

DEPARTMENT OF HUMAN SERVICES

Social Services Rules

COUNTY RESPONSIBILITIES, STAFF TRAINING AND QUALIFICATIONS, CLIENT RIGHTS, CONFIDENTIALITY

12 CCR 2509-7

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

7.600 COUNTY RESPONSIBILITIES, STAFF TRAINING AND QUALIFICATIONS, CLIENT RIGHTS, CONFIDENTIALITY [Eff. 1/1/15]

7.601 COUNTY RESPONSIBILITIES [Eff. 1/1/15]

There are basic information, legal mandates, and policies generic to the administration and/or provision of services that cut across all program and service areas. These include general administrative responsibilities, protection of clients' rights, responsibilities of clients, case processing and documentation, and reporting requirements. The county departments shall provide services to persons who are eligible and belong to the particular Program Area target groups within the following rules of the State Department.

7.601.1 COUNTY RESPONSIBILITIES TO THE STATE DEPARTMENT [Eff. 1/1/15]

- A. County departments shall administer child welfare services programs in compliance with State Department fiscal and program regulations.
- B. County departments shall report to the State Department at such times and in such manner and form as the State Department requires, including through the state automated case management system.

7.601.11 County Responsibilities to Complete Background Checks for Foster Care Homes and Kinship Foster Care Homes, and Sanctions for Non-Compliance [Rev. eff. 1/1/16]

County departments of human services shall complete a background check for foster care homes and kinship foster care homes pursuant to Section 26-6-106.3(5) and (6), C.R.S., and the results shall be documented in the resource section of state automated case management system. Failure to comply shall result in a corrective action process described in Section 1.110 (9 CCR 2501-1), and may result in sanctions described in Section 1.152.

7.601.2 COUNTY RESPONSIBILITIES FOR COOPERATIVE AGREEMENTS WITH LAW ENFORCEMENT, CHILDREN'S ADVOCACY CENTERS, AND OTHER AGENCIES [Eff. 1/1/15]

- A. County departments shall develop written, time limited cooperative agreements with incorporated and unincorporated municipality, city, county, and state law enforcement agencies that include:
 - 1. Protocols for cooperation and notification between parties on abuse and/or neglect referrals and child deaths resulting from abuse and/or neglect;
 - 2. Protocols for distributing the Notice of Rights and Remedies when required by Section 19-3-212, C.R.S., and Section 7.601.31, of these rules, including, but not limited to assessments of abuse and/or neglect in out-of-home care settings.

3. Joint law enforcement investigation and human or social service assessment procedures;
 4. Procedures for independent law enforcement investigation and child welfare service assessment by either party;
 5. Procedures for law enforcement investigation of abuse and/or neglect in out-of-home-care settings provided that a law enforcement investigation regarding the criminal aspects of an institutional abuse and/or neglect case shall not relieve the county department of its responsibility to assess the safety of the children in out-of-home care settings; and,
 6. Procedures to ensure review and updates to the agreement every four years.
 7. County departments shall sign the State Department's cooperative agreement with the Colorado State Patrol, or submit a copy of the county department's signed cooperative agreement with the Colorado State Patrol within thirty (30) days of signature.
 8. County departments shall provide the State Department with a copy of all signed cooperative agreements with law enforcement within thirty (30) days of signature.
- B. The county department may develop a Memorandum of Understanding with Child Advocacy Centers as defined in Section 19-1-103(19.5), C.R.S., that is to include:
1. Protocols with advocacy center authorizing the use of their video tape or audio tape equipment;
 2. Interviewers are to be qualified;
 3. Interviews should meet the National Children's Alliance performance forensic standards for persons conducting these forensic interviews, as found in the National Children's Alliance Standards for accredited member programs; no later amendments or editions are incorporated. Copies of these standards are available from the Colorado Department of Human Services, Division of Child Welfare, 1575 Sherman Street, Denver, Colorado 80203, or at any state publications depository library;
 4. The county department is not responsible for the training of the forensic interviewer employed by the advocacy center;
 5. Procedures for conducting forensic interviews in a manner that is of a neutral fact-finding nature and coordinated to avoid duplicate interviews; and,
 6. The child advocacy center shall provide technical assistance for forensic interviews, forensic medical examinations, or evidence collection or preservation.
- C. Requests for services, from agencies, including other county departments or states, shall be responded to with the same level of attention and to the same extent as requests received from within the county, and as specified in each of the program areas.

7.601.3 COUNTY RESPONSIBILITIES TO ADVISE CLIENTS – COOPERATION AND RESIDENCE – AVAILABLE SERVICES [Eff. 1/1/15]

- A. County departments shall ensure that clients are advised of their responsibility to work with the county department throughout service assessment, planning and delivery in court involved and voluntary cases, in order to establish and achieve common goals of safety, well-being and permanency. Failure of clients to participate or cooperate may result in modification or termination of services.
- B. County departments shall ensure that clients are advised in writing and orally of the client's responsibility to report within thirty (30) calendar days, changes of circumstances affecting their eligibility.
- C. When a client leaves the original county of residence that county department shall close its case file with exceptions found in individual Program Areas (e.g., Program Areas 3 and 5). Clients are to be advised of the county department's action on the state prescribed notice of social service action form, if applicable.
- D. County departments shall make reasonable efforts to advise county residents of services available through the state and county department by means of such methods as press releases, presentations, pamphlets, websites, social media and other mass media.

7.601.31 Required Notice of Rights and Remedies [Eff. 1/1/15]

- A. All county departments shall utilize the state prescribed "Notice of Rights and Remedies for Families" in cases subject to Article 3 of the Colorado Children's Code, "Dependency and Neglect".
- B. County departments shall add county-specific information to the state prescribed form and supply copies of the notice to all law-enforcement agencies within the county or district.
- C. The notice shall be delivered at the time of a child's removal to the parent(s) and family from whom the child is removed by court order or by law enforcement personnel. The notice shall specify the cause of the removal of the child or children.
 - 1. If the removal is an emergency pursuant to Section 19-3-401, C.R.S., a copy of the court order directing the removal of the child or children from the home shall be delivered to the family promptly upon its availability.
 - 2. If the removal of the child or children is not an emergency, a copy of the court order directing the removal shall also be provided to the parents and family at the time of removal.

