

Title of Proposed Rule: Foster Youth in Transition Program Clean Up Rules

CDHS Tracking #: 22-05-10-03

Office, Division, & Program:
OCYF, DCW, Youth Services

Rule Author: Brittany Gardner

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RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

a. Board Executive Director

b. Regular Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

AG Initial Review

Initial Board Reading

AG 2nd Review

Second Board Reading / Adoption

This package contains the following types of rules: *(check all that apply)*

Number

27 Amended Rules

_____ New Rules

_____ Repealed Rules

_____ Reviewed Rules

What month is being requested for this rule to first go before the State Board?	March 2023
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What date is being requested for this rule to be effective?	May 31, 2023
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Is this date legislatively required?	No
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I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director’s Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ Date: _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates: 1st Board _____ 2nd Board _____ Effective Date _____

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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**

These changes are necessary to align with the Foster Youth in Transition (FYIT) Program introduced in HB 21-1094 and its clarifications in HB 22-1245. After initial rule and program implementation, revisiting rules was crucial to eliminate superfluous requirements for counties. They are also necessary to clarify the Title IV-E Federal requirements for identifying, reporting, and determining services to victims of sex trafficking, and update reimbursement rules when counties use supervised independent living placements (SILP) for youth under the age of 18.

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, C.R.S. (2022)	State Board to promulgate rules
26-1-109, C.R.S. (2022)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2022)	State department to promulgate rules for public assistance and welfare activities.

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
19-7-315, C.R.S. (2022)	The state department shall promulgate rules for implementation, including but not limited to rules concerning eligibility determinations, administrative appeals of eligibility determinations, enrollment into the transition program, emancipation transition plans and roadmaps to success, and expedited procedures for securing temporary shelter for youth who are currently homeless or at imminent risk of homelessness.

Does the rule incorporate material by reference?

Yes

Yes

No

No

Does this rule repeat language found in statute?

If yes, please explain.

N/A

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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?

These rules will impact county departments of human/social services because they administer Foster Youth in Transition cases, serve youth who are at risk of sex trafficking, and/or use SILPs.

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?

These rules clarify requirements for FYIT cases which reduces the burden of unnecessary practices for county departments of human/social services. They provide updated language related to the procedures for identifying, reporting, and determining services to victims of sex trafficking which aids county departments of human/social services to support the at-risk youth they serve. The rules specify the use of SILPs for youth ages 16 and 17, which creates an opportunity for county departments of human/social services to be reimbursed for these placements while ensuring there is a minimum standard of practice.

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)

There are no anticipated impacts to the state because these rule changes align with the changes created by HB 21-1094 and HB 22-1245 which accounted for any potential fiscal impacts.

County Fiscal Impact

There are no anticipated impacts to the counties because these rule changes align with the changes created by HB 21-1094 and HB 22-1245. These rules are designed to reduce workload and increase efficiency for caseworkers who are serving youth through the FYIT program by streamlining expectations. Additionally, the rules ensure counties can be reimbursed for their use of SILPs for 16- and 17-year-olds and is required by Section 26-5-104(a), C.R.S. when placed in accordance with the rules. The change may result in a positive fiscal impact for the counties but given the small number of 16- and 17-year-old youth who qualify to be placed in a SILP, the impact will be very small.

Federal Fiscal Impact

There are no anticipated federal fiscal impacts because the changes are to state programs and processes.

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

There are no other anticipated fiscal impacts.

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4. Data Description

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

Program Information for the Title IV-E requirements for identifying, reporting, and determining services to victims of sex trafficking were relied upon.

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

Rulemaking is required to implement the changes created by HB 10-1094 and BH 22-1245 and is the only available option so that rule aligns with statute. When the task group explored revisions to rule to increase efficiency, non-rule making options were employed whenever possible, such as creating an alternate health passport for the FYiT program instead of creating a new section of rule.

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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
7.000	<i>Incorrect Statutory Reference</i>	<i>Section 26.5.103 C.R.S.</i>	<i>Section 26.5-101(3) C.R.S.</i>		
7.301.22 (A)(4)	Technical fix	4.Immediate and extended family members as appropriate to the service needs of the family, child, and youth; and,	4.Immediate and extended family members as appropriate to the service needs of the family, child, and youth; and,		Foster Youth in Transition Rules Task Group
7.301.22 (A)(5)	Technical fix	5. Service providers, including kin caregivers, out-of-home caregivers, and in-home providers.	5. Service providers, including kin caregivers, out-of-home caregivers, and in-home providers-; AND,		Foster Youth in Transition Rules Task Group
7.301.22 (A)(6)	New language required to implement HB 21-1094 and ensure efficiency for county caseworkers.		6. 7.301.22 DOES NOT APPLY TO YOUTH WHO ARE PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM UNLESS THE YOUTH CONSENTS AND SIGNS ALL APPLICABLE RELEASES OF INFORMATION. THE OPPORTUNITY FOR ADDITIONAL PARTIES TO PARTICIPATE IN THE FAMILY SERVICES PLAN AND ENGAGEMENT ACTIVITIES DESCRIBED IN THIS SECTION SHALL BE OFFERED TO ELIGIBLE YOUTH.	Aligns with statute	Foster Youth in Transition Rules Task Group
7.301.24 (B)(1)	Adding language required to implement HB 22-1038	(1) it is not in the best interests of the children/youth to be placed as a group as determined by the county in consultation with the family, youth, and gal when possible, and	(1) it is not in the best interests of the children/youth to be placed as a group as determined by the county in consultation with the family, youth, and gal GAL AND/OR COUNSEL FOR YOUTH when possible, and	Aligns with statute	Foster Youth in Transition Rules Task Group
7.301.24 M	Grammar fix	M. For youth age fourteen (14) and older, a roadmap to success as early in placement as possible but no later than sixty (60) calendar days after the youth's fourteenth (14th) birthday.	M. For youth ageD fourteen (14) and older, a roadmap to success as early in placement as possible but no later than sixty (60) calendar days after the youth's fourteenth (14th) birthday.		Foster Youth in Transition Rules Task Group

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7.301.24 (O)(1)(c)	Technical fix	c. Children/youth whose parents have been guilty of repeated and/or severe abuse or neglect of the child/youth or the child/youth's siblings such that termination of parental rights of both parents is appropriate; or,	c. Children/youth whose parents have been guilty of repeated and/or severe abuse or neglect of the child/youth or the child/youth's siblings such that termination of parental rights of both parents is appropriate; or,		Foster Youth in Transition Rules Task Group
7.301.24 (O)(1)(d)	Technical fix	d. children/youth for whom it appears, after investigation, that a safe return home will not be possible even with the provision of reasonable efforts.	d. Children/youth for whom it appears, after investigation, that a safe return home will not be possible even with the provision of reasonable efforts; OR		Foster Youth in Transition Rules Task Group
7.301.24 (O)(1)(e)	New language required to implement HB 21-1094		E. YOUTH WHO ARE PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM.	Aligns with statute	Foster Youth in Transition Rules Task Group
7.301.24 1 (D)(2)(b)	New language required to implement HB 21-1094	b. Parents, For purposes of this subsection 7.301.241, the term "parents" includes a natural parent having sole or joint custody, regardless of whether the parent is designated as the primary residential custodian, or a parent allocated parental responsibilities with respect to a child, or an adoptive parent. Parent does not include a person whose parental rights have been terminated pursuant to the provisions of Title 19 of the Colorado Revised Statutes or the parent of an emancipated minor.	b. Parents, For purposes of this subsection 7.301.241, the term "parents" includes a natural parent having sole or joint custody, regardless of whether the parent is designated as the primary residential custodian, or a parent allocated parental responsibilities with respect to a child, or an adoptive parent. Parent does not include a person whose parental rights have been terminated pursuant to the provisions of Title 19 of the Colorado Revised Statutes or, the parent of an emancipated minor-, OR THE PARENT OF A YOUTH PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM.	Aligns with statute	Foster Youth in Transition Rules Task Group
7.301.24 1 (D)(7)	Adding language to clarify notifications for youth in the program	7. The county department shall inform the parent(s), guardian ad litem and/or counsel for youth, and educational surrogate parent, if any, of the best interest determination within one business day of making the determination. The notification shall serve as the first day in the dispute resolution time frames	7. The county department shall inform the parent(s), guardian ad litem and/or counsel for youth, and educational surrogate parent, if any, AND THE YOUTH IF THEY ARE PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM of the best interest determination within one business day of making the determination. The notification shall serve as the first day in the dispute resolution time frames described in section 7.301.24, D, 8.		Foster Youth in Transition Rules Task Group

