1 DEPARTMENT OF HUMAN SERVICES Social Services Rules OVERVIEW OF CHILD WELFARE SERVICES 12 CCR 2509 -1 [Editor’s Notes follow the text of the rules at the end of this CCR Document.] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 7.000 OVERVIEW OF CHILD WELFARE SERVICES – PROGRAM AREAS AND TARGET GROUPS FOR 3, 4, 5, 6, AND 7 Child Welfare Services constitutes a specialized set of services defined at Section 26 -5-101(3), C.R.S., that are intended to strengthen the ability of families to protect and care for their own children, prevent involvement or continued involvement in the child welfare system, minimize harm to children and youth, and ensure permanency planning. The goal of the treatment/prevention plan shall be to support the intactness of families, when appropriate, through the provision of services aimed at stabilizing the family situation and strengthening the parents/guardians in fulfilling their parental responsibilities to their children. Intervention shall be guided by respect for the family's integrity, knowledge of the legal bases for action, and sound social work practice. The following principles shall underlie the provision of Child Welfare Services: A. Children and youth, including youth who have run away, are experiencing homelessness, or who are unaccompanied, shall have the right to be raised in an environment free from abuse or neglect preferably by their families of origin by providing reasonable efforts to maintain the family unit through the provision of in -home services. B. Placement shall be considered when there is evidence that leaving the child in the home would jeopardize the safety of the child or the community. Reasonable efforts shall be made to prevent placement or to reunite the family as soon as safely possible if removal is necessary. In determining reasonable efforts to be made, and in making such reasonable efforts, the child's health and safety shall be the paramount concern. A court may determine that reasonable efforts shall not be required; otherwise, reasonable efforts shall be made to preserve and reunify families. C. Appropriate and culturally competent and trauma informed services that promote safety shall be provided to families, children, and youth in their own homes and in out -of-home placements. D. Children and youth who have been removed from the care of their parents shall have the right to a diligent search according to Section 7.304.52 (12 CCR 2509 -4) for extended family members who can be considered as placement resources, to be placed in a safe environment, to not be moved indiscriminately from one placement to another, and to have the assurance of a permanency plan. It is the responsibility of all adults involved in a child/youth’s life, including but not limited to county department personnel, parents, foster parents, adoptive parent/s, Guardians Ad Litem, counsel for youth, Court -Appointed Special Advocates, next of kin, treatment providers, and others, to seek opportunities to foster sibling relationships, to promote continuity, and to help sustain family relationships. E. Consideration of the child's age, culture, language, religion, and other needs shall guide the choice of all services provided. Race, color, and national origin of the child and the prospective parents are considered in foster and adoptive placements only in extraordinary circumstances. CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 2 F. Case planning shall involve the parents so that relevant services can be provided to permit timely rehabilitation and reunification. G. Child Welfare Services shall be provided in collaboration with other community agencies on behalf of children, youth, and their families. Assessment tools or resources available through these community agencies shall be incorporated in the assessment, based on the culture and other needs of the family. 7.000.1 PROGRAM AREAS (PA) AND TARGET GROUPS Services are available from county departments in the following Program Areas: A. Program for Prevention and Intervention Services to Children, Youth and Families at Risk of Involvement with Child Welfare (PA3) The Program Area 3 (PA3) program provides prevention and intervention services for children, youth, and families at risk of involvement with child welfare. Services may be provided to assist families to safely care for their children. B. Program for Youth in Conflict (PA 4) Program Area 4 services are provided to reduce or eliminate conflicts between a child/youth and their family members, which may include the community, when those conflicts affect the child/youth's well -being, the normal functioning of the family or the well -being of the community. The focus of services shall be on alleviating conflicts, protecting the child/youth, family, and the community, re -establishing family stability, and/or assisting the youth to emancipate successfully. Target groups for Program Area 4 are children/youth who are youth in conflict, as defined in 7.000.2. C. Program for Children in Need of Protection (PA 5) Program Area 5 services are provided to protect children, whose physical, mental or emotional well-being is threatened by the actions or omissions of parents, legal guardians or custodians, or persons responsible for providing out -of-home care, including a foster parents, an employee of a residential child care facility, and a provider of family child care or center -based child care. Target groups for Program Area 5 are children whose physical, mental, or emotional well -being is threatened or harmed due to the abuse or neglect and children who are subjected to circumstances in which there is a reasonable likelihood that they are at risk of harm due to abuse or neglect by their parents or caretakers which shall include children who are alleged to be responsible for the abuse or neglect and are under the age of ten (10). D. Program for Children and Families in Need of Specialized Services (PA 6) Program Area 6 services are to provide statutorily authorized services to specified children/YOUTH and families in which the reason for service is not protective services or youth in conflict. These services are limited to children/youth and families in need of adoption assistance, relative guardianship assistance, or Medicaid only services, to children/youth for whom the goal is no longer reunification, or youth who opt into services provided by the Foster Youth in Transition Program as established in § 19 -7-301, C.R.S. The purpose of services in Program Area 6 is to fulfill statutory requirements in the interests of permanency planning for children/youth. Children/youth must meet specific program requirements to receive services under the target groups. CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 3 Target Group information is located at Section 7.203 (12 CCR 2509 -3). E. Program for Resource Development (PA 7) The purpose of Program Area 7 is to develop and coordinate the external resources necessary to fulfill the objectives of the social services programs. Target Groups served by this program area are the individuals who will be serving children and families in such roles as volunteers, foster or kinship parents for children, adults, personal caregivers, homemakers or child care parents, or adoptive parents. 