7.601.4 COUNTY RESPONSIBILITIES TO RESPOND TO REFERRALS [Eff. 1/1/15]

- A. County departments shall have staff continuously available twenty-four (24) hours a day to receive referrals of alleged abuse and/or neglect, conduct initial reviews of such referrals and assess those referrals that are appropriate for child welfare services.
- B. County departments shall establish written response protocols outlining the county plan for weekends, holidays, and after-hour coverage, to include:
 - 1. How the county department will ensure that those individuals reporting abuse and/or neglect after hours are directed to the designated number or agency for response;

2. Requirements for thorough documentation to support the disposition or actions of the county department; and,
 3. Requirements that referrals are entered into the state automated case management system as outlined in described in 7.103.9, A.
- C. County departments shall ensure that personal, telephone, or written contact is made within five (5) working days of receiving a request for services that does not involve allegations of abuse and/or neglect or as otherwise specified for target groups within Program Areas.

7.601.5 MANDATORY REPORTING OF CHILD ABUSE AND/OR NEGLECT [Eff. 1/1/15]

All county department staff who have reasonable cause to know or suspect child abuse or neglect as set forth in Section 19-3-304, C.R.S., are mandated to report such information to the appropriate county department staff or local law enforcement.

7.601.6 COUNTY RESPONSIBILITIES FOR CASE DOCUMENTATION [Eff. 1/1/15]

- A. There shall be case documentation in all active cases as required by the individual Program Area.
1. Frequency of case documentation of case activity will be at a minimum every six (6) months and more often as needed, according to the case plan or Family Service Plan.
 2. Summary documentation updating a case record shall be done at least every six (6) months or whenever a case is transferred from county to county, between workers in a county, or when a case is closed.
 3. For cases in Program Areas 4, 5, and 6, when there is a change in caseworker or a transfer of a service case to another county, the new caseworker shall have telephone or in-person contact with the child and/or provider within thirty (30) calendar days after the change or transfer.
- B. A written narrative summary of case activity shall include, but is not limited to, the following (a court report containing the same information will suffice):
1. Ongoing assessment of individual and/or family functioning;
 2. Assessment of progress toward objectives and goals;
 3. Chronology of significant events including dates of occurrence;
 4. Method of intervention/treatment and impressions of effectiveness;
 5. Changes and/or refinements of case plan;
 6. Type and extent of court involvement; and
 7. Other significant individuals or agencies involved.

For cases in Program Areas 4, 5, and 6 in which an Administrative Review is substituting for a court review, the county shall assure that a written summary containing the above information is complete and present in the case file. The county shall submit this written summary with the Administrative Review findings to the court.

- C. A case plan/agreement for each service period shall be developed which contains all of the required information.
- D. Documentation of all pertinent contact sheets shall be prepared and prior to the periodic summary of such activities.
- E. Evaluation and reassessments pertaining to each service period shall be conducted which reflect case movement toward the long-term goal.
- F. A written summary shall be completed within thirty (30) calendar days of closure which shall include:
 - 1. Summary of contacts;
 - 2. Reason for closure;
 - 3. Summary of services provided; and
 - 4. Assessment of effectiveness of services in terms of client's stated goals including, where possible, the client's assessment of the experience.

7.601.7 COUNTY RESPONSIBILITIES TO DETERMINE AND DOCUMENT FUNDING SOURCE FOR THE PURPOSE OF REPORTING SERVICES AND TO GAIN MAXIMUM FEDERAL REIMBURSEMENT [Eff. 1/1/15]

If a child is determined eligible for services, the county department shall document the child's funding source eligibility on the Department's automated reporting system. This activity shall occur for each child opened on the department's automated reporting system. Eligibility shall be documented for each funding source for which the child is eligible.

Eligibility criteria and required time frames for determination are found in subsections 7.601.81 through 7.601.84.

7.601.71 Title IV-E Foster Care [Eff. 1/1/15]

Title IV-E of the Social Security Act provides federal matching funds to help pay for the cost of foster care for eligible children. It also pays for training and administrative costs associated with the delivery of services to Title IV-E eligible children/youth.

- A. Eligibility Verification and Documentation
 - 1. Verification of the child's citizenship or non-citizen status is required. Other information received by the county department to support a Title IV-E eligibility determination does not require verification unless it conflicts with other information in the possession of the department. If such a conflict occurs, the county department shall use verification procedures provided in the rules for the Colorado Works Program to resolve the conflict (Section 3.140, et seq.; 9 CCR 2503-1).
 - 2. The county department shall document each of the eligibility factors on the state prescribed form. The county must ensure that a copy of the signed voluntary placement agreement or court order and any required verification are present in the case file.
 - 3. The county department shall use the following eligibility effective dates in the state automated case management system:

- a. The eligibility effective date of the child for Title IV-E shall be the first day of the month in which all eligibility criteria for the child are met, but can be no earlier than the first day of placement.
- b. The date of eligibility of the placement for reimbursements through Title IV-E is the first day of the month in which all the Title IV-E provider eligibility criteria are met.
- c. With respect to the court order/petition, the date that is used is the date of the court order or the date a petition is filed for custody/authority for care and placement of the child/youth which eventually leads to a court ordered removal of the child from the home.

B. Title IV-E Eligibility Criteria for a Child/Youth - Initial Determination

- 1. The child was removed from his/her parent(s) or other specified relative either by:
 - a. A voluntary placement agreement entered into by the child's parent or legal guardian; or
 - b. A voluntary services agreement entered into by a youth who is participating in the foster youth in transition program as described in 12 CCR 2509-3; 7.203.4 et seq.
 - c. Order of the court.
- 2. The first court ruling sanctioning the removal of the child from the home must contain findings to the effect that:
 - a. Continuation in the home would be contrary to the welfare of the child; or,
 - b. Out-of-home placement is in the best interests of the child.