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		described in section 7.301.24, D, 8.			
7.301.24 1 (D)(8)	New language required to implement HB 21-1094	8. Disputes regarding best interest determinations shall be handled in a manner that promotes the child/youth's safety and stability, as follows: If the parent(s), guardian ad litem, and/or educational surrogate parent, if any, is a party to an accompanying court case and disagrees with the county department's best interest determination, he or she must file a Human Trafficking motion with the juvenile court to seek judicial resolution. Such a motion must be filed within three business days of the notice of the county's determination. If the county receives such a motion, the child/youth shall remain in the "school of origin" pending dispute resolution, unless remaining in the school poses a specific, documented threat to the child/youth's safety. If such parties indicate their agreement to a school move, the county need not delay the move pending the three-day appeal period.	8. Disputes regarding best interest determinations shall be handled in a manner that promotes the child/youth's safety and stability, as follows: If the parent(s), guardian ad litem, CHILD/YOUTH TWELVE (12) YEARS OF AGE OR OLDER and/or educational surrogate parent, if any, is a party to an accompanying court case and disagrees with the county department's best interest determination, he or she must file a Human Trafficking motion with the juvenile court to seek judicial resolution. Such a motion must be filed within three business days of the notice of the county's determination. If the county receives such a motion, the child/youth shall remain in the "school of origin" pending dispute resolution, unless remaining in the school poses a specific, documented threat to the child/youth's safety. If such parties indicate their agreement to a school move, the county need not delay the move pending the three-day appeal period.	Aligns with statute	Foster Youth in Transition Rules Task Group
7.303.4 (A)	New language to reflect a broader definition of trafficking	A. In any open Program Area 4, 5 or 6, when the county department of human or social services has reason to believe a child/youth is, or is at risk of being, a victim of sex trafficking the county department shall:	A. In any open Program Area 4, 5 or 6, when the county department of human or social services has reason to believe a child/youth is, or is at risk of being, a victim of sex HUMAN trafficking the county department shall:	Aligns with statute	Foster Youth in Transition Rules Task Group
7.303.4 (A)(1)	New language to reflect a broader definition of trafficking	1. screen the child/youth for risk of sex trafficking using a state approved sex trafficking screen;	1. screen the child/youth for risk of sex HUMAN trafficking using a state approved sex HUMAN trafficking screen;	Aligns with statute	Foster Youth in Transition Rules Task Group
7.303.4 (B)	New language to clarify to whom these requirements apply	B. If a child/youth who is in the legal custody of the county department of human or social services is missing then the county departments shall:	B. If a child/youth who is in the legal custody of the county department of human or social services OR OF WHOM THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES HAS AUTHORITY FOR PLACEMENT is missing, then the county departments shall:	Aligns with statute	Foster Youth in Transition Rules Task Group

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7.303.4 (B)(3)(b)	New language to reflect a broader definition of trafficking	b. Determine the child/youth's experiences while missing, including conducting sex trafficking screen to determine if the child/youth is a possible sex trafficking victim; and,	b. Determine the child/youth's experiences while missing, including conducting sex HUMAN trafficking screen to determine if the child/youth is a possible sex HUMAN trafficking victim; and,	Aligns with statute	Foster Youth in Transition Rules Task Group
7.304.53 (B)(3)(d)	New language to implement HB 22-1245		D. PURSUANT TO SECTION 19-7-307 (2), C.R.S. YOUTH WHO ARE PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM AS DESCRIBED IN 12 CCR 2509-03; 7.203.4, ET.SEC.	Aligns with statute	Foster Youth in Transition Rules Task Group
7.304.65 (E)	Reformatting and addition of language required to implement HB 21-1094	E. The county department shall invite parents, the child (if age appropriate as determined by the caseworker), out-of-home care providers, pre-adoptive parents, relatives/kin who are providing out-of-home care for the child, and the guardian ad litem to the Administrative Review in order that these individuals will have a right to be heard. All invitees shall be encouraged to attend.	E. THE COUNTY DEPARTMENT SHALL INVITE THE FOLLOWING TO THE ADMINISTRATIVE REVIEWS, SO THAT THESE INDIVIDUALS WILL HAVE A RIGHT TO BE HEARD, AND ALL INVITEES SHALL BE ENCOURAGED TO ATTEND: 1. FOR OUT-OF-HOME CASE REVIEWS, THE FOLLOWING SHALL BE INVITED: A. PARENTS, B. THE CHILD (IF AGE-APPROPRIATE AS DETERMINED BY THE CASEWORKER), C. OUT-OF-HOME CARE PROVIDERS, D. PRE-ADOPTIVE PARENTS, E. RELATIVES/KIN WHO ARE PROVIDING OUT-OF-HOME CARE FOR THE CHILD, AND, F. GUARDIAN AD LITEM AND/OR COUNSEL FOR YOUTH. 2. FOR FOSTER YOUTH IN TRANSITION REVIEWS, THE YOUTH SHALL BE INVITED TO THE REVIEW AND OFFERED THE OPPORTUNITY TO INVITE THE FOLLOWING: A. PARENTS, B. OUT-OF-HOME CARE PROVIDERS, C. PRE-ADOPTIVE PARENTS, D. RELATIVES/KIN WHO ARE PROVIDING OUT-OF-HOME CARE, E. THE GUARDIAN AD LITEM (IF APPLICABLE), AND F. COUNSEL FOR YOUTH.	Aligns with statute	Foster Youth in Transition Rules Task Group
7.305.2 (C)(1)	Technical fix	1. The case plan and court report following a staffing or meeting shall describe the services to help the youth	1. The case plan and court report following a staffing or meeting shall describe the services to help the youth transition to successful adulthood including, but not limited		Foster Youth in Transition

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		transition to successful adulthood including, but not limited to, participation in on-going opportunities to engage in age and developmentally appropriate activities, and, if the youth is pregnant and/or a parent, the parenting supports provided to the youth..	to, participation in on-going opportunities to engage in age and developmentally appropriate activities, and, if the youth is pregnant and/or a parent, the parenting supports provided to the youth..		Rules Task Group
7.305.2 (D)	New language to clarify SILP as a type of out-of-home placement	D. The county department may utilize a Supervised Independent Living placement for:	D. A SUPERVISED INDEPENDENT LIVING PLACEMENT IS AN OUT-OF HOME PLACEMENT AND the county department may utilize a Supervised Independent Living placement for:	Clarification that out-of-home placement requirements apply to SILPs	Foster Youth in Transition Rules Task Group
7.305.2 (D)(1)(B)	Eliminate duplicative language	B. Approved supervised independent living placement settings may include an approved college dormitory, transitional living program, an apartment or other private housing, or another age or developmentally appropriate placement. Professional contact and ongoing support must meet section 7.202.1 requirements.	B. Approved supervised independent living placement settings may include an approved college dormitory, transitional living program, an apartment or other private housing, or another age or developmentally appropriate placement. Professional contact and ongoing support must meet section 7.202.1 requirements.	Removing unnecessary language because of the clarification in the previous rule change	Foster Youth in Transition Rules Task Group
7.305.2 (D)(1)(D)(1)	New language for youth under 18 who are in a SILP		1. ADULTS RESIDING IN THE HOUSEHOLD WITH THE YOUTH WHEN THE PLACEMENT IS NOT A COLLEGE DORMITORY OPERATED BY AN INSTITUTION OF HIGHER EDUCATION SHALL BE REQUIRED TO SUCCESSFULLY COMPLETE BACKGROUND CHECKS AS DESCRIBED IN 12 CCR 2509-05.		Foster Youth in Transition Rules Task Group
7.305.2 (D)(1)(E)	Removing duplicative language	E. For counties to be reimbursed for this placement, the youth must be over age 18 and the placement must align with requirements set forth in 7.406.1,q	E. For counties to be reimbursed for this placement, the youth must be over age 18 and the placement must align with requirements set forth in 7.406.1,q	Aligns with statute	Foster Youth in Transition Rules Task Group
7.305.2 (D)(1)(F)	Renumbering	F. An update to the existing Roadmap to Success (RTS) must be completed, preferably within 30 days prior to, but no later than 30 days after, the start date of the supervised independent living placement.	EF. An update to the existing Roadmap to Success (RTS) must be completed, preferably within 30 days prior to, but no later than 30 days after, the start date of the supervised independent living placement.		Foster Youth in Transition Rules Task Group
7.305.2 (D)(1)(G)	Renumbering	G. The county department shall establish a written policy for the use of supervised independent living placement. The policy	G. The county department shall establish a written policy for the use of supervised independent living placement. The policy shall address the following:		Foster Youth in Transition

