EXPECTANT NATURAL PARENT, OR PROSPECTIVE ADOPTIVE PARENT.

"GUARDIAN" MEANS A PERSON OTHER THAN A PARENT WHO HAS THE LEGAL AUTHORITY AND DUTY TO CARE FOR A CHILD.

"INTERCOUNTRY ADOPTION" MEANS AN ADOPTION OR PLACEMENT FOR ADOPTION OF A CHILD WHO RESIDES IN A FOREIGN COUNTRY AT THE TIME OF ADOPTION OR PLACEMENT. THE TERM INCLUDES AN ADOPTION FINALIZED IN THE CHILD'S COUNTRY OF RESIDENCE OR IN A STATE.

"INTERMEDIARY" MEANS A PERSON WHO ASSISTS OR FACILITATES A TRANSFER OF CUSTODY OF A CHILD/YOUTH, WHETHER OR NOT FOR COMPENSATION.

"PARENT" MEANS EITHER A NATURAL PARENT OF A CHILD, AS MAY BE ESTABLISHED PURSUANT TO ARTICLE 4 OF TITLE 19, OR A PARENT BY ADOPTION.

"PROSPECTIVE ADOPTIVE PARENT" MEANS AN INDIVIDUAL WHO HAS BEEN APPROVED OR PERMITTED UNDER OTHER LAW OF THIS STATE TO ADOPT A CHILD.

"PERSON" MEANS AN INDIVIDUAL, ESTATE, BUSINESS OR NONPROFIT ENTITY, PUBLIC CORPORATION, GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, OR OTHER LEGAL ENTITY.

"SAFE HAVEN" REFERS TO A SITUATION DESCRIBED IN SECTION 19-3-304.5, C.R.S. IN WHICH A PARENT VOLUNTARILY DELIVERS A CHILD WHO IS SEVENTY-TWO (72) HOURS OLD OR YOUNGER TO A FIREFIGHTER, AS DEFINED IN SECTION 18-3-201(1.5), OR A STAFF MEMBER WHO ENGAGES IN THE ADMISSION, CARE, OR TREATMENT OF PATIENTS AT A HOSPITAL OR COMMUNITY CLINIC EMERGENCY CENTER, WHEN THE FIREFIGHTER IS AT A FIRE STATION OR THE STAFF MEMBER IS AT A HOSPITAL OR COMMUNITY CLINIC EMERGENCY CENTER, AND THE PARENT DOES NOT EXPRESS AN INTENT TO RETURN FOR THE CHILD.

"STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, OR ANY OTHER TERRITORY OR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES A FEDERALLY RECOGNIZED INDIAN TRIBE.

"UNREGULATED CUSTODY TRANSFER" REFERS TO WHEN A PARENT, GUARDIAN, CUSTODIAN OR AN INDIVIDUAL WITH WHOM A CHILD HAS BEEN PLACED FOR ADOPTION, OR OTHER INDIVIDUAL TRANSFERS (OR INTENDS TO TRANSFER) CUSTODY OF THE CHILD/YOUTH TO ANOTHER PERSON WITH THE INTENT, AT THE TIME OF THE TRANSFER, OF ABANDONING THEIR RIGHTS AND RESPONSIBILITIES OF THE CHILD/YOUTH PERMANENTLY, OUTSIDE OF A LEGAL ADOPTION OR GUARDIANSHIP PROCEEDING, JUDICIAL AWARD OF CUSTODY, OTHER JUDICIAL OR TRIBAL ACTION, OR COLORADO'S SAFE HAVEN LAW AS DESCRIBED IN SECTION 19-3-304.5, C.R.S.

7.710.55 Training

- A. The adoptive agency shall verify and document that all adoptive applicants have completed training provided or approved by the agency as a part of the adoption process.

1. All adoptive applicants shall complete sixteen (16) core hours of training provided in face-to-face format.
2. Reasonable effort must be made to complete all required hours of training prior to the placement of a child(ren)/YOUTH.
3. All training must be completed by each adoptive applicant prior to the finalization of the adoption.
4. Applicants adopting children over twelve (12) months of age or completing an intercountry adoption must complete training topics as listed at Section 7.710.55.C.
5. Training must be separate from and in addition to the family assessment.
6. If an adoptive applicant(s) is completing a subsequent adoption through the same agency or has complete, documented training from their previous agency, the core training need not be repeated if documentation of the prior training is on record with the current agency.
7. All training must be documented in writing, including dates, number of hours and topics covered.