If this "best interests" determination is not recorded in the first written court order, signed by a judge or magistrate, pertaining to the removal of the child from the home, a transcript of the findings and orders from the court proceeding is the only other documentation that can be accepted to verify that the required judicial determination was made. Neither affidavits nor subsequent "nunc pro tunc" orders are acceptable verification for meeting the "best interests" requirement.
- 3. There must be an order of the court within sixty (60) calendar days after the date the child is placed in out-of-home care with a finding to the effect that:
 - a. Reasonable efforts were made to prevent the removal of the child from the home; or
 - b. An emergency situation exists such that the lack of preventative services was reasonable; or,
 - c. Reasonable efforts to prevent the removal of the child from the home were not required. (See Section 7.304.53, B, 3, for circumstances in which the court may determine, that reasonable efforts to prevent removal are not required).

If a “reasonable efforts to prevent the removal” determination was made by the court as required, but was not recorded in the original written court order signed by the judge or magistrate pertaining to that judicial determination, a transcript of the findings and orders from the court proceeding is the only other documentation that can be accepted to verify that the required determination was made. Neither affidavits nor subsequent “nunc pro tunc” orders are acceptable verification for meeting this “reasonable efforts” requirement.

4. The county is granted legal custody/authority for placement and care of the child/youth or the child/youth is in out-of-home care under a voluntary placement agreement/voluntary services agreement.
5. The child must have lived with a parent or other specified relative from whom the child is removed through a voluntary placement agreement or court-ordered custody with the county department in the month, or within the six (6) months preceding the month, in which the voluntary placement agreement was signed or court proceedings were initiated to remove the child or the child has entered into a voluntary services agreement pursuant to section 19-7-306, C.R.S.
6. A child removed through a “constructive removal” shall be determined Title IV-E eligible if all other applicable criteria for Title IV-E eligibility are met.

A constructive removal occurs when all of the following apply:

- a. The child resides with a non-parent caretaker who is not the legal custodian or guardian of the child;
 - b. The child is court ordered into the custody of the county department or placed through a voluntary placement agreement; and
 - c. The child remains in the home of the caretaker who serves as the out-of-home care provider to the child after the county is awarded custody or obtains the agreement for voluntary placement.
7. To be eligible for Title IV-E, the child must be determined eligible for Aid to Families with Dependent Children (AFDC) in accordance with the July 16, 1996, regulations (and exceptions as allowed).

C. Title IV-E Eligibility Criteria of a Provider

For the placement costs of a Title IV-E eligible child/youth to be claimable through Title IV-E funding the provider must be a Title IV-E eligible provider. An out-of-home provider must be fully licensed or fully certified to be a Title IV-E eligible provider.

Placement costs of Title IV-E eligible children/youth placed with provisionally licensed or provisionally certified out-of-home care providers will not be claimable through Title IV-E foster care as they are not fully licensed or fully certified providers.

Administrative costs for an otherwise Title IV-E eligible child who is placed in less than fully licensed or fully certified out-of-home care placements are not claimable through Title IV-E funding, except when the child/YOUTH is placed with a relative and the relative is pursuing full foster care certification. Administrative costs can be claimed for up to six months while the child/youth remains in placement with a provisionally certified relative provider.

Administrative costs are not claimable through Title IV-E funding for children/YOUTH who are placed in facilities that are not Title IV-E eligible facilities, such as a detention placement, except for the calendar month in which a child moves from a facility that is not eligible for Title IV-E funding to a Title IV-E claimable out-of-home care facility.

Placement costs of Title IV-E eligible youth who are residing in a supervised independent living placement as described in 12 CCR 2509-04; 7.305.2(D) and have reached the age of 18 are claimable.

D. AFDC Eligibility Tests

Title IV-E requires that eligibility for Aid to Families with Dependent Children (AFDC) must be determined in accordance with the regulations as in effect on July 16, 1996, and exceptions as allowed. See 42 U.S.C. SECTION 672(a)(3). The AFDC eligibility month is the month court proceedings leading to the removal were initiated or the month in which a voluntary placement agreement was signed.

1. Living with a Relative - The child/youth must have lived with a parent or other specified relative:
 - a. During the month in which court proceedings to remove the child/youth were initiated or a voluntary placement agreement/voluntary services agreement was signed; or
 - b. Sometime within the six (6) months preceding the month in which court proceedings to remove the child/youth were initiated or a voluntary placement agreement/voluntary services agreement was signed.
2. Deprivation of Parental Support - The child/youth must be deprived of parental support or care of one or both parents by reason of:
 - a. Death;
 - b. Incapacity - physical or mental;
 - c. Continued absence from the home; or
 - d. Unemployment - deprivation due to unemployment exists when:
 - 1) Both of the child's natural or adoptive parents resided in the removal home in the month the voluntary placement agreement was signed or court proceedings were initiated to remove the child from the home; and
 - 2) The household income, after AFDC income tests are applied, is less than the need standard for the household.
 - e. Deprivation of parental support findings are not required when the youth is participating in the foster youth in transition program.
3. Determination of Need

The income and resources of the household members of the removal home must be within the allowable standards for an AFDC assistance unit. Refer to the AFDC rules from July 16, 1996, to determine which members of the household are considered in the determination of income and resources.

- a. Resources - The family must have less than \$10,000 in countable resources.
 - b. Income Test - The household income after AFDC income tests are applied must be less than the need standard for the household.
- 4. Additional AFDC Eligibility Factors
 - a. Age - The child must be under eighteen (18) years, or if over eighteen (18) but not yet nineteen (19) years of age, must be a fulltime student in a secondary school or in the equivalent level of vocational or technical training and expected to complete the program before age 19. Such children are eligible for Title IV-E though the month of completion of the educational program.
 - (i) The youth is participating in the foster youth in transition program and meets eligibility criteria described in 12 CCR 2509-03 7.203.4.
 - b. Citizenship - The child must be a United States citizen, naturalized citizen, or qualified non-citizen to be eligible for Title IV-E. Refer to Section 3.140 of the Income Maintenance rules (9 CCR 2503-1).
 - c. Residency - The child must be a resident of Colorado. If the child's residency is from another state, that state is responsible for determining Title IV-E eligibility of the child.
- E. Eligibility Factor - Voluntary Placement Agreement
 - 1. A voluntary placement agreement must be completed and signed by the parent(s) or legal guardian and the county department.
 - 2. Eligibility for Title IV-E foster care can begin no earlier than the signature date of the voluntary placement agreement.
 - 3. Voluntary placement agreements are limited to ninety (90) calendar days. If placement of the child is to continue beyond ninety (90) calendar days, the county department must obtain a petition to review the need for placement that leads to a court order granting the county department legal custody.
 - 4. There must be an order by the court within one hundred eighty (180) calendar days of the child's placement in foster care that "continued placement is in the best interests of the child", or words to that effect. If such an order is not made by the court within the allowable one hundred eighty (180) calendar days, the child is not eligible for Title IV-E foster care reimbursement for the remainder of the child's placement in out-of-home care.
- F. Eligibility Factor – Voluntary Services Agreement
 - 1. A voluntary services agreement must be completed and signed by the youth and the county department.
 - 2. Eligibility for Title IV-E foster care can begin no earlier than the signature date of the voluntary services agreement.
 - 3. If the placement of the youth is to continue beyond ninety (90) calendar days, the county department must file a petition for a foster youth in transition case to ensure judicial oversight.