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		shall address the following:			Rules Task Group
7.305.2 (D)(1)(G) (111)	Grammar fix	III. Additional supervised independent living placement funds may be provided to the youth as incentive for progress towards and/or achievement of goals.	III. Additional supervised independent living placement funds may be provided to the youth as AN incentive for progress towards and/or achievement of goals.	Grammar use	Foster Youth in Transition Rules Task Group
7.305.2 (D)(1)(H)	Renumbering	H. A signed copy of the supervised independent living placement agreement and a signed expectations/acknowledgement that the youth was provided a copy of the county guidelines. These documents shall be explained in an age or developmentally appropriate way and shall be included in the case file.	GH. A signed copy of the supervised independent living placement agreement and a signed expectations/acknowledgement that the youth was provided a copy of the county guidelines. These documents shall be explained in an age or developmentally appropriate way and shall be included in the case file.		Foster Youth in Transition Rules Task Group
7.305.2 (E)(4)	Adding language required to implement HB 22-1038	4. Should the annual report show evidence of any inaccuracies, the county department shall inform the court of the inaccuracies, refer the youth to a Colorado Department of Human Services approved governmental or non-profit entity to resolve the inaccuracies, and inform the GAL of the referral.	4. Should the annual report show evidence of any inaccuracies, the county department shall inform the court of the inaccuracies, refer the youth to a Colorado Department of Human Services approved governmental or non-profit entity to resolve the inaccuracies, and inform the GAL AND/OR COUNSEL FOR YOUTH of the referral.	Aligns with statute	Foster Youth in Transition Rules Task Group

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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):

The rules were developed through a Child Welfare SubPAC approved task group and included representation from counties across the state, the Office of the Child's Representative, The Administrative Review Division, and a youth advocacy group.

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:

County departments of human/social services, Office of the Child's Representative, Children's Law Center, Rural Collaborative for Homeless Youth, and Project Foster Power were informed.

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?

Sub-PAC

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

Yes No

Name of Sub-PAC	Child Welfare		
Date presented	February 2, 2023		
What issues were raised?	No		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	x		
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

Yes No

Date presented			
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

Yes No

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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.

The task group agreed about the proposed rules which clarify who is involved in case planning, engagement, and other activities in FYiT cases. These rules emphasize youth as the only clients in these cases and the primary recipient of services and support from county departments of human/social services. The proposed changes to these rules give the option to include others with the youth's consent. The updates to the human trafficking rules align with prior rule changes which incorporated labor trafficking into the definition of human trafficking. The task group recognized the federal requirements for reporting at-risk youth who are missing and for trafficking concerns, but discussed the challenges associated with acting upon such concerns with youth in FYiT cases who are legal adults and are voluntarily participating in the program. Additionally, the group discussed how SILPs look different for youth who are under 18 versus for those who are in the FYiT program.

(12 CCR 2509-4)

7.301.22 Family Service Plan Participants [Rev. eff. 7/1/14]

- A. The county shall assure that the following parties participate in the development of the Family Services Plan and engagement activities:
 - 1. Caseworker;
 - 2. Parent(s) or legal guardians;
 - 3. Child/youth;
 - 4. Immediate and extended family members as appropriate to the service needs of the family, child, and youth; ~~and,~~
 - 5. Service providers, including kin caregivers, out-of-home caregivers, and in-home providers; ~~AND,~~
 - 6. 7.301.22 DOES NOT APPLY TO YOUTH WHO ARE PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM UNLESS THE YOUTH CONSENTS AND SIGNS ALL APPLICABLE RELEASES OF INFORMATION. THE OPPORTUNITY FOR ADDITIONAL PARTIES TO PARTICIPATE IN THE FAMILY SERVICE PLAN AND ENGAGEMENT ACTIVITIES DESCRIBED IN THIS SECTION SHALL BE OFFERED TO ELIGIBLE YOUTH.

- B. In addition to all parties being encouraged to sign the plan, all parties shall be engaged in activities that indicate involvement in service planning, including, but not limited to:
 - 1. Family engagement meetings; or,
 - 2. Ongoing contacts, which could include, but are not limited to: face to face, visitation, email, texts, technology with face to face capacity, emerging technology, or through signature on the Family Services Plan.

- C. Activities shall be documented in the State Department's automated system and may be located in the record of contact notes, the framework field, ninety (90) day reviews, and progress reports to the court. Documentation shall reflect the various ways in which attempts were made to engage parents, child/youth, and providers.

7.301.24 Family Service Plan Out-of-Home Placement Documentation

For child(ren)/youth in out-of-home placement, the Family Services Plan documents:

- A. The child/youth meets all of the out-of-home placement criteria listed in Section 7.304.3.

- B. When the child/youth is part of a sibling group and the sibling group is being placed out of the home, it shall be presumed that placement of the entire sibling group in the joint placement is in the best interests of the children/youth in order to sustain family relationships. Such presumption may be rebutted by the county by a preponderance of the evidence that placement of the entire sibling group in the joint placement is not in the best interests of a child/youth or of the

children/youth. The county shall make reasonable and continued efforts to locate a joint placement for all of the children/youth in the sibling group unless:

- (1) it is not in the best interests of the children/youth to be placed as a group as determined by the county in consultation with the family, youth, and GAL AND/OR COUNSEL FOR YOUTH when possible, and
- (2) these efforts do not unreasonably delay permanency for any child/youth.

These efforts depend upon the county's ability to locate an appropriate, capable, willing, and available joint placement for all of the children/youth in the sibling group. As soon as practicable after making a decision affecting sibling placement, the county department shall notify the GAL(s) appointed to the case. Efforts to place siblings as a group shall be documented in the Colorado child welfare information system (CCWIS).

- C. The problems to be resolved in order to facilitate reunification of the child/youth and family, and to safely maintain the child/youth in the home.
- D. A description of the type of facility in which the child/youth is placed and the reason(s) the placement is appropriate and safe for the child/youth.
- E. A description of the county's efforts to place the child/youth in reasonable proximity to the home of the parents and to the "school of origin" as defined in § 22-32-138(g), C.R.S. For a child/youth placed a substantial distance from the home of the parent(s), from his or her "school of origin," or in out-of-state placement, the county shall document how the placement meets the best interests of the child/youth, including how the county took into account proximity to parents and school in making its placement decision (see sections 7.304.54, J and 7.301.241, B, 2).
- F. A summary of efforts to ensure educational stability as outlined in Section 7.301.241.
- G. That the placement is the least restrictive, safe, and most appropriate setting available consistent with the best interests and specific needs of the child. This includes documentation of initial and on-going efforts to place the child/youth with kin.

If the child/youth is moved to a more restrictive placement after the initial placement, the Family Services Plan documents how the more restrictive placement meets the child/youth's needs.