B. Core training must include all of the following topics:

1. Attachment/bonding issues.
2. Loss and grief issues, including infertility, as applicable for all parties to the adoption.
3. Adoption as a lifelong issue as it pertains to all parties to the adoption.
4. Key concepts of child growth and development.
5. Boundary setting and discipline.
6. Parenting a child of a different cultural or racial background infancy through adulthood, if applicable.
7. Disclosure issues including the accuracy of family history information regarding the child and birth parent(s) family, discussion with the child and sharing information with others.
8. Understanding adoption laws and procedures, including termination of parental rights and the expedited relinquishment process pursuant to Section 19-5-103.5, C.R.S., and the administrative notice for any other birth parent or possible birth parent pursuant to Section 19-5-103.7, C.R.S., if applicable.
9. On-going contact and/or communication of child and adoptive family with biological family and/or significant individuals, if applicable.
10. Possible current and/or future use of community resources, including help with parenting techniques.
11. Medical and health issues including, but not limited to, shaken baby syndrome, parental substance abuse, relevant environmental issues, and genetic risk factors.
12. Expectations of adoption and adoptive process.
13. Basic core and supervision appropriate to the age of the child.
14. Reasonable and Prudent Parent Standard.

C. Additional Areas of Training

1. For families that will be adopting a child who is either medically fragile, over twelve (12) months of age or any intercountry adoption, four (4) additional hours from the following topics must be completed as applicable and appropriate for the age(s) of the child(ren) being adopted for a total of twenty (20) hours. These four (4) hours of training may be approved in formats other than face-to-face training at the agency's discretion:
 - a. Parenting a child that has been abused or neglected.
 - b. Parenting the physically, mentally, developmentally, or emotionally delayed child.
 - c. The impact of frequent moves and multiple caregivers on the development of a child.

D. POSSIBLE PHYSICAL, MENTAL, EMOTIONAL, AND BEHAVIORAL ISSUES PURSUANT TO SECTION 19-5.5-303, C.R.S. CONCERNING:

 1. IDENTITY, LOSS, AND TRAUMA THAT A CHILD/YOUTH MAY EXPERIENCE BEFORE, DURING, OR AFTER ADOPTION;
 2. A CHILD/YOUTH LEAVING FAMILIAR TIES AND SURROUNDINGS;
 3. THE EFFECT THAT THE ACCESS TO RESOURCES, INCLUDING HEALTH INSURANCE, MAY HAVE ON THE ABILITY OF AN ADOPTIVE PARENT TO MEET THE NEEDS OF A CHILD/YOUTH;
 4. CAUSES OF DISRUPTION OF AN ADOPTIVE PLACEMENT OR DISSOLUTION OF AN ADOPTION AND RESOURCES AVAILABLE TO HELP AVOID DISRUPTION OR DISSOLUTION.
2. For families that are only completing an intercountry adoption, an additional four (4) hours of training on all topic areas listed below must be completed as applicable for a total of twenty-four (24) hours. These four (4) hours of training may be provided in formats other than face-to-face at the discretion of the agency and must be completed prior to travel.
 - a. U.S. immigration requirements and the laws and procedures of the foreign country, including reporting requirements such as any post-placement or post adoption reports required by the expected country of origin.
 - b. Cultural heritage of the child, including available community resources.
 - c. Information on the long-term implications for a family that has become multicultural through intercountry adoption, including:
 - 1). The child's history and cultural, racial, religious, ethnic and linguistic background; and,
 - 2). The known health risks in the specific region or country where the child resides. Any general characteristics and needs of children awaiting adoption and the in-country conditions that affect children from the expected country of origin.
 - d. Any other medical, social and other data known about the particular child.
 - e. The impact of a child leaving familiar surroundings as appropriate to the expected age of child.

- f. The impact of frequent moves and multiple caregivers on the development of a child and data on institutionalized children and the impact of institutionalization on children, including the effect on children depending on the length of time spent in an institution and of the type of care provided in the expected country of origin.
- D. Applicants participating in the foreign children’s visiting program must complete training in the following areas prior to a child/youth being cared for in the home:
- 1. CPR and first aid training for all adults applicants in the home.
 - 2. Mandatory reporter training.
 - 3. Any known health risks in the specific region or country where the child/youth resides.
 - 4. The child/youth’s history, cultural, racial, religious, ethnic and linguistic background.