4. There must be an order by the court within one hundred eighty (180) calendar days of the youth's placement in foster care that "continued placement is in the best interests of the youth", or words to that effect. If such an order is not made by the court within the allowable one hundred eighty (180) calendar days, the youth is not eligible for Title IV-E foster care reimbursement for the remainder of the youth's placement in out-of-home care.

G. Eligibility Factor - Relinquishment

If a child is relinquished to the county department, the county shall petition the court to judicially remove the child even though the parent relinquished the child to the agency. Children relinquished to the county department can be Title IV-E eligible when:

1. The child had last been living with the parent within six (6) months of the date court proceedings were initiated.
2. The court order contains the findings shown at Section 7.601.81, B, 2.
3. The child meets other eligibility factors.

H. Minor Parent and Child in Mutual Care

A child residing in mutual out-of-home care with his/her adult parent is not considered removed from the parent because the child continues to reside with the parent in the same residence; therefore, the child is not IV-E eligible.

When the parent is a minor and the minor parent has been determined eligible for Title IV-E foster care, the child's placement costs are reimbursable through Title IV-E foster funding as an extension of the minor parent's cost of care.

I. Required Time Frames

1. The county department is responsible for determining the eligibility of every child entering out-of-home foster care within forty-five (45) calendar days of the placement date unless good faith efforts have been made and recorded in the child's record.
2. Counties shall redetermine eligibility using the state prescribed form every twelve (12) months from the date the child enters foster care.

J. Referral to Child Support Enforcement

The county department shall refer every child/youth determined eligible for Title IV-E foster care to the county department's Child Support Enforcement Unit for child support services, except when the:

1. Child is in continuous placement for less than thirty-one (31) days.
2. Child's absent parent is unknown.
3. Best interests of the child would not be served, such as when parental rights have been terminated or the Family Services Plan documents that family contact is inappropriate.
4. Child's deprivation status under Title IV-E eligibility is "Unemployment".
5. Youth is participating in the foster youth in transition program.

K. Redetermination of Title IV-E Eligibility Requirements

1. A court order must remain in effect which grants legal custody of the child to the county department or a petition to review the need for placement was filed and the court has ordered legal authority for continued placement within one hundred eighty (180) calendar days of the date a child entered out-of-home care by voluntary placement agreement.
2. Effective March 27, 2001, there must be an order of the court finding that the county department has made reasonable efforts to finalize a permanency plan. This finding must be made within twelve (12) months of the date the child enters foster care, and every twelve (12) months thereafter while the child remains in out-of-home care. If twelve (12) months elapse without this judicial determination, eligibility for Title IV-E foster care temporarily ends. Title IV-E eligibility can resume the 1st day of the month in which the finding is made.
3. Redeterminations of AFDC requirements are not required for youth participating in the foster youth in transition program.

L. Redetermination of Provider Eligibility

An out-of-home care provider must be licensed or certified to be a Title IV-E eligible placement. Placement costs for a Title IV-E eligible child are only Title IV-E claimable when a child is placed with a Title IV-E eligible provider.

Effective September 1, 2000, provisionally licensed or provisionally certified out-of-home care providers will not be claimable placements through Title IV-E foster care as they are not fully licensed or fully certified.

M. Reasonable Candidates

Reasonable candidates for foster care, for the purposes of Title IV-E program, are children determined to be at risk of imminent placement out of the home as defined in Section 19-1-103(64), C.R.S. Administrative costs may be claimed for children who are determined to be at imminent risk of removal from the home through a voluntary placement agreement or court-ordered custody with the county department. A determination must be made as to whether the child is at imminent risk of removal from the home no less frequently than every six (6) months. Reasonable efforts shall be made to prevent the removal of the child from the home until such time that pursuing removal of the child from the home becomes necessary.

7.601.72 Supplemental Security Income (SSI) [Eff. 1/1/15]

Supplemental Security Income is a federal monthly award granted to a child 0–21 years of age who has a verified disability.

- A. Recipients of Social Security Administration (SSA) death benefits or Supplemental Security Disability Income for Dependents (SSDI) shall not be coded in this fund source.
- B. The county department shall make application to the Social Security Administration for any child who is believed to meet Supplemental Security Income eligibility criteria. Application for Supplemental Security Income is required for all children enrolled in the Children's Habilitation Residential Program (CHRP) waiver.
- C. Concurrent eligibility for Title IV-E foster care and Supplemental Security Income (SSI) is allowed.

- D. Required Time Frames - Application for benefits shall begin within forty-five (45) calendar days of the child's out-of-home placement in appropriate cases.

7.601.73 Title IV-A Emergency Assistance [Eff. 1/1/15]

The county department shall determine eligibility for the Title IV-A Emergency Assistance Program anytime services are provided or purchased for families with children at risk of placement or when the worker transfers an intake case for on-going services.

A. Eligibility Factors

The eligibility determination shall be documented on the state prescribed form and shall include:

1. Whether an emergency exists, defined as the removal of a child from his or her home into publicly funded care or state or county supervision, or risk of such removal as determined by the responsible state or county agency officials.
2. Whether the child has lived with a relative anytime within the six (6) months preceding the Title IV-A Emergency Assistance application. See the Income Maintenance manual for requirements of relative (9 CCR 2503-1).
3. Whether the family's total gross annual income is under \$75,000.