7.000.2 DEFINITIONS [Rev. eff. 1/1/16] A: The following are definitions of commonly used terms used in these rules: “Abuse ” or “child abuse and/or neglect ” is defined in Section 19 -1-103(1) and 19 -3-102(1), C.R.S. “Actual knowledge ” means direct and clear awareness of something, such as a fact or condition. “Affected by alcohol or substance exposure ” A child is born affected by alcohol or substance exposure when it impacts the child’s physical, developmental, and/or behavioral response. “Age or developmentally appropriate ” means 1. Generally considered as suitable for children and youth of the same chronological age or level of maturity, or that are determined to be developmentally appropriate based upon the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and, 2. In the case of a specific child or youth, suitable for the child or youth based on the developmental stages attained, and with respect to the cognitive, emotional, physical, and behavioral capacities of the child or youth. “Agency response ” means the protocol prescribed by the state and county departments that guides practice pertaining to the protection of children in the dual -track response system. “Application ” means an action by a person or an authorized representative who indicates verbally or in writing to the county department a desire to receive human/social services. “Assessment ” means the work conducted by a case worker to engage the family and the community to gather information to identify the safety, risks, needs and strengths of a child, youth, family, and community to determine the actions needed. “Assessment ” and “investigation, ” as used in Sections 19 -3-308 - 19-3-308.5, C.R.S., are interchangeable in these rules. “Authorized caregiver ” means an individual or agency who is authorized by a parent, guardian or custodian to provide care to a child and who agrees to provide such care. The authorization may be temporary and need not be in writing unless otherwise required by law. “Background check ” means a set of required records that are obtained and analyzed to determine whether the history of a prospective foster parent, kinship foster parent, or non -certified kin meets legal and safety criteria when considering the placement or continued placement of children and youth in the care of the person(s). The checks include all adults residing in the home. The following individual checks are required pursuant to Sections 19 -3-406, 19 -3-407, and 26 -6- 106.3, C.R.S.: CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 4 1. CBI and FBI fingerprint -based criminal history record information checks; 2. State Judicial Department court case management system checks; 3. State automated case management system and child abuse and/or neglect registry checks in all states that adults living in the home have resided in the five years preceding the date of application; and, 4. The CBI sex offender registry checks and national sex offender public website, publicly operated by the United States Department of Justice using the following minimum criteria: a. Known names and addresses of each adult residing in the home; and, b. Address only of the residence. “Caregiver ” means a child's parent, stepparent, guardian, legal custodian, relative, or any other person who resides in the child's home or who is regularly in the child's home for the purpose of exercising care over the child. It also includes the spousal equivalent or domestic partner of a parent or legal guardian. A “caregiver ” shall not include a person who is regularly in the child's home for the purpose of rendering care for the child if such person is paid for rendering care and is not related to the child. “Certificate ” means a legal document granting permission to operate a foster care home or a kinship foster care home. “Child ” means any person from birth to eighteen (18) years of age. “Child Abuse and Neglect Reporting Hotline System ” or “the hotline system ” is the telephone system that: 1. Routes calls that are received through the toll -free, statewide child abuse and neglect hotline or county dedicated child abuse and neglect reporting telephone lines to the applicable entity responsible for accepting a report of child abuse and/or neglect, or the applicable entity responsible for responding to an inquiry; 2. Records calls; and, 3. Captures call data including but not limited to call volume, average call wait time, and average call duration. “Child Care Service ” means care of a child under the age of thirteen (13) years for a portion of a day, but less than twenty -four (24) hours. These services may be provided in the child’s own home by a person other than the parent or the primary caregiver in a relative home, an exempt day care home, in a licensed or certified day care home, or licensed group day care facility. Older children who need protection or have a special need may be approved for service by the county department. “Child in need of services ” includes a child who receives services regardless of whether the services are court ordered, county provided or voluntarily arranged by the family, or a child who needs services even if the services are not provided. “Child’s vulnerability ” refers to circumstances that place a child at a greater risk for abuse and/or neglect such as being six years of age or younger or having limited capacity to self -protect or provide self -care due to physical, emotional, and/or cognitive limitations. CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 5 “Child Welfare Child Care ” means child care assistance used to maintain children in their own homes or in the least restrictive out -of-home care when there are no other child care options available. This care is less than twenty -four (24) hours daily. See section 7.302, “Child Welfare Child Care ” (12 CCR 2509 -4). “Child Welfare Services ” are the services and payments for services (other than medical services covered by the “Colorado Medical Assistance Act ”) available, directly or indirectly, through the state and county departments for the benefit of eligible persons pursuant to rules adopted by the State Department or State Board of Human Services. “Client ” means any person applying for or receiving child welfare services from a county department. “Colorado Safety Assessment Tool ” means the tool in the State automated case management system that guides a case worker through a safety assessment process. “Concurrent planning ” means the simultaneous preparation of plans to: 1) Assist the child's parents or caregivers in completing a treatment plan that, when completed successfully will allow