7.710.58 The Child Available for Adoption ~~[Rev. eff. 5/1/10]~~

~~Available information shall be obtained on each child for adoption which shall include, but need not be limited to:~~

- ~~A. For domestic adoptions and outgoing adoptions, a report of a physical examination performed within the six months prior to adoptive placement, documenting the current physical condition of the child.~~
- A. ANY CPA INVOLVED IN ASSISTING RELINQUISHING PARENTS AND/OR PROSPECTIVE ADOPTIVE PARENTS MUST OBTAIN ALL AVAILABLE INFORMATION REGARDING EACH CHILD AVAILABLE FOR ADOPTION. SUCH INFORMATION MUST BE OBTAINED FROM THE RELINQUISHING PARENT, AND/OR THE CPA OR COUNTY DEPARTMENT INVOLVED IN AN ORIGINAL ADOPTION, WHERE APPLICABLE. DOCUMENTATION MUST INCLUDE BUT NEED NOT BE LIMITED TO:
 - 1. A REPORT OF A PHYSICAL EXAMINATION PERFORMED BY A MEDICAL PROFESSIONAL LICENSED PURSUANT TO SECTIONS 12-240-101, C.R.S. THROUGH 12-240-145, C.R.S. CONDUCTED WITHIN THE SIX (6) MONTHS PRIOR TO ADOPTIVE PLACEMENT.
 - 2.B A history of the child/YOUTH including as much of the following information, INCLUDING AVAILABLE RECORDS, as can be obtained:
 - A4. Physical appearance;
 - B2. PHYSICAL, MENTAL, eEmotional, and behavioral HEALTH, and cognitive history;
 - 3. ~~Race or ethnic origin~~
 - 4. ~~Religion~~
 - C. THE CHILD’S MEDICAL HISTORY, INCLUDING IMMUNIZATION, MEDICATION AND BIRTH RECORDS WHEN AVAILABLE;
 - D. FAMILY BACKGROUND; INCLUDING, BUT NOT LIMITED TO, RACIAL OR ETHNIC, CULTURAL, RELIGIOUS, AND LINGUISTIC BACKGROUNDS;
 - E. GENDER IDENTITY AND BACKGROUND;

- F. 5. Education **AL BACKGROUND;**
 - G.6. Interest/hobbies/talents;
 - H.7. Developmental history;
 - I.8. Region of origin;
 - J.9. Personal qualities;
 - ~~10.~~ Placement history
 - K.11. Any previous written assessments;
 - ~~12.~~ Health/medical history
 - L. **UNITED STATES IMMIGRATION STATUS;**
 - M. **INFORMATION AVAILABLE FROM THE FEDERAL GOVERNMENT ON THE PROCESS FOR THE CHILD/YOUTH TO ACQUIRE UNITED STATES CITIZENSHIP WHERE APPLICABLE;**
 - N. **WHETHER THE CHILD HAS BEEN SEPARATED FROM A SIBLING OR OTHER SIGNIFICANT RELATION;**
 - O. **PREVIOUS ADOPTION(S) OR OUT-OF-HOME PLACEMENT(S) AND THE REASON(S) THE ADOPTION(S) OR PLACEMENT(S) ENDED;**
 - P. **TRAUMA AND ATTACHMENT HISTORY; AND**
 - Q. **HISTORY OF ABUSE OR NEGLECT, INCLUDING ADVERSE CHILDHOOD/YOUTH EXPERIENCES SUCH AS MALNUTRITION OR DRUG/ALCOHOL EXPOSURE.**
3. **ANY OTHER MATTER A CHILD PLACEMENT AGENCY CONSIDERS MATERIAL TO THE ADOPTION.**
4. ~~G.~~ **A statement documenting the chronological history of a child's family background in as much detail as available, including verification of the child's/YOUTH'S birth date and place and reasons for relinquishment or termination of the parent-child legal relationships, as listed on the petition of relinquishment or international equivalent and signed by the birth or legal parent(S), including a personal description written by the birth OR LEGAL parent(s), if available.**
5. ~~D.~~ **The agency shall provide to the adoptive applicant(s) a All non-identifying information that has been obtained by the agency or provided to the agency regarding the child/YOUTH or child's/YOUTH'S birth family.**
6. ~~E.~~ **A social history of ALL AVAILABLE INFORMATION REGARDING the child's/YOUTH'S birth family including birth parents, extended family, and siblings as applicable, including as much of the following information as can be obtained:**
- A.4. Physical appearance;
 - B.2. Health/medical history;
 - C.3. Race or ethnic origin;
 - D.4. Religion **RELIGIOUS BACKGROUND;**
 - E. **CULTURAL BACKGROUND;**