B. Maintenance of Effort (MOE)

Expenditures of services to or on behalf of eligible members of an Emergency Assistance eligible family can be attributed to the State's TANF Maintenance of Effort requirement if a child is living in the household with the parent or other adult relative. The Maintenance of Effort entitlement shall be recorded in the state automated case management system if a case is opened for the child.

C. Required Time Frames

The county shall complete the eligibility determination within thirty (30) business days of case opening. The eligibility effective date can be no earlier than the date when the application is initiated.

7.601.74 Without Regard to Income [Eff. 1/1/15]

The Without Regard to Income entitlement shall be the default funding stream when a case is opened in the state automated case management system.

7.601.8 COUNTY RESPONSIBILITIES TO REPORT FRAUD – RECOVER MONIES OWED [Eff. 1/1/15]

- A. County departments shall refer, within ten (10) working days, to the appropriate investigatory agency and the district attorney any alleged discrepancy which may be a fraudulent act or suspected fraudulent act by a staff member, client, former client, or provider of services.
- B. County departments shall seek recovery for the total amount of services costs if the county department finds that the individual was not eligible for the service or if fraud is established.

- C. County departments shall take whatever action is necessary to recover payments when staff members, current or former clients and/or providers owe money to the state and/or county department because of overpayments, ineligibility and/or failure to comply with applicable state laws, rules or procedures.

7.602 COUNTY RESPONSIBILITIES - STAFF AND VOLUNTEERS [Rev. eff. 11/1/15]

7.602.1 STAFF [Rev. eff. 11/1/15]

- A. The county shall ensure supervision of casework and case management staff through:

1. Review of individual and family assessments;
2. Family Service Plans;
3. Records maintenance and documentation, including updated information in the Department's automated reporting system; and,
4. Plans for termination of services.

These review findings shall be documented in writing by supervisory personnel and provided to the social service staff and state staff upon request.

- B. 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 by a qualified law enforcement agency to obtain any criminal record held by the CBI.

1. 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 Section 26-6-104(7), C.R.S., including:
 - a. Checking records and reports; and,
 - b. Individuals who have not resided in the state within the preceding five (5) years shall be required to have a Federal Bureau of Investigation (FBI) fingerprint-based criminal history.
2. Payment of the fee for the criminal record check is the responsibility of the individual being checked.
3. Prospective employees who are transferring from one county department to another are not required to be re-fingerprinted if they complete the following process:
 - a. 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.
 - b. The new fingerprint card must include the new employer's address. "Transfer-County Department" must be inserted in the "Reason Fingerprinted" block.
 - c. 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.

- d. 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.

7.602.2 VOLUNTEERS [Rev. eff. 11/1/15]

County departments may use volunteers to the extent feasible and practical in the administration and delivery of services. County Departments shall employ a process to screen volunteers if such persons' responsibilities include direct contact with children.

- A. The county department shall have a policy that contains:
 - 1. The county department's commitment to and use of volunteers within the department.
 - 2. Job descriptions for volunteers that describe the duties, location(s), and supervision of the volunteer roles;
 - 3. Information on volunteer evaluation and recognition for his/her contribution to the agency; and,
 - 4. Agency and volunteer liability.
- B. Volunteers shall be trained about topics needed for the volunteer's specific role.
- C. The volunteer shall sign a statement that he/she has been trained in the agency standards of confidentiality, understands the principles of confidentiality, and will not share information about the client outside the agency.

7.603 CHILD WELFARE STAFF QUALIFICATIONS AND TRAINING

7.603.1 Child Welfare Qualification and Certification Requirements [Eff. 9/1/22]

The county department and/or the Hotline County Connection Center shall ensure that all staff who perform the following duties meet the required minimum qualifications and fulfill all certification and re-certification requirements prior to assuming, or continuing to perform, the duties described in this section on an independent basis as prescribed by the state department (Section 26.5.109, C.R.S.):

- A. Hotline Worker Certification
 - 1. Job duties that require hotline worker certification
 - a. Engages callers in the phone interview process;
 - b. Responds to inquiries; and/or,
 - c. Executes all components of the information gathering process as outlined in the Code of Colorado Regulations.
 - 2. Minimum Educational Requirements
 - a. A high school diploma or general equivalency diploma (GED)
 - 3. Initial Certification Requirements

- a. To be certified as a hotline worker and perform the duties as outlined in 7.603.1, A, 1, a-c, the staff person shall:
 - 1. Complete the pre-service hotline training for workers;
 - 2. Complete all required Transfer of Learning exercises with the assistance of a supervisor, or supervisor's designee; and,
 - 3. Demonstrate competence through pre-and post-tests, trainer observation, and verification by the county department as outlined in the request for certification.
 - 4. Re-certification Requirements
 - a. To be re-certified as a hotline worker, the staff person must participate in ten (10) hours of in-service training each state fiscal year. Qualifying in-service training exercises include:
 - 1. Quality assurance exercises by the supervisor;
 - 2. Observation and/or participation in RED Teams; and/or,
 - 3. Training focused in the area of the hotline worker's primary job responsibilities.
- B. Hotline Staff Supervisor Certification
 - 1. Job duties that require hotline staff supervisor certification
 - a. Oversees the work of hotline workers, ensuring that all calls received by the county, or hotline county connection center, have information gathered and documented in the state automated case management system, and may participate in the RED team process;
 - b. Determines jurisdiction of referrals and child welfare inquiries, coordinates their transfer to the appropriate county departments, ensures delivery of referrals to law enforcement and/or judicial partners as needed;
 - c. Monitors the workload of hotline workers and data associated with the operations of the county departments, or county connection centers, hotline staff, determines resource needs to achieve the goals of the hotline staff, and makes recommendations to higher level management;
 - d. Meets with hotline workers individually and in groups to counsel staff regarding rules, policies, procedures, data trends, and laws; reviews specific calls, actions taken and problems encountered;
 - e. Establishes individual training needs of hotline workers and ensures that an effective training plan is in place; and,
 - f. Establishes individual performance plans, reviews the performance of hotline workers on a periodic basis, including review and evaluation of hotline workers' call recordings, and completes an annual performance evaluation.