the child to return home safely; and, 2) Place the child in a setting that will become the child's permanent home if the parents or caregivers are unable to successfully complete their treatment plan. “Continuously available ” means the assignment of a person to be near an operable telephone, pager system, cellular telephone, or to have such arrangements made through agreements with the local law enforcement agencies. “Convicted ”, for the purposes of the criminal history record information check, means a plea of guilty accepted by the court, including a plea of guilty entered pursuant to a deferred sentence under section 18 -1.3-102, C.R.S., a verdict of guilty by a judge or jury, or a plea of no contest accepted by the court, or having received a disposition as a juvenile or having been adjudicated a juvenile delinquent based on the commission of any act that constitutes sexual assault, as defined in subsection (96.5) of section 19 -1-103, C.R.S. “Counsel for youth ” means an attorney -at-law who provides specialized client directed legal representation for a child or youth and who owes the same duties, including undivided loyalty, confidentiality, and competent representation, to the child or youth as is due an adults client. Counsel for youth may be appointed by a court to represent a child or youth in a proceeding pursuant to articles 1, 3, or 7 of title 19, C.R.S. or may be assigned by the office of the child’s representative pursuant to article 7 of title 19, C.R.S. Counsel for youth does not mean defense counsel for a juvenile pursuant to article 2.5 of title 19, C.R.S. “County Department ” means a county department of human or social services or, if applicable, the county agency responsible for providing child welfare services as defined by Section 26 -5- 101(3), C.R.S. “De novo ” means that when an issue is reviewed, affording no deference to the original decision. “Dedicated Child Abuse and Neglect Reporting Telephone Line ” is a county department telephone number that is used to receive calls related to child abuse and/or neglect. Calls to county departments’ dedicated child abuse and neglect reporting telephone lines will be routed through the statewide hotline system for recording and data collection purposes and routed to the county departments’ hotline workers. CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 6 “Delinquent act ” means a violation of any statute, ordinance, or order enumerated in Section 19 - 2-104(1) (a), C.R.S. If a juvenile is alleged to have committed or is found guilty of a delinquent act, the classification and degree of the offense shall be determined by the statute, ordinance, or order that the petition in delinquency alleges was violated. “Differential Response ” is a dual -track response system for referrals that meet the criteria for assignment. The two response options are the High Risk Assessment (HRA) and the Family Assessment Response (FAR). “Disaster ” means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, hostile military or paramilitary action, or a condition of riot, insurrection, or invasion existing in the state or in any county, city, town, or district in the state as defined in Section 24 -33.5-703(3), C.R.S. “Disqualifying factor ” for the purpose of completing background checks for non -certified kinship care, kinship foster homes, and foster homes, means information that precludes safe placement of a child and/or youth by a county department of human or social services or a child placement agency into a prospective home. Factors include, but are not limited to: 1. A criminal conviction that is prohibited; 2. Confirmed child abuse and/or neglect in the state automated case management system or another state’s child abuse and neglect registry, and following a review of the information, it is determined that the placement is unsafe; 3. Identification of the person(s) or an adult residing in the home on the Colorado Bureau of Investigation (CBI) sex offender registry or the national sex offender public website operated by the United States Department of Justice (excluding youth in the custody of the county department of human or social services); and, 4. Convictions and dispositions in the court case management system that are similar to CBI findings. “Domestic partner ” means a person who is in a family -type living arrangement with a parent and who would be a stepparent if married to that parent. “Domestic partner ” and “spousal equivalent ” are interchangeable in these rules. “Domestic violence ” means the commission or threatened commission of violence, including coercion, control, punishment, intimidation or revenge upon a person by a person with whom there is or was an intimate relationship. “Dually identified crossover youth ” means youth who are currently involved in the juvenile justice system and the child welfare system or have a history in the child welfare system that includes, but is not limited to, a family assessment response service plan or an open case. “Egregious incident of abuse and/or neglect ” means an incident of suspected abuse and/or neglect involving significant violence, torture, use of cruel restraints, or other similar, aggravated circumstance. “Egregious neglect ”, for the purpose of determining severity level, is when the physical or emotional needs of the child are not met and involves significant violence, torture, use of cruel restraints, or other similar, aggravated circumstance. CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 7 “Egregious physical abuse ”, for the purpose of determining severity level, is physical abuse involving significant violence, torture, use of cruel restraints, or other similar, aggravated circumstance. “Emancipation from foster care ” occurs when a youth reaches eighteen (18) years of age and is no longer under the jurisdiction of the court or is married or enters military service. “Emancipation Transition Plan ” means a personalized youth -driven written document that supports emancipation from foster care and is intended to prevent the youth from becoming homeless. “Emergency ” means an unexpected event that places life or property in danger and requires an immediate response through the use of state and community resources and procedures as defined in Section 24 -33.5-703(3.5), C.R.S. “Emotional abuse ” means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk of impairment of the child's intellectual or psychological functioning or development as a result of the action or inaction of the alleged person responsible for abuse and/or neglect. “Environment injurious to the welfare of a child ” is when the environment caused injuries to the welfare of the child or reasonably could be foreseen as threatening to the welfare of the child and is in control of the parent, guardian, custodian or authorized caregiver. “Expunge ” is to designate a report or record as not having existed for the purpose of employment and background