- F. LINGUISTIC BACKGROUND;
 - G.5- EducationAL BACKGROUND;
 - H.6- Occupation;
 - I.7- Hobbies/interests/talents;
 - J.8- Mental health;
 - K.9- Substance use/MISUSE abuse; AND
 - L.40. Personal qualities.
7. MEDICAL, THERAPEUTIC, AND EDUCATIONAL RESOURCES, INCLUDING LANGUAGE ACQUISITION TRAINING, AVAILABLE TO THE ADOPTIVE PARENT AND CHILD AFTER PLACEMENT FOR ADOPTION OR ADOPTION TO ASSIST IN RESPONDING EFFECTIVELY TO PHYSICAL, MENTAL, EMOTIONAL, OR BEHAVIORAL HEALTH ISSUES AND AVAILABLE RECORDS RELEVANT TO THE INFORMATION IN SUBSECTION 7.710.58.A.2.A-G OF THIS SECTION.
- B. ANY CPA INVOLVED IN ASSISTING RELINQUISHING PARENT(S) AND/OR PROSPECTIVE ADOPTIVE PARENT(S) MUST PROVIDE ALL INFORMATION OBTAINED SPECIFIC TO THE CHILD/YOUTH TO THE PROSPECTIVE ADOPTIVE PARENT(S) TO PROVIDE HISTORICAL CONTEXT FOR THE CHILD/YOUTH'S EXPERIENCE AND TO SUPPORT THE ADOPTIVE PARENTS WITH RESOURCES TO EFFECTIVELY RESPOND TO THE NEEDS OF THE CHILD/YOUTH. SUCH INFORMATION MUST INCLUDE, BUT MAY NOT BE LIMITED TO:
- 1. THE POTENTIAL EFFECT ON THE CHILD OF:
 - A. A PREVIOUS ADOPTION OR OUT-OF-HOME PLACEMENT;
 - B. MULTIPLE PREVIOUS ADOPTIONS OR OUT-OF-HOME PLACEMENTS;
 - C. TRAUMA, INSECURE ATTACHMENT, FETAL ALCOHOL EXPOSURE, OR MALNUTRITION;
 - D. NEGLECT, ABUSE, DRUG EXPOSURE, OR SIMILAR ADVERSITY;
 - E. SEPARATION FROM A SIBLING OR SIGNIFICANT CAREGIVER;
 - F. A DIFFERENCE IN ETHNICITY, RACE, OR CULTURAL IDENTITY BETWEEN THE CHILD AND THE PROSPECTIVE ADOPTIVE PARENT OR OTHER CHILD OF THE PARENT;
 - 2. INFORMATION AVAILABLE FROM THE FEDERAL GOVERNMENT ON THE PROCESS FOR THE CHILD TO ACQUIRE UNITED STATES CITIZENSHIP; AND
 - 3. ANY OTHER MATTER A CHILD PLACEMENT AGENCY CONSIDERS MATERIAL TO THE ADOPTION.
 - 4. THE GUIDANCE AND INSTRUCTION MUST BE PROVIDED:
 - A. FOR ADOPTION OF A CHILD/YOUTH RESIDING IN THE UNITED STATES WITHIN SEVENTY-TWO (72) HOURS OF RECEIPT OF THE INFORMATION BEFORE THE ADOPTION IS FINALIZED; OR
 - B. FOR AN INTERCOUNTRY ADOPTION, IN ACCORDANCE WITH THE FEDERAL LAW.