2. Minimum Educational Requirements
 - a. A high school diploma or GED; and,
 - b. Three (3) years of professional child welfare experience in a public or private human services agency.
3. Initial Certification Requirements
 - a. To be certified as a hotline staff supervisor and perform the duties as outlined in 7.603.1, B, 1, a-f, the staff person shall:
 1. Complete the pre-service hotline training for supervisors;
 2. Complete all required Transfer of Learning exercises with the assistance of a supervisor, or supervisor's designee; and,
 3. Demonstrate competence through pre- and post-tests, trainer observation, and verification by the county department as outlined in the request for certification.
4. Re-certification Requirements
 - a. To be re-certified as a hotline staff supervisor, the staff person must participate in ten (10) hours of in-service training each year. Qualifying in-service training exercises include:
 1. Quality assurance exercises by the supervisor;
 2. Observation and/or participation in RED teams; and/or,
 3. Training focused in the area of the hotline staff supervisor's primary job responsibilities.

C. Social Caseworker Trainee Certification

The social caseworker trainee is a professional training level position with intensive supervision and/or coaching by the county department in which assignments are limited to fifty percent (50%) of the county's average workload or ten (10) assessments and/or cases at any given time, whichever is less, and are planned and devised to develop and teach professional social casework techniques, basic foundations, and concepts appropriate to the assigned areas.

1. Job duties that require Social Caseworker Trainee certification
 - a. Provides prevention, assessment, and/or ongoing casework services for Program Areas 4, 5, and/or 6;
 - b. Provides intensive family services as an alternative to out-of-home placement;
 - c. Recruits and/or supervises certified foster family care homes, certified and non-certified kinship family care homes, and adoptive family homes;
 - d. Conducts home studies, grants certifications, and monitors the quality of care provided in foster family care homes, certified and non-certified kinship care homes, and adoptive family homes;

- e. Provides individual and/or family counseling on an ongoing or crisis basis to children and/or youth and their parents, families and/or caregivers;
 - f. Provides training to local community partners regarding the referral, assessment, and service provision process.
 - 2. Minimum Educational Requirements
 - a. A bachelor's degree from a higher education institution with course work related to the job responsibilities of child welfare social caseworker. Course work examples can include and are not limited to, the development of human behavior, child development, family intervention techniques, diagnostic measures, or therapeutic techniques.
 - 3. Initial Certification Requirements
 - a. To be certified as a social caseworker trainee and perform the duties as outlined in 7.603.1, C, 1, a-f, the staff person shall:
 - 1. Complete the pre-service training for new social caseworkers; and,
 - 2. Demonstrate an emerging level of competence through pre- and post-tests, trainer observation, and verification by the county department as outlined in the request for trainee certification.
 - 4. Re-certification Requirements
 - a. The social caseworker trainee certification is valid for up to one (1) year from initial certification date. Prior to the end of the certification year, the county department must request social caseworker certification to allow the staff person to continue to perform the duties described in 7.603.1, C, 1, a-f, or 7.603.1, D, 1, a-f.
- D. Social Caseworker Certification
 - 1. Job duties that require social caseworker certification
 - a. Provides prevention, assessment, and/or ongoing casework services for Program Areas 4, 5, and/or 6;
 - b. Provides intensive family services as an alternative to out-of-home placement;
 - c. Recruits and/or supervises certified foster family care homes, certified and non-certified kinship family care homes, and adoptive family homes;
 - d. Conducts home studies, grants certifications, and monitors the quality of care provided in foster family care homes, certified and non-certified kinship care homes, and adoptive family homes;
 - e. Provides individual and/or family counseling on an ongoing or crisis basis to children and/or youth and their parents, families and/or caregivers;
 - f. Provides training to local community partners regarding the referral, assessment, and service provision process.

2. Minimum Educational Requirements
 - a. A bachelor's degree from a higher education institution with course work related to the job responsibilities of child welfare social caseworker. Course work examples can include and are not limited to, the development of human behavior, child development, family intervention techniques, diagnostic measures, or therapeutic techniques; and,
 - b. Professional, internship, or volunteer work experience in a human services related agency.
3. Initial Certification Requirements
 - a. To be certified as a social caseworker and perform the duties as outlined in 7.603.1, D, 1, a-f, the staff person shall:
 1. Complete the pre-service training for new social caseworkers;
 2. Complete all required transfer of learning exercises with the assistance of a supervisor, or supervisor's designee; and,
 3. Demonstrate competence through pre- and post-tests, trainer observation, and verification by the county department as outlined in the request for certification.
 - b. Upon initial certification as a social caseworker, the staff person receives dual certification as a hotline worker.
 - c. If a newly hired social caseworker has been certified as a social caseworker in the state of Colorado within the previous four (4) years, pre-service training for new social caseworkers is not required.
4. Re-certification Requirements
 - a. To be re-certified as a social caseworker, the staff person must participate in forty (40) hours of in-service training each state fiscal year, with a minimum of sixteen (16) of those hours focused in the area of the social caseworker's primary job responsibilities. Qualifying in-service training includes, but is not limited to:
 1. Safety;
 2. Risk;
 3. Permanency;
 4. Well-being;
 5. Assessment;
 6. Interviewing;
 7. Family engagement;
 8. Legal issues;

9. Indian Child Welfare Act;
10. Foster care, kinship care and adoption;
11. Effects of child abuse/neglect on development;
12. Principles of strengths-based, family-focused, child-centered and culturally responsive case planning and case management;
13. Sexual abuse issues;
14. Behavioral health issues;
15. Domestic violence issues;
16. Cultural disparity; and/or
17. Other innovative, emerging, promising, and/or best practices.