- H. Health and educational information shall be documented in the State Department's automated system and updated at the time of each case review, including addresses and other contact information about the child/youth's current:
 1. Education providers, including school, school district, and Board of Cooperative Education Services (BOCES) contacts who assist in the coordination of enrollment and services, and the child/youth's academic progress.
 2. Health care providers and the status of health care information.
- I. Specific plans for how the county will carry out any court determinations or orders concerning the child/youth.
- J. A description of the services and resources needed by the foster parents or kinship providers to meet the needs of the child/youth and how those services and resources will be provided.
- K. A description of the services provided to reunite the family, including the plan for visitation, or to accomplish another permanency goal. The visitation plan shall specify the frequency, type of contact, and the person(s) who will make the visit. At a minimum the visitation plan shall provide the methods to meet the following:

1. The growth and development of the child/youth;
 2. The child/youth's adjustment to placement;
 3. The ability of the provider to meet the child/youth's needs;
 4. The appropriateness of the parent and child/youth visitation, including assessment of risk;
 5. The efforts to ensure the child/youth's wishes as to sibling contact were considered;
 6. The child/youth's contact with parents, siblings, and other family members; and
 7. Visitation between the child/youth and his/her family shall increase in frequency and duration as the goal of reuniting the family is approached.
- L. For child(ren) under the age of fourteen (14), a description of services and a plan for accomplishing tasks to prepare child(ren) to be age appropriately self-sufficient, when independent living services are provided.
- M. For youth ageD fourteen (14) and older, a roadmap to success as early in placement as possible but no later than sixty (60) calendar days after the youth's fourteenth (14th) birthday.
- N. Reasonable efforts have been made to maintain the child/youth in the home, or prevent or eliminate the need for removal of the child/youth from the home, or make it possible for the child/youth to return to the home; or when applicable, documentation of the circumstances that exist in which reasonable efforts to prevent removal or reunite the child and the family are not required (see Section 7.304.53, B, 3).
- O. The specified permanency goal for the child/youth shall be based on the individual needs and best interests of the child/youth. Permanency goals shall include one of the following:
- Remain home;
 - Return home;
 - Permanent placement with a relative through adoption;
 - Permanent placement with a relative through legal guardianship or permanent custody;
 - Adoption (non-relative);
 - Legal guardianship/permanent custody (non-relative);
 - Return home through reinstatement of parental rights;
 - Other planned permanent living arrangement through emancipation;
 - Other planned permanent living arrangement through relative long term foster care;
 - Other planned permanent living arrangement through non-relative long term foster care.

Permanency goals shall include the projected date (month, day, and year) by which the goal is to be accomplished for each child/youth receiving services.

1. The initial permanency goal for the child/youth is to return home with the following exceptions:

- a. Children/youth whose parents are both deceased or have both voluntarily relinquished custody;
 - b. Children/youth whose parents cannot be located after family search and engagement activities, which shall begin no later than three working days following placement and shall not exceed three months;
 - c. Children/youth whose parents have been guilty of repeated and/or severe abuse or neglect of the child/youth or the child/youth's siblings such that termination of parental rights of both parents is appropriate; ~~or~~;
 - d. ~~e~~Children/youth for whom it appears, after investigation, that a safe return home will not be possible even with the provision of reasonable efforts; OR
 - E. YOUTH WHO ARE PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM.
2. After twelve months, the child/youth's caseworker and supervisor shall include written justification on the Family Services Plan for continuation of the goal of return home.
 3. After eighteen months, the extraordinary circumstances which exist and the reasons which support the permanency goal of return home shall be documented in the Family Services Plan. Approval of the return home permanency goal by the caseworker, supervisor and county administrative review is documented in the case record.
 4. In concurrent planning cases the alternate permanency goal shall be documented.
 5. The permanency goal of other planned permanent living arrangement through emancipation shall only be used for youth ages sixteen to twenty-one.
 6. For a child/youth who has been in foster care under the responsibility of the state for fifteen (15) of the last twenty-two (22) months, the county shall either file a motion for termination of parental rights no later than the end of the fifteenth (15th) month or document and submit to the court at the next review the compelling reason why it is in the child/youth's best interest not to terminate parental rights.
- P. The steps the agency is taking to find an adoptive or other permanent living arrangement for a child/youth for whom the permanency plan is adoption or placement in another permanent home.
- Q. The permanency goal for the child would be to remain home barring case circumstances that would indicate the need for an alternative permanency goal when a teen mother and her child are placed together in the same foster home and if a case is opened on the child. The county must see the child when visiting the teen mother in the foster home.
- R. Requirements for use of Other Planned Permanent Living Arrangement goals as follows:
1. The county department may consider Other Planned Permanent Living Arrangement (OPPLA) as a permanency goal:

For youth who are sixteen (16) years of age or over and are demonstrating exceptional circumstances that prevent the youth from returning home, adoption, legal guardianship or permanent custody.
 2. The goal shall be reviewed through the use of a family engagement meeting or equivalent team that reviews permanency needs. All of the following shall be submitted to and considered by the review team, and the recommendation shall be submitted to the court.

- a. Documentation pertaining to the completion of an intensive and ongoing examination of kin and permanent connections. This process shall also address:
 - 1) A comprehensive assessment of the youth's strengths and needs. In addition to updating the assessment of the youth's strengths and needs, the updated assessment or staffing shall address the youth's capacity to live within a family setting.
 - 2) This review team shall also consider the youth's desired permanency outcome.
 - b. A detailed description of efforts made to achieve permanency through the other goals and identification of the barriers to achieve them.
 - c. A detailed description of how OPPLA is in the best interest of the youth.
3. The following is to be documented and made available to the court at each court review.
- a. Documentation of the barriers to permanency to date and compelling reasons why the other permanency goals are not attainable.
 - b. Documentation of the youth's desired permanency outcome including giving the youth an opportunity to attend each hearing to voice his/her desired goal.
 - c. Documentation of intensive, ongoing, and as of the date of the hearing, unsuccessful efforts to return the youth home or secure a placement for the youth with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including thorough efforts that utilize technology (including social media) to find biological family members for the youth.
 - d. Documentation of the steps taken to ensure that youth are being supported in-engaging in age or developmentally appropriate activities and social events including:
 - 1) The youth's foster family home or other placement is following the reasonable and prudent parent standard; and,
 - 2) The youth has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including consulting with the youth in an age-appropriate manner about the opportunities of the youth to participate in the activities).
4. Documentation which includes the review team's reasons for approving Other Planned Permanent Living Arrangement (OPPLA) shall also be entered in the Family Service Plan as directed by the Division of Child Welfare.
5. The use of this goal shall be reviewed by a family engagement or equivalent review team at a minimum of every six (6) months. The county shall request that the court review the case every twelve (12) months to determine if the youth is demonstrating exceptional circumstances that prevent the youth from returning home, adoption, legal guardianship or permanent custody.
6. If this goal is not achieved through relative care, a family-like network of significant people shall be developed to provide the youth with a sense of belonging and with support expected to endure over a lifetime.

7. Youth who have an open case through the Foster Youth in Transition Program are presumed to meet the above requirements for a goal of other permanent planned living arrangement through emancipation. The goal shall be reviewed by the court on an annual basis pursuant to 19-7-311, C.R.S.

S. Reinstatement of Parental Rights

1. The county department of human or social services may explore the use of reinstatement of parental rights as a permanency option for:
 - a. Children twelve (12) years of age and older, or child(ren) younger than twelve (12) years of age if they are part of a sibling group where at least one of the child(ren) or youth is twelve or older and is pursuing reinstatement of parental rights; and,
 - b. Child(ren) younger than twelve (12), if they are part of a sibling group where at least one of the child(ren) is twelve or older, and is pursuing reinstatement of parental rights; and,
 - c. Child(ren) who currently do not have a legal parent; and,
 - d. Child(ren) who currently are not in an adoptive placement and not likely to be adopted within a reasonable period of time; and,
 - e. Child(ren) who had all other permanency options exhausted; and,
 - f. Cases when the termination of parental rights was ordered at least three-years-prior or when it is determined by the court to be in the best interest of the Child(ren) when termination occurred less than three years prior to the date of the petition for reinstatement is being filed with the court; and,
 - g. Child(ren) and former parent(s) that consent to parental rights being reinstated; and,
 - h. Child(ren) where it is in their best interest, including the financial best interest, to have parental rights reinstated; and,
 - i. Former parent(s) who have remedied the issues that led to the termination and those issues did not involve founded allegations of sexual abuse or an incident of egregious abuse or neglect against a child, a near fatality, or a suspicious fatality.
 - j. The child is in the legal custody of a county department.
2. A county department of human or social services that identifies reinstatement as a permanency option shall complete an assessment of the former parent(s). Completion of the assessment and the results of the assessment will be documented in the statewide case management system. The assessment shall include all of the following:
 - a. Completing the Colorado family risk assessment tool, which must include a visit and inspection of the former parent's home;
 - b. Reviewing the reasons for the termination of parental rights and determining if the concerns identified have been remedied and do not currently exist or present a safety concern;
 - c. Conducting the following background checks on the former parent(s) and any other adults eighteen (18) years of age or older in their home and share the results with all parties to the case:

- 1) Child abuse/and/or neglect records check in every state where any adult residing in the home has lived in the five years preceding the filing of the petition for reinstatement;
 - 2) Fingerprint-based criminal history checks from the Colorado Bureau of Investigation (CBI), or other state background check if the parent lives in another state, and the Federal Bureau of Investigation (FBI);
 - 3) Review the state Judicial Department's case management system and include in the case record; and,
 - 4) Review the CBI sex offender registry and the national sex offender public website operated by the United States Department of Justice for:
 - a) Known names and addresses of each adult residing in the home; and,
 - b) Address only of the home.
3. A safety assessment shall be completed.
4. Upon the decision to pursue reinstatement of parental rights; only the county department, guardian ad litem, or a child twelve (12) years of age or older may file the petition for reinstatement.
- a. The petition for reinstatement of parental rights should be filed in the county who has custody of the child(ren) through the dependency and neglect court case.
 - b. The petition shall be filed in the dependency and neglect court case where the termination of parental rights occurred for the former parent(s) or in the event that the current open dependency and neglect case is a termination of the adoptive parent's rights, then the petition shall be filed in that court case, as it grants custody of the child(ren) to the county.
 - c. If the county is contacted by a former parent inquiring about reinstatement, the county must notify the guardian ad litem (gal) and child twelve (12) years of age or older within thirty (30) calendar days after the contact and provide them with the name and address of the former parent(s).
 - d. Once the court sets an initial hearing, the county shall develop and report to the court the following:
 - 1) Whether the former parent(s) has remedied the conditions that led to the termination;
 - 2) Based on the assessment of the former parent, including the outcome of the Colorado family risk assessment tool, the transition plan shall include supports or treatment needed for the child(ren) and former parent(s) to help make the reinstatement a success;
 - 3) Whether the former parent(s) can provide a safe and stable home for the child(ren);
 - 4) A visitation or temporary placement plan with the former parent(s) for up to a six month trial period where custody remains with the department; this plan will be approved or modified at this initial hearing.

- a) Updates about the visits, transition plan, and supports shall be provided at each review hearing and no later than thirty (30) calendar days prior to the expiration of the trial home period.
 - b) At any point the placement is deemed no longer safe or in the best interest of the child(ren), removal shall be in accordance with procedures outlined in Sections 19-3-401 and 19-3-403, C.R.S.
- 5) Whether the child(ren) will lose or gain any benefits or services (Medicaid, Chafee, etc.) as a result of the reinstatement being granted.
- 5. If the court grants the order, the county shall select reinstatement of parental rights as the closure reason, in the state automated case management system.
- 6. If the court denies the order the county department shall:
 - a. Arrange for immediate placement of the child(ren), if the child(ren) is still in the former parent's home;
 - b. Set a permanency hearing to determine a new permanency goal and plan for the child(ren).

7.301.241 Education Requirements for Children/Youth in Out-of-Home Placement

- A. Documentation shall be entered into the state automated case management system to address compliance with all requirements in this section, 7.301.241, including designation of responsibilities.
- B. County departments shall coordinate with the local public school, school district, the State Charter School Institute, and/or board of cooperative education services (collectively, "education provider") to ensure educational stability for each "student in out-of-home placement" as defined in § 22-32-138(e) and (h), C.R.S. including those attending public pre-school. County departments shall notify "education providers" upon each school-aged child/youth entering or changing out-of-home placement, even if no school change is being considered.
- C. Each placement of a child/youth shall take into account the appropriateness of the current educational setting and the proximity to the "school of origin" as defined in § 22-32-138(g), C.R.S. See Section 7.301.24, E.
- D. It is presumed to be in a child/youth's best interest to remain in the "school of origin." If transportation is necessary to maintain the child/youth in the "school of origin," this shall be provided in accordance with section 7.301.241, E.

The county shall make a best interest determination prior to any school move resulting from a change in placements unless remaining in the "school of origin" poses a specific, documented threat to the child/youth's safety. The best interest determination process is as follows:

- 1. The best interest discussion and determination shall occur as an in-person meeting when warranted and possible. When an in-person meeting is not warranted or not possible, or for participants unable to attend the meeting, the county department shall consult participants by other means, such as phone or email.

2. The county department shall invite the following people to participate in the best interest determination. If a participant is unavailable or cannot be located, the county shall document the various ways in which attempts were made to engage that participant.

a. Child/youth,

b. Parents,

For purposes of this subsection 7.301.241, the term “parents” includes a natural parent having sole or joint custody, regardless of whether the parent is designated as the primary residential custodian, or a parent allocated parental responsibilities with respect to a child, or an adoptive parent. Parent does not include a person whose parental rights have been terminated pursuant to the provisions of Title 19 of the Colorado Revised Statutes, ~~or~~ the parent of an emancipated minor, OR THE PARENT OF A YOUTH PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM.

c. Caseworker or appropriate designee,

d. Guardian ad litem and/or counsel for youth if one is appointed,

e. Representative from the “school of origin” who knows the child/youth, as determined by the “education provider,”

f. Educational surrogate parent, if any, and

g. Others as relevant and appropriate as determined by the county, which may include but are not limited to future caregiver, court appointed special advocate (CASA), current caregiver, representatives from potential new school, support person for the child/youth.

3. Best interest determination meetings may be incorporated into family engagement meetings. The county department shall protect the family’s confidentiality by including school personnel only in the portion of the meeting regarding the child/youth’s educational needs, unless members consent to their ongoing participation in the meeting.

4. The best interest determination shall address whether it is in the child/youth’s best interests to either:

a. Remain in the same school, or

b. Attend another appropriate school.

The potential new school(s) to consider may include any school in which the child/youth may enroll pursuant to state law and “education provider” policy, including but not limited to C.R.S. § 22-1-102 (defining residence of child), C.R.S. § 22-32-116 (defining exception to exclusion of non- residents), or C.R.S. § 22-20-107.5 (defining residence of child who receives special education). The county department need not consider every possible school; rather the county should identify which school or schools they are considering so the attributes of the specific schools can be considered.

If it is determined to be in the child/youth’s best interest to attend a new school, the best interest determination shall also include the date when the child/youth will change schools. The child/youth shall remain in the “school of origin” until this date. It is presumed to be in a child/youth’s best interest to be in the least restrictive environment and to transfer at natural transitions such as the beginning of the school year or academic term.

5. The county department shall make the best interest determination in collaboration with the “education provider” and other participants and in consideration of the following non-exhaustive factors, as relevant:
 - a. Child/youth’s wishes,
 - b. Child/youth’s safety,
 - c. How the “school of origin” can meet the child/youth’s academic and non-academic needs (including special education, extra-curricular activities, social, emotional, and other needs). In considering the child/youth’s needs, the county department shall give special weight to whether the child/youth has a meaningful and appropriate relationship with an adult at the “school of origin,”
 - d. How the potential new school could meet the child/youth’s academic and non-academic needs, including special education, extra-curricular activities, social, emotional, and other needs,
 - e. How the decision impacts the child/youth’s permanency goal(s), and
 - f. The length of travel and impact on the child/youth.
 - g. The cost of transportation is not a permissible consideration in determining the child/youth’s best interest.
6. If the county determines that it is not in a child/youth’s best interest to remain in the same school, the “education provider” shall immediately, on the date designated in the best interest determination, enroll the child/youth in a new school, even without records normally required for enrollment, pursuant to the Every Student Succeeds Act, 42 U.S.C. § 675(1)(G)(ii). In order to facilitate transfers at natural academic transitions whenever possible, “immediately” means the date designated in the best interest determination, not necessarily the date the determination is made.
7. The county department shall inform the parent(s), guardian ad litem and/or counsel for youth, and educational surrogate parent, if any, AND THE YOUTH IF THEY ARE PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM of the best interest determination within one business day of making the determination. The notification shall serve as the first day in the dispute resolution time frames described in section 7.301.24, D, 8.
8. Disputes regarding best interest determinations shall be handled in a manner that promotes the child/youth’s safety and stability, as follows:

If the parent(s), guardian ad litem, child/YOUTH twelve (12) years of age or older, and/or educational surrogate parent, if any, is a party to an accompanying court case and disagrees with the county department’s best interest determination, he or she must file a motion with the juvenile court to seek judicial resolution. Such a motion must be filed within three business days of the notice of the county’s determination. If the county receives such a motion, the child/youth shall remain in the “school of origin” pending dispute resolution, unless remaining in the school poses a specific, documented threat to the child/youth’s safety. If such parties indicate their agreement to a school move, the county need not delay the move pending the three-day appeal period.
- E. County departments and “education providers” shall collaborate to ensure that children in foster care needing transportation to the “school of origin” will promptly receive transportation in a cost-effective manner. County departments and “education providers” shall collaborate to develop systems-level transportation plans, including how transportation will be provided, arranged, and funded for the duration of time the child/youth is in out-of-home placement and, if accepted by the

family, the remainder of the academic term during which a child/youth exits out-of-home placement. Transportation plans may be developed at the local and/or regional levels.

- F. County departments shall document efforts to ensure the child/youth meets the state compulsory attendance requirements.
- G. Procedures for special education evaluations when children are in out-of-home care:
 - 1. If a child/youth is suspected to have a disability affecting his or her education, the caseworker shall make a written referral for a special education evaluation to the designated representatives of the child/youth's "education provider" of jurisdiction, which is the "education provider" where the child is a resident for educational purposes, before a non-emergency placement in a residential child care facility.
 - 2. Upon any placement of a child/youth with a disability or suspected of having a disability into a residential child care facility, the caseworker shall make a verbal notification within five working days and a written notification within fifteen calendar days to the "education provider" of jurisdiction after the placement.
 - 3. Educational costs of placements are not reimbursable to the county department until after notice of the placement is given to the "education provider" of jurisdiction.
 - 4. If the special education evaluation results in a determination that the child/youth is disabled pursuant to section 504 of the Rehabilitation Act and/or the Individuals with Disabilities Education Act, which means that the child/youth qualifies for disability accommodations and/or special education services, the county and "education provider" of jurisdiction shall meet to determine if the educational needs of the child/youth can be met in the placement or the Core Services program.
 - 5. If the child/youth is not eligible for disability accommodations and/or special education services, the county may be responsible for educational costs.

7.303.4 HUMAN TRAFFICKING [Eff. 11/1/15]

- A. In any open Program Area 4, 5 or 6, when the county department of human or social services has reason to believe a child/youth is, or is at risk of being, a victim of ~~sex~~HUMAN trafficking the county department shall:
 - 1. screen the child/youth for risk of ~~sex~~HUMAN trafficking using a state approved ~~sex~~HUMAN trafficking screen;
 - 2. determine service needs;
 - 3. Document the details of the SCREEN, assessment, and services in the state automated case management system;
 - 4. Report immediately, and no later than twenty-four (24) hours from when the county department becomes aware, to the local law enforcement agency; and,
 - 5. Document the details of the report to law enforcement in the state automated case management system.
- B. If a child/youth who is in the legal custody of the county department of human or social services OR OF WHOM THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES HAS AUTHORITY FOR PLACEMENT is missing, then the county departments shall:

1. Report immediately and no later than twenty-four (24) hours from when the county department receives notification that the child/youth is missing, to the local law enforcement agency and to the National Center for Missing and Exploited Children (NCMEC). The county department shall document the details of the reports in the state automated case management system.
2. Make reasonable efforts to locate a child/youth who is missing and document those efforts a minimum of once per month in the state automated case management system:
3. Upon the return of the child/youth, make reasonable efforts to complete the following activities and document those efforts in the state automated case management system:
 - a. Determine the primary factors that contributed to the child/youth being missing;
 - b. Determine the child/youth's experiences while missing, including conducting ~~sex~~HUMAN trafficking screen to determine if the child/youth is a possible ~~sex~~HUMAN trafficking victim; and,
 - c. Respond to factors identified in 3, A and B, above, in current and subsequent services.

7.304.53 Court-Related Procedures [Rev. eff. 12/1/18]

- A. County department staff shall work with the courts in order to best serve families, children, and adults. This includes, but is not limited to:
 1. Providing competent and appropriate testimony. When the case involves the Indian Child Welfare Act, testimony shall be provided by a qualified expert witness (see Indian Child Welfare Act, "Definitions", Section 7.309.1, L).
 2. Identifying witnesses and evidence to be presented.
 3. Being in compliance with the Indian Child Welfare Act.
 4. Working with the legal representative of the county department and all other attorneys involved to serve the best interest of the child(ren) and family.
 5. Ensuring that the court is provided names and addresses of parents, foster parents, pre-adoptive parents, and kin who are providing out of home care for a child in order that the court can inform and allow these individuals an opportunity to be heard at all hearings and reviews involving the child.
- B. The county department shall document the following court related procedures in the case file:
 1. The child and family's legal status including custody, guardianship, parental rights, and other judgments issued by the court(s) of jurisdiction. The term "allocation of parental responsibilities" when used by the court shall be interpreted to mean custody for child welfare purposes. The term "allocation of parental responsibilities" shall not be used as a permanency goal.
 2. Title IV-E related documents described in Section 7.001.41,B, of this staff manual.
 3. The reasonable efforts which have been made to prevent removal of the child from her/his home, the reasonable efforts that have been or will be made to return the child to

her/his home, and the reasonable efforts to finalize a permanent plan. The specific actions taken shall be documented and submitted to the court. When the case involves the Indian Child Welfare Act, "active efforts" rather than "reasonable efforts" must be provided (see Indian Child Welfare Act, "Definitions", Section 7.309.1, A).

When applicable, the county department shall document and submit to the court existing circumstances in which the court may determine that reasonable efforts are not required to prevent a child's removal from the home or to reunify the child and family. These circumstances are:

- a. A court has determined that the parent has subjected the child to aggravated circumstances as specified in Section 19-3-604(1) and (2), C.R.S.
 - b. A court has determined that the parent has been convicted of:
 - 1) murder or voluntary manslaughter of another child of the parent; or,
 - 2) aiding or abetting, attempting, conspiring, or soliciting to commit murder; or, voluntary manslaughter of another child of the parent; or,
 - 3) felony assault that results in serious injury to the child or another child of the parent.
 - c. The parental rights of the parent with respect to a sibling have been terminated involuntarily unless the prior sibling termination resulted from a parent delivering a child to a firefighter or a hospital staff member pursuant to the provisions of Section 19 3 304.5, C.R.S.
 - D. PURSUANT TO SECTION 19-7-307 (2), C.R.S. YOUTH WHO ARE PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM AS DESCRIBED IN 12 CCR 2509-03; 7.203.4, ET.SEC.
4. That the court and the parents are notified of any change in placement before the change unless the child is in immediate danger.
 5. That a record is kept of all visits and of reasons planned visits did not occur.
 6. That the court, the parents, and the child are given written notice ten days before any determination which affects the parent's visitation rights, unless the child's health or well being is endangered by delaying action or would be endangered if prior notice was given. The caseworker shall keep a copy of this notification in the case record.
 7. The treatment plans, including the Family Services Plan and court ordered plan, that have been attempted to return the child to the family home.
 8. That the county has requested the court, in its periodic reviews, to make findings regarding the continued necessity and appropriateness of placement, the extent of compliance with the case plan, the extent of progress which has been made toward alleviating or mitigating the causes necessitating the placement, and projecting a likely date by which the child may be returned home or placed in an alternate permanent living arrangement.
- C. The county department shall file a dependency and neglect petition when there are protective service issues that either present imminent danger or indicate that the environment is injurious and the case requires court jurisdiction.
 - D. When protective issues are not significant, county departments may refer children with intellectual, physical, or emotional disabilities to community or home-based services. If

homebased or community services are not sufficient or successful, the county department may offer voluntary out-of-home placements for children who meet the criteria. If voluntary out-of-home placements are not offered, the county department shall have a written policy stating that voluntary placements are not provided.