C. THE CPA MUST FURTHER PROVIDE THE ADOPTIVE PARENTS WITH RESOURCES TO EFFECTIVELY RESPOND TO THE NEEDS OF THE CHILD/YOUTH AFTER PLACEMENT FOR ADOPTION OR UPON THE FINALIZATION OF AN ADOPTION. SUCH INFORMATION MUST INCLUDE, BUT MAY NOT BE LIMITED TO:

1. MEDICAL, THERAPEUTIC, AND EDUCATIONAL RESOURCES;
2. LANGUAGE ACQUISITION TRAINING TO ASSIST IN RESPONDING EFFECTIVELY TO PHYSICAL, MENTAL, EMOTIONAL, OR BEHAVIORAL HEALTH ISSUES; AND
3. AVAILABLE RECORDS RELEVANT TO THE CHILD/YOUTH.

7.710.6 RESPONSIBILITY OF THE AGENCY AFTER PLACEMENT [Rev. eff. 5/1/10]

A. The placement agency having legal custody is responsible for the welfare of the child until a decree of adoption is granted and shall:

1. Assume financial and planning responsibility for the child in the event that a child's adoptive placement is disrupted.
2. Assume financial and planning responsibility for the child where a court refuses to grant a decree of adoption.
3. Maintain a copy of the final decree of adoption from the court in the agency file on each child.

B. Placements shall be supervised from the time a child(ren) is placed until court finalization to ensure:

1. The physical and emotional well-being of the child(ren); ~~and,~~
2. Successful attachment between the child and parents; ~~and,~~
3. Positive adjustment of all family members; and,
4. Adoption related issues are resolved as necessary.

C. For adoptions to be finalized in Colorado the agency must provide post placement services until court finalization, and must provide at least a six (6) month period of post placement services between the time of placement and the finalization of the adoption and shall maintain at least monthly contact with the adoptive family and child(ren) until court finalization of the adoption. The supervision shall include:

1. For children of less than one (1) year of age at time of placement, no less than three (3) face-to-face supervisory visits, including at least two (2) visits to the adoptive home, one (1) visit to the adoptive home must be within the first two (2) weeks after placement. Visits in the adoptive home should include all adoptive family members.
2. For children of one (1) year of age or older at time of placement, at least one (1) visit per month with no less than half (1/2) of the visits as face-to-face visits in the adoptive home.

The first (1st) visit must be within two (2) weeks after placement of the child(ren). Visits in the adoptive home should include all adoptive family members.

- D. During the period of supervision the placement agency shall maintain records that include:
1. Legible, well-organized case/contact notes of all contacts. These must be placed in the adoptive applicant's case file in a timely manner and must be available for review by the State Department.
 2. Two (2) formal post-placement reports shall be completed for the court, one (1) at three (3) months after placement and the second (2nd) at the time of finalization, or more frequently if required by the court, and must include information regarding:
 - a. The physical health and emotional well-being of the child.
 - b. Adjustments of the family and child to the adoption.
 - c. Financial changes.
 - d. Changes in family composition.
 - e. Other adoption issues that have arisen.
 - f. Recommendation on the continued placement of the child.
 - g. Recommendation on the finalization of the adoption.
- E. The agency may obtain a progress report, if appropriate or as necessary, from a school official or child care provider for each adoptive child that is attending child care or school.
- F. The placement supervisor of the Colorado CPA (~~Child Placement Agency~~) shall be responsible for removing the child from the home, at the request of the adoptive family, or in accordance with state law, if the placement is not in the best interests of the child.
- G. IF ANY INFORMATION BECOMES KNOWN OR CAN BE OBTAINED BEFORE AN ADOPTION IS FINALIZED THAT HAD NOT ALREADY BEEN REPORTED, THE CPA MUST PROVIDE ANY AND ALL INFORMATION TO THE PROSPECTIVE ADOPTIVE PARENT(S).
- H. ON REQUEST OF A CHILD WHO WAS PLACED FOR ADOPTION OR THE CHILD'S ADOPTIVE PARENT, THE CPA OR THE COUNTY DEPARTMENT, AS REFERENCED IN SECTION 7.306.55, SHALL PROVIDE INFORMATION ABOUT HOW TO OBTAIN ADOPTION ASSISTANCE AND RESOURCES:
1. TO ASSIST THE CHILD OR PARENT TO RESPOND EFFECTIVELY TO ADJUSTMENT, BEHAVIORAL HEALTH, AND OTHER CHALLENGES; AND
 2. TO HELP PRESERVE THE PLACEMENT OR ADOPTION.
- 7.710.62 Post Adoption** ~~[Rev. eff. 5/1/10]~~
- A. ANY AND ALL PREVIOUSLY ISSUED CERTIFICATES OF BIRTH, TO INCLUDE CERTIFICATES OF FOREIGN BIRTH, MUST BE PROVIDED TO THE CHILD'S ADOPTIVE PARENT(S) UPON FINALIZATION OF ADOPTION, WHERE APPLICABLE.