screening. However, a founded finding of abuse and/or neglect that is later expunged shall not preclude the county department from maintaining records of the report in the case file or in the state automated case management system for purposes of future safety and risk assessments. “Facility ” means a residential child care facility, specialized group facility, foster care home, family child care home, or any other facility subject to Colorado “Child Care Licensing Act, ” part 1 of article 6 of title 26; noncertified kinship care providers that provide care for children with an open child welfare case who are in the legal custody of a county department; or a facility or community placement, as described in section 19 -2-403, C.R.S., for a juvenile committed to the custody of the department of human services. “Facility ” does not include any adult detention or correctional facility. “Fair Hearing ” means any procedure by which an Administrative Law Judge reviews facts in relation to an adverse action taken by a county department pursuant to Section 3.850 of the Department of Human Services’ Income Maintenance rules (9 CCR 2503 -8). “Family ” means parents, adults fulfilling a parental role, guardians, children, and others individuals related by ancestry, adoption, or marriage or as defined by the family. “Family Assessment Response (FAR) ” means the differential response track established for low and moderate risk situations where no finding of abuse and/or neglect is made. “Family search and engagement ” means the diligent and timely good faith effort to locate and contact any noncustodial parent, all grandparent(s), other adult relatives, and the parent of a sibling of a child/youth who has been removed from their legal custodian’s home. Family search and engagement shall extend beyond the United States, its territories, or Puerto Rico, as appropriate. CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 8 “Family time ” means any form of contact or engagement between parents, legal custodians, guardians, siblings, and children or youth for the purposes of preserving and strengthening family ties. “Fatal neglect, ” for the purpose of determining severity level, is when the physical or medical needs of the child are not met, resulting in death. “Fatal physical abuse, ” for the purpose of determining severity level, means excessive or inappropriate force used resulting in a child's death. “Finding ” means the determination about whether an incident of abuse and/or neglect occurred. “Foster care ” means the placement of a child into the legal custody or legal authority of a county department for physical placement of the child in foster family care homes, certified and non - certified kinship family care homes, or licensed facility. “Foster care home ” means a home that is certified by a county department of human or social services, or licensed child placement agency, pursuant to Section 26 -6-106.3, C.R.S., for child care in a place of residence of a family or person for the purpose of providing twenty -four (24) hour foster care for a child and/or youth under the age of twenty -one years. A foster care home may include foster care for a child and/or youth who is unrelated to the head of the home or foster care provided through a kinship foster care home, but does not include non -certified kinship care defined in Section 19 -1-103(78.7), C.R.S. The term includes any foster care home receiving a child and/or youth for regular twenty - four (24) hour care and any home receiving a child and/or youth from any state -operated institution for child care or from any child placement agency. Foster care home also includes those homes licensed by the Colorado Department of Human Services pursuant to Section 26 -6-104, C.R.S., that receive neither moneys from the counties, nor children and/or youth placed by the counties. “Founded ” means that the abuse and/or neglect assessment established by a preponderance of the evidence that an incident(s) of abuse and/or neglect occurred. “Founded ” can also be utilized in a referral when there is a law enforcement fatality investigation with no surviving child sibling, or a law enforcement investigation of a third party incident of abuse and/or neglect. “Founded ” and “confirmed, ” as used in sections 19 -3-308 - 308.5, C.R.S., are interchangeable in these rules. “Framework ” is a method for organizing and analyzing information as it pertains to child safety. “Good cause ” to modify the process would be limited to emergency conditions or circumstances beyond the control of the party seeking the modification such as, but not limited to, impossibility for a party to meet a specified deadline, incapacity of the party or representative, lack of proper notice of the availability of the appeal process, additional time required to obtain documents which were timely requested but not delivered, or other situations which would prevent a reasonable person from meeting a deadline or complying with the process without modification. “Gray Area ” is a heading included in the RED Team framework. This section captures any information, questions or areas needing further exploration. This may include risk factors that require some type of follow up to determine their validity and impact on the child(ren). Information captured in the “Gray Area ” section may be routinely reviewed by child welfare staff to determine trends, or potential areas needing further discussion and /or elaboration when gathering information from reporters. CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 9 “Guardian ad litem ” means a person appointed by a court to act in the best interests of a person whom the person appointed is representing in proceedings pursuant to title 19, C.R.S. and who, if appointed to represent a person in a dependency and neglect proceeding pursuant to article 3 of title 19, C.R.S. must be an attorney -at-law licensed to practice law in Colorado. “High Risk Assessment (HRA) ” means the differential response track established for high risk situations where the alleged victim child(ren) are identified and a finding of abuse and/or neglect is made. “Hotline County Connection Center ” is an entity contracted by the State Department to route calls to county departments, and at county departments’ request subject to the approval of the State Department’s Executive Director, receive reports and inquiries on their behalf. “Household ” is defined as: 1. One or more adult(s) and child(ren), if any, related by blood, or law, residing together. 2. Where adults, other than spouses, domestic partners, or spousal equivalent reside together, each is considered a separate household. Emancipated minors and children living under the care of individuals not legally responsible for that care are also considered separate households. 