E. Social Casework Supervisor certification

1. Job duties that require social casework supervisor certification
 - a. Provides direct supervision to social casework staff and para-professionals;
 - b. Oversees the work of the unit, may make screening decisions regarding referrals, and assigns caseloads to workers based on the knowledge and skills of the social caseworkers in that unit;
 - c. Monitors the workload of the unit, determines resource needs to achieve the goal of the unit, and makes recommendations to higher level management;
 - d. Meets with social caseworkers individually and in groups, and counsels regarding rules, policies, procedures, data and laws; reviews specific cases, actions taken, and problems encountered; and creates an environment that allows for professional growth;
 - e. Establishes individual training needs of social caseworkers, and ensures that an effective training plan is in place;
 - f. Establishes individual performance plans, reviews the performance of social caseworkers on a periodic basis, and completes an annual performance evaluation.
2. Minimum Educational Requirements
 - a. A bachelor's degree from a higher education institution with course work related to the job responsibilities of child welfare social casework supervisor. Course work examples can include and are not limited to, the development of human behavior, child development, family intervention techniques, diagnostic measures, or therapeutic techniques; and,
 - b. Three (3) years of professional, internship, or volunteer work experience in a human services related agency; or,

- c. A master's degree or higher in a social work or human behavioral sciences field; and,
 - d. Two (2) years of professional, internship, or volunteer work experience in a human services related agency.
- 3. Initial Certification Requirements
 - a. To be certified as a social casework supervisor, and perform the duties outlined in 7.603.1, D, 1, a-f, the staff person shall:
 - 1. Complete the pre-service training for new social caseworkers if not previously certified within the previous four (4) years in the State of Colorado;
 - 2. Complete the pre-service training for new social caseworker supervisors;
 - 3. Complete all required transfer of learning exercises with the assistance of a supervisor, or supervisor's designee; and,
 - 4. Demonstrate competence through pre- and post-tests, trainer observation, and verification by the county department as outlined in the request for certification.
 - b. Upon certification as a social casework supervisor, the staff person receives dual certification as a hotline staff supervisor.
- 4. Re-certification requirements
 - a. To be re-certified as a social casework supervisor, the staff person must participate in forty (40) hours of in-service training each state fiscal year, with a minimum of sixteen (16) of those hours focused in the area of the social casework supervisor's primary job responsibilities. Qualifying in-service training includes, but is not limited to:
 - 1. Leadership and management;
 - 2. Data informed practice;
 - 3. Worker safety;
 - 4. Assessment;
 - 5. Interviewing;
 - 6. Family engagement;
 - 7. Legal issues;
 - 8. Indian Child Welfare Act;
 - 9. Foster care, kinship care, and adoption;
 - 10. Effects of child abuse/neglect on development;

11. Principles of strengths-based, family-focused, child-centered, and culturally responsive case planning and case management;
12. Sexual abuse issues;
13. Behavioral health issues;
14. Domestic violence issues;
15. Cultural disparity; and/or
16. Other innovative, emerging, promising, and/or best practices.

F. Case Aide/Life Skills worker

1. Minimum educational requirements
 - a. This position has obtained a high school diploma or a General Equivalency Diploma (GED); and,
 - b. Has six (6) months of full-time public contact in human services or a related field.
2. Substitution for public contact shall include successful completion of a certificate program and/or college course equivalent to public contact in Human services or a related field.

G. Temporary Educational Waiver Process

If proven recruitment difficulty exists, county departments may request a temporary waiver of the educational requirements by submitting a request to the Colorado Department of Human Services, Division of Child Welfare, which includes the following information:

1. For Initial Hiring:
 - a. Documentation of the recruiting efforts and the identified difficulties;
 - b. Description of the specific services to be provided by the position, the title of the position, and the name of the candidate;
 - c. Justification as to how the candidate meets all other qualifications for the position; and,
 - d. A plan on how and when the candidate will meet the requirements contained in these rules.

A temporary educational waiver may be granted for up to two (2) years, with an option for the county department to request one (1) additional year. The progress on the plan outlined by the temporary waiver will be assessed every six (6) months by the Colorado Department of Human Services, Division of Child Welfare, and can be revoked or withdrawn at any time if the requirements are unable to be fulfilled within the identified timeframe.

2. For County Directors:

County directors who also provide direct supervision of child welfare services and who do not meet the minimum qualifications for the casework supervisor position must apply, and qualify, for a temporary educational waiver to provide these services.

H. Training Substitutions

If a newly hired person has previous experience and has successfully completed comparable child welfare training to the pre-service training for hotline workers, hotline worker supervisors, social caseworkers, or social casework supervisors, the county department may request a training substitution from the Colorado Department of Human Services, Division of Child Welfare Training unit. The following information must be submitted:

1. Documentation of previous child welfare training including a description of the training and documentation of training completion;
2. Documentation of previous child welfare experience;
3. Completion of state automated case management system navigation training if applicable
4. Completion of the Colorado Family Safety and Risk Assessment training, if applicable; and,
5. Completion of county-specific Transfer of Learning exercises designed to prepare the worker to perform required job functions

Certification will be awarded after requirements of Section 7.603.1, H, 1-5, have been satisfied.

7.604 ANTI-DISCRIMINATION [Eff. 1/1/15]

Child welfare services programs shall be administered in compliance with Title II of the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the requirements of section 504 of the Rehabilitation Act of 1973. No later editions or amendments are included. Copies may be obtained or examined during regular business hours by contacting the Director, Division of Child Welfare Services, at the Colorado Department of Human Services, 1575 Sherman Street, Denver, Colorado 80203; or any state publications depository library.

- A. County department staff shall not deny a person aid, services, or other benefits or opportunity to participate therein, solely because of age, race, color, religion, creed, sex, national origin, political beliefs, method of payment, sexual orientation, veterans status, or disability.
- B. County departments shall make services available to all eligible children and their families, including disabled individuals, through hiring qualified staff or through purchase of necessary services.
- C. County departments must be accessible to all [CLIENTS] and recipients who wish to receive services, or the services must be made accessible at an alternate location, as set forth in the county written plan.
- D. County departments shall have an affirmative action plan and a disability services plan.

- E. County departments shall take reasonable and prudent steps to ensure that persons with limited English proficiency have meaningful and equal access to programs, services and information free of charge.
- F. County departments shall take extra care to ensure that the choice of interpreter by a person with limited English proficiency is voluntary and made with the knowledge that a competent interpreter could be provided by the county department at no cost to the person with limited English proficiency upon request.
- G. County departments shall post signs in reception areas, intake areas or other entry points in the department notifying persons with a physical or mental disability that auxiliary aids and services, including sign language, are available upon request.

7.605 CONFIDENTIALITY [Eff. 1/1/15]

Unless authorized in these rules the use or disclosure of information by the county department concerning current or former clients is prohibited.