- AB.** If the CPA agency does not provide post adoption services, the agency must provide resource and referral information regarding post adoption services available to the birth parent(s), adoptive family, and child, if appropriate.
- BC.** Post adoption services may include, but not be limited to:
1. Consultation.
 2. On-going support and education.
 3. Resources for counseling or medical needs.
 4. Search or reunification resources.
 5. Networking with other adoptive families.
 6. Adoption education and support groups.
 7. Providing to the adoptive family additional social and/or medical background information obtained after placement that could significantly impact the child.
- CD.** For intercountry adoptions, the agency must provide post adoption services including, but not limited to, completion of written reports on the adoptive family and child if required by the foreign country.
- E.** IF ANY INFORMATION BECOMES KNOWN OR CAN BE OBTAINED AFTER AN ADOPTION IS FINALIZED THAT HAD NOT ALREADY BEEN REPORTED, THE CHILD PLACEMENT AGENCY MUST MAKE REASONABLE EFFORTS TO PROVIDE ANY AND ALL INFORMATION TO THE ADOPTIVE PARENT(S).

7.710.650 UNREGULATED CHILD CUSTODY TRANSFER - APPLICABILITY

A. THE TRANSFER OF CUSTODY OF A CHILD/YOUTH BY A PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD/YOUTH, OR AN INDIVIDUAL WITH WHOM A CHILD/YOUTH HAS BEEN PLACED FOR ADOPTION, TO ANY OF THE FOLLOWING INDIVIDUALS IS NOT UNREGULATED CHILD CUSTODY TRANSFER:

1. A PARENT OF THE CHILD/YOUTH;
2. A STEPPARENT OF THE CHILD/YOUTH;
3. AN ADULT WHO IS RELATED TO THE CHILD/YOUTH BY BLOOD, MARRIAGE, ADOPTION, OR OTHER RELATIONSHIP RECOGNIZED BY OTHER LAW OF THIS STATE;
4. AN ADULT WHO, AT THE TIME OF THE TRANSFER, HAD A MEANINGFUL AND SAFE RELATIONSHIP WITH THE CHILD/YOUTH FOR A PERIOD OF AT LEAST SIX (6) MONTHS PRIOR TO THE TRANSFER, AND WHOM THE PARENT, GUARDIAN, OR CUSTODIAN REASONABLY BELIEVES, AT THE TIME OF THE TRANSFER, TO BE A FIT CUSTODIAN OF THE CHILD/YOUTH; OR
5. AN INDIAN CUSTODIAN AS OUTLINED IN THE INDIAN CHILD WELFARE ACT (ICWA) AND ITS IMPLEMENTING REGULATIONS, INCORPORATED BY REFERENCE IN SECTION 7.701.14.

B. THE TRANSFER OF CUSTODY OF A CHILD/YOUTH BY A PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD/YOUTH, OR AN INDIVIDUAL WITH WHOM A CHILD/YOUTH HAS BEEN PLACED FOR ADOPTION, TO ANY INDIVIDUAL OTHER THAN THOSE LISTED UNDER 7.710.650.A, IS UNREGULATED CHILD CUSTODY TRANSFER UNLESS THE

TRANSFER OCCURS THROUGH ONE OF THE FOLLOWING LEGAL PROCESSES AS OUTLINED IN 19-5.5-203(2), C.R.S.:

- A. A LEGAL ADOPTION OR GUARDIANSHIP PROCEEDING;
- B. JUDICIAL AWARD OF CUSTODY;
- C. OTHER JUDICIAL OR TRIBAL ACTION; OR
- D. COLORADO'S SAFE HAVEN LAW AS DESCRIBED IN SECTION 19-3-304.5, C.R.S.