The county department shall ensure that a placement contract is signed before a voluntary placement is made. The county department shall:

1. File a Petition for Review of Need for Placement within 90 calendar days of placement, if the placement is expected to exceed 90 calendar days.
 2. Ensure that the child's parents, guardian, and legal custodian are informed of the substance of the Petition for Review of Need for Placement.
 3. File a review report with the court every six months, thereafter, or more frequently, when ordered by the court, until the placement is ended. When an Administrative Review conducted by the Administrative Review Division substitutes for a court review, a summary containing the same information as would be submitted to the court shall be completed and filed in the case record in accordance with 7.601.6, B. The county department shall submit this written summary with the Administrative Review findings to the court.
 4. Ensure that a court decree giving the county placement and care responsibility is obtained within 180 calendar days of placement. The order must state that continued placement is in the best interests of the child and either that reasonable efforts have been made to reunite the child and family or that the plan is for the child not to return home.
 5. Ensure that the permanency planning hearing order for voluntary placements conforms with the requirements discussed under that section.
- E. When a child is returned to the home, the county shall request the court to return legal custody of the child to the parent or guardian, except in cases covered by the Interstate Compact for the Placement of Children.
- F. When a child is removed from the home, the county department must initiate a request for temporary custody hearing per Sections 19-3-312 and 19-3-401, C.R.S. The Family Services Plan shall be used as an Interim Treatment Plan in Court involved cases, to be available 30 calendar days after the child's removal from the home or 30 calendar days after filing of the petition, whichever is earlier.
- G. The county department shall notify the court of jurisdiction and other parties within 10 calendar days of receipt of a report that a child has run away from placement.
- H. Copies of Administrative Review findings shall be filed in the case record and a summary of those findings shall be included in court reports. For those cases in which an Administrative Review substitutes for court reviews, counties shall submit a copy of the actual review findings to the court with the county's court report.
- I. Recommendations to the court regarding out-of-home placement of a child who has been adjudicated a delinquent, shall contain specific facts and reasons supporting the recommendations and the cost of the recommended placement.
- J. When a child is temporarily absent from placement because he or she is in detention, psychiatric or medical hospitalization, or on a trial visit home, the placement is considered to be continuous for up to six months for Federal review purposes if the county retains legal custody or has placement and care responsibility through a voluntary placement agreement or Petition to Review the Need for Placement. If the child returns to out-of-home placement during this time, a new removal order is not needed. Within the trial home visit time period, when the agency determines

it is in the best interest of the child to continue to live in the planned permanent home, the county agency shall request the court to consider relieving the department of custody in these cases.

- K. A trial home visit shall occur when it is necessary to assess the child's or youth's safety and well-being while residing in the planned permanent home. The time period of the trial home visit shall be determined by the agency and reviewed by the court as part of the reunification process prior to the permanent custodial return of the child or youth to the parents or planned caregivers.
 - 1. Trial home visits shall be documented in the State Department's automated data system.
 - 2. A trial home visit may exceed six months in duration if a court orders a longer trial home visit. If a trial home visit extends beyond six months and has not been authorized by the court or exceeds the time period the court has deemed appropriate, and the child is subsequently returned to foster care, that removal must then be considered a new removal and Title IV-E eligibility must be newly established. Under these circumstances, the judicial determination regarding contrary to the welfare and reasonable efforts to prevent removal are required.
- L. Change in Venue procedures are outlined in Section 7.304.4, F, G, and H.
- M. When court-ordered, the county department of human or social services shall share a foster care home, kinship foster care home, and/or non-certified kinship care home provider's reports of fingerprint-based criminal history record information check generated from the Colorado Bureau of Investigation (CBI) and Federal Bureau of Investigation (FBI) with the guardian ad litem, related to the placement of a child and/or youth in out-of-home care.

7.304.65 Administrative Review [Rev. eff 9/1/19]

Definition:

Administrative Review means a review conducted by the Colorado Department of Human Services, Administrative Review Division, that is open to the participation of the parents of the child, the child (if age appropriate, as determined by the caseworker), and the out-of-home care provider, pre-adoptive parents, or relatives/kin who are providing out-of-home care for the child; and conducted by an Administrative Reviewer, who is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review. If there is no objection by any party to the action, the court may order that an Administrative Review substitute for a six (6) month periodic review. All attorneys of record must be invited to court ordered Administrative Reviews.

- A. The county department shall participate in the statewide Administrative Review system for all children in foster care who meet the criteria for inclusion in the review system.
- B. The county department shall provide all required case records, documentation and information to the Administrative Reviewer no later than 8:00 a.m. the day of the scheduled review to allow the reviewer sufficient time to read the case file in its entirety prior to each scheduled review. If the hard copy case record is not available to the reviewer by 8:00 a.m. the day of the scheduled review, case information shall be obtained through the Department's statewide automated system.
- C. The county department shall provide office space for case record review and face-to-face reviews, access to the Department's statewide automated system, and teleconference capability.
- D. The county department shall coordinate, with the Administrative Reviewer, timely scheduling of all initial and subsequent Administrative Reviews.

E. ~~The county department shall invite parents, the child (if age appropriate as determined by the caseworker), out of home care providers, pre-adoptive parents, relatives/kin who are providing out of home care for the child, and the guardian ad litem, to the Administrative Review in order that these individuals will have a right to be heard. All invitees shall be encouraged to attend.~~ THE COUNTY DEPARTMENT SHALL INVITE THE FOLLOWING TO THE ADMINISTRATIVE REVIEWS, SO THAT THESE INDIVIDUALS WILL HAVE A RIGHT TO BE HEARD, AND ALL INVITEES SHALL BE ENCOURAGED TO ATTEND:

1. FOR OUT-OF-HOME CASE REVIEWS, THE FOLLOWING SHALL BE INVITED:

- A. PARENTS,
- B. THE CHILD (IF AGE-APPROPRIATE AS DETERMINED BY THE CASEWORKER),
- C. OUT-OF-HOME CARE PROVIDERS,
- D. PRE-ADOPTIVE PARENTS,
- E. RELATIVES/KIN WHO ARE PROVIDING OUT-OF-HOME CARE FOR THE CHILD, AND,
- F. GUARDIAN AD LITEM AND/OR COUNSEL FOR YOUTH.

2. FOR FOSTER YOUTH IN TRANSITION REVIEWS, THE YOUTH SHALL BE INVITED TO THE REVIEW AND OFFERED THE OPPORTUNITY TO INVITE THE FOLLOWING:

- A. PARENTS,
- B. OUT-OF-HOME CARE PROVIDERS,
- C. PRE-ADOPTIVE PARENTS,
- D. RELATIVES/KIN WHO ARE PROVIDING OUT-OF-HOME CARE,
- E. THE GUARDIAN AD LITEM (IF APPLICABLE), AND
- F. COUNSEL FOR YOUTH.

F. If an Administrative Review has been ordered by the court and no objection has been made to the substitution of the Administrative Review for the six (6) month periodic court review, the county department shall also invite to the review all attorneys of record in the case. When an Administrative Review substitutes for a six month periodic court review, the county department shall complete a case summary containing the same information that would be submitted in a court report as required in Section 7.601.6 B, and the county shall submit this written summary with the Administrative Review findings to the court.

G. The county department shall send letters of invitation to all review participants at least two weeks prior to scheduled reviews, and ensure that invited parties are properly documented in the Department's statewide automated system prior to the time of the review. The parent or Indian custodian and the Indian child's tribe shall be sent letter(s) of invitation at least two weeks prior to the scheduled review by certified or registered mail with return receipt requested. All other invitations may be sent by electronic mail. Invitations shall include date, time, location, and purpose of the review. If the case involves an Indian child, the requirements of the pending court proceedings section of the Indian Child Welfare Act, Pub.L. 95-608, Title i, § 102, 92 stat. 3071 (1978), codified at 25 U.S.C. § 1912(a) (2018), which is hereby incorporated by reference, applies. No later amendments or editions are incorporated. Copies are available for public inspection by contacting the ARD Director during regular business hours at Colorado Department

of Human Services, Administrative Review Division, 4045 S. Lowell Blvd., Denver, Colorado 80236; or at a state publications depository library.