3. When determining monthly gross income in establishing a foster care fee, a stepparent, who is not legally responsible for a child, is not considered a member of the household. Stepchildren for whom the custodial parent(s) are not legally responsible are not considered part of the household in establishing a foster care fee. “Housing First ” means an approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as sobriety, treatment or service participation requirements. Supportive services are offered to maximize housing stability and prevent returns to homelessness as opposed to addressing predetermined treatment goals prior to permanent housing entry. “Human trafficking ” refers to sex trafficking or trafficking for sexual servitude and/or labor trafficking or involuntary servitude. • “Sex trafficking ” or “human trafficking of a minor for sexual servitude ” means a child/youth trades sex or sexual activity in exchange for something of value. Sex trafficking occurs when a child/youth is exploited (sold, recruited, harbored, transported, transferred, isolated, enticed, provided, received, or obtained) by any means, maintained or made available by a family member, institution, or third party for purposes of commercial sexual activity. • “Labor trafficking ” or “human trafficking for involuntary servitude ” means a child/youth is coerced to perform labor services. Labor trafficking occurs when a child/youth is exploited (sold, recruited, harbored, transported, transferred, isolated, enticed, provided, received, or obtained) by a family member, institution, or third party for purposes of forcing the youth to perform labor or labor services. “Human trafficking screen ” is the tool used by child welfare staff to identify risk factors associated with human trafficking. CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 10 “Impending danger ” means a threat(s) to child safety not occurring at present but likely to occur in the near future and likely to result in moderate to severe harm to a child. “Inconclusive ” means that the abuse and/or neglect assessment established that there was some likelihood that an incident(s) of abuse and/or neglect occurred but assessment could not obtain the evidence necessary to make a founded finding. “Independent Living Assessment ” means an evaluation of the youth's daily living skills. This assessment will document the youth's strengths and needs, as well as capacity and motivation to learn the appropriate skills. “Inquiry ” means a request for information or for specific services. “Institutional Abuse and/or Neglect ” means any incident of “child abuse or neglect ” as defined in sections 19 -1-103(1) and 19 -3-102(1), C.R.S. regarding: 1. A child under eighteen (18) years of age; or 2. A youth under twenty -one (21) years of age who is under court jurisdiction; and, 3. The incident occurs in a child care facility or 24 -hour facility, 4. A facility subject to the Colorado “Child Care Licensing Act ”, 5. A non -certified kinship care home with providers that provide 24 -hour care for child(ren) with an open child welfare case who are in the legal custody of a county department, or, 6. A facility or community placement for a juvenile committed to the custody of the department of human services. “Institutional Lack of Supervision ” is when a provider fails, through an action or omission, to provide supervision or to make supervision decisions that align with the behavioral, developmental and/or physical needs of the child(ren) or youth. “Institutional Medical Neglect ” is when a facility care provider does not provide adequate medical care, and/or fails to exercise reasonable medical judgment, and the child, youth, or young adult has been harmed. “Intrafamilial abuse and/or neglect ” means any case of abuse and/or neglect, as defined in Sections 19 -1-103(1) and 19 -3-102(1) and (2), C.R.S., that occurs within a family or non -certified kinship care context by a caregiver; except that “intrafamilial abuse ” shall not include abuse and/or neglect by a person who is regularly in the child's home for the purpose of rendering care for the child if such person is paid for rendering care and is not related to the child. “Juvenile ” means any person between ten (10) and twenty -one (21) years of age. “Kin” for purposes of a kinship foster care home or non -certified kinship care home, means a relative of the child and/or youth, a person ascribed by the family as having a family -like relationship with the child and/or youth, or a person that has a prior significant relationship with the child and/or youth. These relationships take into account cultural values and continuity of significant relationships with the child and/or youth. CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 11 “Kinship foster care home ” means a foster care home that is certified by either a county department or a licensed child placement agency pursuant to Section 26 -6-106.3, C.R.S., as having met the foster care certification requirements and the foster care of the child and/or youth is provided by kin. Kinship foster care providers are eligible for foster care reimbursement. A kinship foster care home provides twenty -four (24) hour foster care for a child and/or youth under twenty -one (21) years of age. A “known ” incident of abuse and/or neglect exists when a child has been observed being subjected to circumstances or conditions that would reasonably result in abuse and/or neglect. “Local educational agency ” means the local public school district, charter institute, Colorado school for the deaf and the blind, and/or board of cooperative education services (BOCES). Individual schools are part of their respective LEAs; for purposes of these regulations, communication with school -level staff is sufficient to satisfy requirements to communicate with the LEA. “Mandatory reporter ” means a person required by Section 19 -3-304, C.R.S., to report suspected abuse and/or neglect. “Medium, ” a term found in the comprehensive child welfare information system that when used for the purposes of determining severity level, has the same meaning as the term “moderate. ” “Minor neglect, ” for the purposes of determining severity level, is when the physical or emotional needs of the child are marginally or inconsistently met, but there is little or no impact on the child's functioning. “Minor physical abuse, ” for the purposes of determining severity level, is excessive or inappropriate force used resulting in a superficial injury. “Missing ” means when a child or youth has been reported to the county department of human or social services as absent from out -of-home placement or their designated residence, and the child/youth's whereabouts are unknown to parents, caregivers or the county department of human or social services. “Moderate neglect, ” for the purpose of determining severity level, is when the physical or emotional needs of the child are inadequately met resulting in some impairment in the child's functioning. “Moderate physical abuse, ” for the purposes of determining severity