7.710.651 PROHIBITED UNREGULATED CHILD CUSTODY TRANSFERS

UNREGULATED CHILD CUSTODY TRANSFERS ARE PROHIBITED, AS FOLLOWS:

- A. A PARENT, GUARDIAN, OR CUSTODIAN OF A CHILD/YOUTH OR AN INDIVIDUAL WITH WHOM A CHILD/YOUTH HAS BEEN PLACED FOR ADOPTION MAY NOT TRANSFER CUSTODY OF THE CHILD/YOUTH TO ANOTHER PERSON WITH THE INTENT, AT THE TIME OF THE TRANSFER, TO PERMANENTLY ABANDON THE RIGHTS AND RESPONSIBILITIES CONCERNING THE CHILD/YOUTH.
- B. A PERSON MAY NOT RECEIVE PERMANENT CUSTODY OF A CHILD/YOUTH OR ACT AS AN INTERMEDIARY IF PERMITTED UNDER OTHER LAW OF THIS STATE, IN A TRANSFER OF CUSTODY OF A CHILD/YOUTH IF THE PERSON KNOWS OR REASONABLY SHOULD KNOW THE TRANSFER VIOLATES SECTION 7.710.651.A. THIS PROHIBITION DOES NOT APPLY IF THE PERSON NOTIFIES THE STATE DEPARTMENT OF THE TRANSFER OR TAKES APPROPRIATE ACTION TO ESTABLISH CUSTODY UNDER SECTION 7.710.650.B WITHIN SEVENTY-TWO (72) BUSINESS HOURS.

7.710.652 PROHIBITED SOLICITATION OR ADVERTISING

A. A PERSON MAY NOT SOLICIT OR ADVERTISE FOR THE PURPOSE OF:

- 1. IDENTIFYING A PERSON TO WHOM TO MAKE A TRANSFER OF CUSTODY IN VIOLATION OF SECTION 19-5.5-203 (1), C.R.S.;
 - 2. IDENTIFYING A CHILD/YOUTH FOR A TRANSFER OF CUSTODY IN VIOLATION OF SECTION 19-5.5-203(3), C.R.S.; OR
 - 3. ACTING AS AN INTERMEDIARY OR FACILITATOR, IF PERMITTED UNDER OTHER LAW OF THIS STATE, IN A TRANSFER OF CUSTODY IN VIOLATION OF SECTION 19-5.5-203(3), C.R.S.;
- B. ENGAGING IN PROHIBITED SOLICITATION OR ADVERTISING IS A CLASS SIX (6) FELONY AS IDENTIFIED.

7.710.653 SUSPECTED UNREGULATED CUSTODY TRANSFER

- A. WHEN A CPA SUSPECTS AN UNREGULATED TRANSFER OF CUSTODY OF A CHILD/YOUTH HAS OCCURRED, THE CPA MUST REPORT ALL KNOWN INFORMATION REGARDING THE SUSPECTED TRANSFER TO THE APPROPRIATE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES. THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES WILL DETERMINE APPROPRIATE ACTION TO PROTECT THE WELFARE OF THE CHILD/YOUTH AS PROVIDED IN OTHER AREAS OF RULE, REGARDLESS OF ANY ADDITIONAL CONCERN OF ABUSE OR NEGLECT. IF AN ASSESSMENT IS COMPLETED REGARDING CONCERNS OF AN UNREGULATED

CUSTODY TRANSFER OF AN ADOPTED CHILD/YOUTH, AND IT IS DETERMINED THAT A PERSON HAS TRANSFERRED OR INTENDS TO TRANSFER CUSTODY IN VIOLATION OF SECTION 19-5.5-203, C.R.S., THEN THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES SHALL:

1. PROVIDE NOTICE OF THE ASSESSMENT TO THE COLORADO DEPARTMENT OF HUMAN SERVICES WHEN IT INVOLVES AN UNREGULATED CUSTODY TRANSFER OF AN INTERCOUNTRY ADOPTED CHILD/YOUTH; AND
2. IN ANY CIRCUMSTANCE WHERE THERE IS AN ALLEGATION OF UNREGULATED CUSTODY TRANSFER, THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES SHALL SEND THE REFERRAL TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR AGENCIES.