- H. The county department shall encourage all invitees to attend Administrative Reviews (see Section 7.304.661, A, regarding, provider attendance). If an individual is unable to attend, participation by conference call shall be offered.
- I. Administrative Reviews shall be held at the county department having custody of the child, irrespective of the location of the child's placement.

J. Administrative Review Findings

- 1. Copies of Administrative Review findings shall be maintained in the Department's statewide automated system and a summary of those findings shall be included in court reports. For those cases in which an Administrative Review substitutes for a six month periodic court review, counties shall submit a copy of the actual review findings to the court with the county's court report.
- 2. For all narrative findings that contain "Issues for County Administration", the county is required to respond to the Administrative Review Division within the time frame specified in the narrative depending on the issue identified.
 - a. A county response shall be sent to the Administrative Review Division.
 - b. If the county response is considered sufficient and timely, no further action is taken and the county shall be notified in writing within five (5) working days.
 - c. If the county's response is not timely or sufficient, notification will be given to the county and appropriate division(s) representative for further follow up/action.
 - d. An internal meeting will be held with the appropriate division(s) and their representatives within a maximum of twenty (20) working days to determine next steps and time frames for resolution.
 - e. If the issues are unresolved, a corrective action process may be pursued.

K. Confidentiality

- 1. The federal confidentiality requirements at Section 471(a)(8) of the Social Security Act provide safeguards which restrict the use of, or disclosure of, information concerning individuals served by the child welfare agency, and these same rules apply to the Administrative Review process.
- 2. Audio and/or video recording of Administrative Reviews shall not occur without releases of confidentiality forms signed by all parties to the case prior to recording.

7.305.2 SPECIFIC PROCEDURES

- A. The county department shall assess all youth in foster care who have reached the age of fourteen (14) for services to prepare for adulthood and shall complete the Roadmap to Success part of the

Family Services Plan (FSP). This is required regardless of the specified permanency goal of the case plan.

- B. The county department's assessment shall include documentation of:
1. The youth's capacity for self-sufficiency and self-support by reviewing daily living skills, in consideration of their age and appropriate developmental expectations/milestones.
 2. An evaluation of individual, family, community, and financial support resources available to promote emancipation or semi-independent living.
- C. Following assessment, the Roadmap to Success (RTS) shall be developed in consultation with the youth, caseworker, care provider(s), and, at the option of the youth, up to two (2) other significant persons chosen by the youth who are not the foster parent or caseworker for the youth and documented in the FSP in the state automated system. If the county department of human or social services has good cause to believe an individual selected by the youth will not act in his or her best interest, the planning team may designate another advocate for the youth.
1. The case plan and court report following a staffing or meeting shall describe the services to help the youth transition to successful adulthood including, but not limited to, participation in on-going opportunities to engage in age and developmentally appropriate activities, and, if the youth is pregnant and/or a parent, the parenting supports provided to the youth.-
 2. The case plan shall document the rights of the youth to education, health, visitation, court participation, the right to stay safe and avoid exploitation, and the right to receive a credit report annually. A signed acknowledgement that the youth was provided a copy of these rights and that they were explained in an age or developmentally appropriate way shall be included in the case plan.
- D. A SUPERVISED INDEPENDENT LIVING PLACEMENT IS AN OUT-OF HOME PLACEMENT AND the county department may utilize a Supervised Independent Living placement for:
1. Youth at least sixteen (16) years of age through the last day of the month of their twenty-first (21) birthday when:
 - A. The county has placement and care responsibility.
 - B. Approved supervised independent living placement settings may include an approved college dormitory, transitional living program, an apartment or other private housing, or another age or developmentally appropriate placement. ~~Professional contact and ongoing support must meet section 7.302.1 requirements.~~
 - C. The use of a supervised independent living placement for youth ages sixteen (16) up to eighteen (18) may only be utilized after considering the youth's developmental needs and assets, supports that are available to the youth, and documentation in case notes that all other options have been exhausted.
 - D. For youth ages sixteen (16) up to eighteen (18) placement in a supervised independent living placement must follow a period in out-of-home care.
 - E. 1. ~~For counties to be reimbursed for this placement, the youth must be over age 18 and the placement must align with requirements set forth in 7.406.1, g ADULTS RESIDING IN THE HOUSEHOLD WITH THE YOUTH WHEN THE PLACEMENT IS NOT A COLLEGE DORMITORY OPERATED BY AN INSTITUTION OF~~

HIGHER EDUCATION SHALL BE REQUIRED TO SUCCESSFULLY COMPLETE BACKGROUND CHECKS AS DESCRIBED IN 12 CCR 2509-05.

- EF. An update to the existing Roadmap to Success (RTS) must be completed, preferably within 30 days prior to, but no later than 30 days after, the start date of the supervised independent living placement.
 - FG. The county department shall establish a written policy for the use of supervised independent living placement. The policy shall address the following:
 - I. Assessing each youth's readiness to be successful in a supervised independent living placement, the safety of the placement, the availability of supportive services and resources for youth transitioning into adulthood, any county-specific policies around caseworker contact with the youth, and the process for ongoing review.
 - II. Supervised independent living placement funds shall be provided to the youth and be sufficient to have their needs met as identified in 7.708.26, 7.708.31, 7.708.41, 7.708.42, and 7.708.43, as well as having access to a working telephone and internet.
 - III. Additional supervised independent living placement funds may be provided to the youth as AN incentive for progress towards and/or achievement of goals.
 - IV. Decisions to withhold supervised independent living placement funds provided to the youth per section (III) shall not reduce the amount provided per subsection (II) and must be according to defined guidelines found in the county policy.
 - V. Defined appeal process and notification procedures for youth whose supervised independent living placement funds under subsection (III) are withheld.
 - VI. Defined process for how and when a supervised independent living placement may be terminated. The policy must address potential termination reasons including, but not limited to, concerns for current or impending danger or court case closure.
 - GH. A signed copy of the supervised independent living placement agreement and a signed expectations/acknowledgement that the youth was provided a copy of the county guidelines. These documents shall be explained in an age or developmentally appropriate way and shall be included in the case file.
- E. Free Annual Credit Record Report for Youth Fourteen (14) Years of Age and Older in Foster Care
- The following steps shall be taken:
- 1. The county department shall obtain free annual credit report information from the three credit reporting agencies designated by the Department for youth who are in foster care and are at least fourteen (14) years of age, and provide the information to the youth and Guardian ad Litem (GAL) and/or counsel for youth;

2. If the youth objects to obtaining the credit report, the county department shall inform the court and request that the court issue an order authorizing the county to obtain the credit report.
 3. The county department shall maintain a copy of each credit report in the case record; and,
 4. Should the annual report show evidence of any inaccuracies, the county department shall inform the court of the inaccuracies, refer the youth to a Colorado Department of Human Services approved governmental or non-profit entity to resolve the inaccuracies, and inform the GAL AND/OR COUNSEL FOR YOUTH of the referral.
- F. The youth, county department caseworker, provider(s), and other representatives of the youth as appropriate, shall jointly develop a detailed, formal emancipation transition plan no more than ninety (90) days prior to the emancipation date of the youth. The plan, signed by all parties, shall include, but need not be limited to, the following:
1. Assurance that the plan meets the specific self-sufficiency/cost of living standard in the county or state where the youth plans to reside.
 2. a plan shall be developed with the youth based on the information from the assessment and the youth's goals.
 3. Personalization at the direction of the youth to meet the individual emancipation needs in order to help prevent homelessness.
 4. Copies of verifiable vital documents required in Section 7.305.5.
 5. Specific options for:
 - a. Housing,
 - b. Health insurance and health care decision-making information,
 - c. Education,
 - d. Local opportunities for safe mentors,
 - e. Continuing after-care support services, and
 - f. Work force supports and employment services.
 6. The plan shall be documented in the State Department's automated system in the Family Services Plan, and a copy given to the youth free of charge.