level, is excessive or inappropriate force used resulting in an injury that may require medical attention. “Moderate to severe harm ” means the consequence of maltreatment at a level consistent with a moderate, severe or fatal level of physical abuse, sexual abuse and/or neglect. “Near fatal neglect ”, for the purpose of determining severity level, is when the physical or emotional needs of the child are not met in an incident in which a physician determines that a child is in serious, critical, or life -threatening condition as the result of sickness or injury caused by suspected abuse and/or neglect. “Near fatal physical abuse ”, for the purpose of determining severity level, involves an incident in which a physician determines that a child is in serious, critical, or life -threatening condition as the result of sickness or injury caused by suspected abuse and/or neglect. CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 12 “Near fatality ” means a case in which a physician determines that a child is in serious, critical, or life-threatening condition as the result of sickness or injury caused by suspected abuse and/or neglect. “Non-certified kinship care ” means a child and/or youth is being cared for by a relative or kin, who has a significant relationship with the child and/or youth, in circumstances when there is a safety concern by a county department in the home of the parent or legal guardian and the relative or kin has not met the foster care certification requirements for a kinship foster care home or has chosen not to pursue certification. “Parent who is incarcerated ” means a parent confined in a department of corrections facility, a private correctional facility under contract with The Department of Corrections, or a jail. “Pattern of misdemeanors ” for the purposes of the criminal history record information check shall be defined as: A) Three (3) or more convictions of 3rd degree assault as described in section 18 -3- 204, C.R.S., and/or any misdemeanor, the underlying factual basis of which has been found by any court on the record to include an act of domestic violence as defined in Section 18 -6-800.3(1), C.R.S. ; OR, B) Five (5) misdemeanor convictions of any type, with at least two (2) convictions of 3rd degree assault as described in Section 18 - 3-204, C.R.S., and/or any misdemeanor, the underlying factual basis of which has been found by any court on the record to include an act of domestic violence as defined in Section 18 -6- 800.3(1), C.R.S.; or, C) Seven (7) misdemeanor convictions of any type. “Personal Contact ” is a method of contact in which two people exchange information in person or through live communication either via telephone or other emerging communications technology. “Plan of Safe Care ” means a collaborative process to create a documented plan for the health, safety, and well -being of an infant reported with prenatal substance exposure, following the infant's release from the care of a healthcare provider, and address the health, support, and substance use treatment needs of the affected family or caregiver(s) according to the requirements outlined in 12 CCR 2509 -2 section 7.107.5. “Potential disqualifying factor ” for the purpose of completing a background check for non -certified kinship care and kinship foster care homes, means information that may preclude the placement of a child and/or youth by a county department of human or social services or a child placement agency into a prospective home. Factors include, but are not limited to: 1. A criminal conviction that may be prohibited; 2. Confirmed child abuse and/or neglect in the state automated case management system or another state’s child abuse and neglect registry, and following a review of the information, it is determined that any safety concerns can be mitigated; 3. The court orders and affirms the placement of the child or youth with kin; or, 4. Additional documented information that was acquired that raises concern about safety in the home. “Preponderance of evidence ” means credible evidence that a claim is more likely true than not. CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 13 “Present danger ” means an immediate, significant, and clearly observable threat to child safety that is actively occurring and will likely result in moderate to severe harm to a child. “Primary caregiver ” means the caregiver who assumes the most responsibility for care of the child. “Provider ” means a vendor of goods and/or services under the child welfare services program. “Purchased services ” are those services made available to clients through another public agency, a private agency, or a private individual under contract with the state or county department. “Reasonable and prudent parent standard ” means careful and sensible parental decisions that maintain the health, safety, and best interests of the child or youth while encouraging the emotional and developmental growth of the child or youth that a provider shall use when determining whether to allow a child or youth in foster care under the responsibility of the county or in non -secure residential settings under the responsibility of the Division of Youth Services (DYS) to participate in extracurricular, enrichment, cultural, and social activities based upon the criteria in Section 7.701.200 (12 CCR 2509 -8). “Reasonable efforts ” means the exercise of diligence and care throughout county department involvement with children, youth, and families. “RED team ” is the acronym for review, evaluate and direct. The RED team is a group decision making process that utilizes the framework and agency response guide to determine county department response to referrals. “Referral ” means a report made to the county department that contains one or more of the following: 1. Allegations of child abuse and/or neglect as defined in Section 19 -1-103(1) and 19-3-102(1), C.R.S.; 2. Information that a child or youth is beyond the control of his/her parent; 3. Information about a child or youth whose behavior is such that there is a likelihood that the child or youth may cause harm to him/herself or to others, or who has committed acts that could cause him/her to be adjudicated by the court as a delinquent; 4. Information indicating that a child or youth meets specific Program Area 6 requirements and is in need of services. “Report ” means an initial report of known or suspected child abuse or neglect. “Risk” means detailed worries/concerns of what could happen in the future (risk level indicates the likelihood). “Roadmap to Success ” means part of the Family Services Plan that is 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. The plan shall document services and supports that will assist the youth in successfully transitioning to adulthood. “Safe” means a condition where there is no present or impending threat of harm to a vulnerable child from current known family conditions, or the protective capacities in the family are sufficient to control existing dangers of threats of danger and protect the vulnerable child. CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 14 “Safety intervention ” means the actions and decisions required to: 1. Identify and assess threats to child safety; 2. Plan for an unsafe child or children to be protected; 3. Facilitate caregivers in taking responsibility for child protection; and, 4. Manage plans designed to assure child safety while a safe and permanent home is established. “Safety Plan ” means a time -limited written plan that: 1. Establishes protection for a child in an effort to prevent out of home placement in situations of moderate to severe harm; 2. Is made by the family or natural supports, safety service providers, and the county department; and, 3. Does not rely on the person responsible for abuse and/or neglect to initiate protective actions in order for the plan to be operationalized. “Severity level ” means the assessment of the harm to the child victim or the act of abuse and/or neglect as minor, moderate, severe or fatal as defined in these rules. Sexual abuse severity is to be determined based upon the type of contact, duration of contact, and the emotional impact upon the child. “Severe neglect ”, for the purpose of determining severity level, is when the physical or emotional needs of the child are not met resulting in serious injury or illness. “Severe physical abuse ”, for the purpose of determining severity level, means excessive or inappropriate force used resulting in a serious injury that requires medical attention or hospitalization. “Sibling ” means one of two or more individuals who is descended from one or two mutual parents. The term also includes stepsiblings, former stepsiblings, and/or adoptive siblings. This also includes an individual that is considered by state or tribal law to be a sibling of the child/youth or the individual would have been considered a sibling of the child/youth under state or tribal law but for a termination or other disruption of parental rights, such as the death of a parent. “Spousal equivalent ” means a person who is in a family -type living arrangement with a parent and who would be a stepparent if married to that parent. “Spousal equivalent ” and “domestic partner ” are interchangeable in these rules. “State automated case management system ” means the state automated child welfare information system computer database. “Substance exposed newborn ” Reference sections 19 -1-103 AND 19 -3-102, C.R.S. (2020). The “State Department ” means the Colorado Department of Human Services. “Supervised Independent Living Placement (S.I.L.P.) ” means a placement in foster care where a youth lives independently in the community under the supervision of the county department. Receiving funds is not a necessary condition for a youth to be in an S.I.L.P. Youth shall receive casework services on S.I.L.P. with or without receipt of the I.L.A. stipend. CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 15 “Supplemental Security Income (SSI) ” means the monthly cash payments made by the Social Security Administration to an aged, blind, or disabled individual who meets the requirements under Title XVI of the Social Security Act. “Supportive Activities ” means those activities of the informational, statistical, clerical personnel, and staff training systems that support the child welfare services program. “Support Plan ” means a written plan developed in the absence of safety concerns. It is family - driven, department -facilitated, and includes the family’s network, which may include extended family, friends, informal supports and community resources. A support plan is concrete, agreed upon, and includes specific actions that the family and network are doing to mitigate risk and ensure future safety. A “suspected ” incident of abuse and/or neglect means an incident based on a single act or patterns of behavior, conditions, statements or injuries that would lead to a reasonable belief that abuse and/or neglect has occurred or that there is a serious threat of harm to the child. “Third -party abuse and/or neglect ” means a situation where a child is subjected to abuse and/or neglect by any person who is not a parent, stepparent, guardian, legal custodian, spousal equivalent, or any other person not included in the definition of intrafamilial abuse or institutional abuse. If a referral meets criteria for assignment and involves human trafficking allegations by a third - party, the ability of the parent to be protective of the child should be assessed. “Threat of moderate to severe harm ” relates to conditions, behaviors or attitudes that could result in moderate to severe harm. “Threatened by substance use ” The newborn child’s health or welfare is threatened by substance use when the medical, physical, and/or developmental needs of the newborn child are likely to be inadequately met or parent and/or caregivers are likely unable to meet the newborn child’s needs. ” “Toll-free, Statewide Child Abuse and Neglect Hotline ” is the telephone number that is advertised to the public as a place for reporting known or suspected child abuse and/or neglect. “Traditional response ” means the response used by counties not selecting to participate in Differential Response for all assessments of low, moderate, and high risk. “Unfounded ” means that the abuse and/or neglect assessment established that there is clear evidence that no incident of abuse and/or neglect occurred. “Unsafe ” means a condition where there is a present or impending threat(s) of moderate to severe harm to a child and protective capacities of the caregiver(s) are insufficient to control danger or threats of danger. “Voluntary Services Agreement ” means a standardized voluntary services agreement approved by the state department and is entered into by a participating youth pursuant to section 19 -7-306, C.R.S. “Youth ” means any person at least twelve (12) years of age and under twenty -one (21) years of age. “Youth in conflict ” means a child/youth who is involved in a conflict which results in the high likelihood of suffering substantial harm and/or injury to the child/youth, family, and/or community. CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 16 “Youth who are Experiencing Homelessness ” has the same meaning as “Homeless Youth, ” which is defined at section 24 -32-723(2)(b), C.R.S. (2020) and 26 -5.7-102(2), C.R.S. (2020). “Youth who have Run Away ” means a child/youth who has become homeless or who left and remains away from home without the permission of their parent(s), caregiver(s), or legal guardian(s). “Youth who are Unaccompanied ” means a child/youth who is at risk of or is experiencing abuse, neglect, or is a youth in conflict and who is living without financial, physical, and/or housing support from family, or whose parent(s), caregiver(s), and/or legal guardian(s) whereabouts are unknown. B. The following are definitions of terms related to assessments of medical neglect of infants and toddlers with disabilities: “Designated Hospital Liaison ” means the person named by the hospital or health care facility to act as the contact with the county department in all aspects of cases of suspected withholding of medically -indicated treatment from infants and toddlers with disabilities and with life threatening conditions. “Hospital Review Committee (H.R.C.) ” means an entity established to deal with medical and ethical dilemmas arising in the care of patients within a hospital or health care facility. Where they exist, the committee may take many organizational forms, such as an “infant care review committee ” or an “institutional -bioethics committee ”. The functions for a committee may differ from institution to institution, including the authorization to review and recommend treatment in specific cases. “Infant with a disability ” means a child less than one year of age who was born with a life - threatening condition and who may have additional non -lethal physical or mental disabilities. The definition includes children over the age of one year who have been continuously hospitalized since birth, who were born extremely premature, or who have a long -term disability. These procedures do not imply that treatment should be changed or stopped when an infant reaches one year of age. The primary population to be addressed in these regulations is that of the hospitalized infant. Any other situations involving medical neglect of children will be provided for under the existing protections of the Colorado Children's Code regarding medical care of children. “Reasonable medical judgment ” means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved. “Withholding of medically -indicated treatment ” means the failure to respond to the infant's life - threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) that, in the treating physician's reasonable medical judgment, will be most likely to be effective in improving or correcting all such conditions. The term does not include, however, the failure to provide treatment to an infant (other than appropriate nutrition, hydration or medication) when, in the treating physician's (or physicians') reasonable medical judgment any of the following circumstances apply: 1. The infant is chronically and irreversibly comatose; 2. The provision of treatment would merely prolong dying, not be effective in improving or correcting all of the infant's life -threatening conditions, or otherwise be futile in terms of the survival of the infant; CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 17 3. The provision of treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane. 7.000.3 – 7.000.5 (None) [Emergency eff. 6/5/15; Rev. eff. 9/1/15] 7.000.6 COUNTY RESPONSIBILITIES [Eff. 1/1/15] All current and prospective employees of the county department, who in their position have direct contact with any child in the process of being placed or who has been placed in out of home care, shall submit a complete set of fingerprints to the Colorado Bureau of Investigation (CBI) that were taken or submitted by a qualified law enforcement agency to obtain any criminal record held by the CBI. A. The person's employment is conditional upon a satisfactory criminal background check; and subject to the same grounds for denial or dismissal as outlined in 26 -6-104(7), C.R.S., including: 1. Checking records and reports; and, 2. Individuals who have not resided in the state for two years shall be required to have a Federal Bureau of Investigation (FBI) fingerprint -based criminal history. B. Payment of the fee for the criminal record check is the responsibility of the individual being checked. C. Prospective employees who are transferring from one county department to another are not required to be re -fingerprinted if they complete the following process: 1. New employees must obtain their CBI clearance letter or a photocopy of their processed fingerprint card from their former employer. They must attach it to a new fingerprint card, with the top portion completed. 2. The new fingerprint card must include the new employer's address. “Transfer -County Department ” must be inserted in the “Reason Fingerprinted ” block. 3. The CBI clearance letter (or photocopy of the old fingerprint card) and the new fingerprint card must be sent with money order payable to the CBI. 4. County departments that have accounts with CBI are not required to send the money order, and they shall enter their CBI account number in the OCA block of the new fingerprint card. 7.000.61 (NONE) [Eff. 1/1/15] CODE OF COLORADO REGULATIONS 12 CCR 2509 -1 Social Services Rules 18 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Editor’s Notes History Rule 7.000.73 eff. 11/01/2007. Rule SB&P eff. 10/01/2008. Rules SB&P, 7.000.5 eff. 11/01/2008. Rules SB&P, 7.001.42 -7.001.46 eff. 02/01/2009. Rules SB&P, 7.000.5, 7.003.3 eff. 04/01/2009. Rule SB&P eff. 05/01/2009. Rule 7.000.6 emer. rule eff. 08/07/2009. Rules SB&P, 7.000.6 eff. 11/01/2009. Rule SB&P emer. rule eff. 11/06/2009. Rules SB&P, 7.000.5(K)(M -EE) eff. 02/01/2010. Rules SB&P, 7.000.6 -7.000.61 eff. 03/02/2010. Rules SB&P, 7.001.46, 7.001.6 eff. 06/01/2010. Rule SB&P eff. 07/01/2010. Rule SB&P emer. rule eff. 08/06/2010. Rule SB&P emer. rule eff. 10/01/2010. Rule SB&P eff. 11/01/2010. Rule SB&P eff. 12/01/2010. Rule SB&P emer. rule eff. 12/03/2010. Rule SB&P eff. 01/01/2011. Rule SB&P eff. 03/02/2011. Rule SB&P eff. 04/01/2011. Rule SB&P eff. 08/01/2011. Rule SB&P emer. rule eff. 08/10/2011. Rules SB&P, 7.001.41.J eff. 11/01/2011. Rules SB&P, 7.000.71 eff. 12/01/2011. Rule SB&P eff. 01/01/2012. Rule SB&P eff. 02/01/2012. Rules SB&P, 7.000.5, 7.003.3 eff. 04/01/2012. Rules SB&P, 7.001.45, 7.001.5, 7.003.3 eff. 05/01/2012. Rule SB&P eff. 06/01/2012. Rule SB&P eff. 07/01/2012. Rule SB&P emer. rule eff. 07/13/2012. Rules SB&P, 7.000.3, 7.000.6.D, 7.000.6.M, 7.001.5, 7.003.3.C.1.c eff. 08/01/2012. Rules SB&P, 7.003.3 -7.003.3.B.4 emer. rule s eff. 09/07/2012. Rule SB&P eff. 10/01/2012. Rules SB&P, 7.003.3 -7.003.3.B.4 eff. 12/01/2012. Rule SB&P eff. 03/02/2013. Rules SB&P, 7.000.75 eff. 04/01/2013. Rule SB&P eff. 07/01/2013. 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Rule 7.000.2 A eff. 12/01/2020. Rules 7.000 A, 7.000.2 A eff. 01/30/2021. Rules 7.000.1 C, 7.000.2 A eff. 07/30/2021. Rule 7.000.2 A eff. 09/01/2021. Rules 7.000.1 D -E, 7.000.2 A eff. 12/30/2021. Rule 7.000.2 A eff. 03/02/2022. Rule 7.000.2 A eff. 04/30/2022. Rule 7.000.2 eff. 06/30/2022. Rules 7.000, 7.000.2 eff. 03/02/2023. Rule 7.000.2 eff. 03/01/2024. Rule 7.000.2 eff. 06/01/2024. Rule 7.000.2 eff. 12/01/2024. Rule 7.000.2 eff. 01/01/2025. Annotations Rules 7.000.73 B. -G. (adopted 09/01/2006) were not extended by House Bill 07 -1167 and therefore expired 05/15/2007. Rule 7.000.3 (adopted 11/07/2014) was repealed by Senate Bill 15 -100 effective 05/11/2015.