7.605.1 CONFIDENTIAL INFORMATION PROTECTED [Eff. 1/1/15]

- A. County departments shall treat all information as confidential according to applicable statutes, including, but not limited to, the following:
 - 1. Names and addresses of current or former clients and services provided;
 - 2. Information related to the social and economic conditions or circumstances concerning any individual including wage or income information or correspondence obtained from any source including state or federal agencies;
 - 3. Agency evaluation of information about any individual;
 - 4. Medical, psychological, or social evaluations including diagnosis or past history of disease, or disability of any kind; and,
 - 5. The name, address, and any other identifying information of the reporting party in an abuse and/or neglect referral.
- B. All confidential information shall be sorted and processed so that there are safeguards to ensure no unauthorized personnel can acquire or retrieve the information.
- C. When the use of any and all records obtained, created, or used are no longer needed, they shall be destroyed or returned. Destruction shall be in a secure manner, such as shredding.

7.605.2 PROCEDURES FOR RELEASE OF CONFIDENTIAL INFORMATION [Eff. 1/1/15]

- A. County departments shall obtain written permission from the individual or family for the release of information, unless such release is otherwise authorized in these rules or by law or unless the referring agency has already secured written permission.
- B. The release or use of information concerning current or former clients shall be restricted to persons or agency representatives who are subject to standards of confidentiality that are comparable to those of the state and county departments.

- C. County departments shall apply these rules to requests for information from such groups or individuals as legislators, governmental authority, the courts, or law enforcement officials, as from any other source. Whenever there is a question about the legality of releasing information to persons seeking information from the county department, the requestor shall be advised to request the court to require the county department to produce the desired records or information within the custody or control of the county department.

7.605.21 County Responsible for Processing Inquiries Concerning Abuse and/or Neglect Referrals [Eff. 1/1/15]

The county department that entered the founded report of abuse and/or neglect shall process all inquiries submitted by the following types of entities or individuals:

- A. Departments of human or social services, Court-Appointed Special Advocate Program (CASA), the courts or individuals authorized to review records and reports of abuse and/or neglect;
- B. Individuals or child placement agencies approved to conduct home studies for out of home placement providers;
- C. Governing bodies and citizen review panels for the purposes of carrying out their duties; and,
- D. Inquiries from individuals who have been involved with the county department requesting a copy of the information pertinent to himself or herself or as having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record. The exception to this is employment and volunteer related background check inquiries (see sections 7.605.22, C and 7.701.32).

7.605.22 Sharing of Confidential Information Between Governmental Agencies – Administrative Reviews [Eff. 1/1/15]

- A. County departments shall share appropriate information with other human or social services agencies and community professionals who care for, treat, or supervise a child to ensure coordination of services and protection of the child. Agencies or individuals receiving the information must have a need to know the information for the purposes of investigations and case management in the provision of services or the administration of their respective programs. County departments shall require that these agencies and persons have confidentiality standards. Release of information shall be obtained, when required.
- B. Individuals participating in a kinship, foster care, or alternative service review of a child at the invitation of the county department shall be considered as part of the administration of the child welfare services program for purposes of handling confidential information. The role of such persons is to contribute information essential to the delivery of services to the child and the child's family. Information concerning the child and the child's family shall be considered confidential by all parties to the review system. Releases of information shall be obtained, when required.
- C. Provisions for employment and volunteer related background check inquiries will be followed as outlined in section 7.701.32 "Use of Reports and Records of Child Abuse or Neglect for Background and Employment Inquiries".

7.605.23 Release of Confidential Information in Court Proceedings – Reporting Party [Eff. 1/1/15]

- A. In a criminal or civil proceeding in which the county case record is subpoenaed or any county representative is ordered to testify concerning a current or former client, the court shall be advised through proper channels of the statutory provisions, policies, or rules and regulations concerning disclosure of information. Confidential information shall not be released in a judicial proceeding unless so ordered by the court.
- B. Confidential information, such as the identity of the reporting party, shall not be released in a judicial proceeding unless so ordered by the court.

7.605.24 Release of Confidential Information to Clients [Eff. 1/1/15]

County departments shall define in writing and submit to the State department a process by which clients and former clients may obtain access to their case records. The following elements shall be included in the process:

- A. Designated source (individual and position) within the county department who will handle client requests for records access;
- B. Directions for maintaining a record of the requests;
- C. Time frames for responding to requests;
- D. Directions for individuals requesting access to records;
- E. How editing is to occur and by whom (removal or reporting party information; removal of other confidential information which is protected by law);
- F. Charges involved for the requestor; and,
- G. Warning regarding the sharing of confidential information by the requestor.

7.605.25 Release of Confidential Information for Conflict Resolution Purposes [Eff. 1/1/15]

For purposes of carrying out the conflict resolution duties as set forth in section 19-3-211, C.R.S., county governing bodies and citizen review panels shall be given access to child abuse and/or neglect records or reports related to specific grievances under their purview. County departments shall ensure that members understand the confidential nature of such information.

7.605.3 USE OF CONFIDENTIAL INFORMATION – RELEASE NOT REQUIRED [Eff. 1/1/15]

7.605.31 Internal Inquiries [Eff. 1/1/15]

County departments shall perform inquiries into the state automated case management system for information pertaining to their own internal county department operations, including, but not limited to:

- A. Investigations and assessments of allegation of abuse and/or neglect;
- B. Certifying individuals as county kinship providers, county foster and/or adoptive homes; and,
- C. Screening of county department employees and volunteers if such persons' responsibilities include direct contact with children.

7.605.32 Assessments of Known or Suspected Incidents of Child Abuse and/or Neglect [Eff. 1/1/15]

County departments shall provide child abuse and/or neglect records and reports to the law enforcement agency, district attorney, coroner, or county department investigating or assessing a report of a known or suspected incident of child abuse and/or neglect or treating a child or family which is the subject of the report.

7.605.4 PERMITTED USES OF CONFIDENTIAL INFORMATION [Eff. 1/1/15]

To the extent county departments may access and use confidential information as described above, such access and use is permitted only for purposes directly connected with the administration of child welfare programs and related State Department activities which include:

- A. Administration of county child welfare programs:
 - 1. Establishing of eligibility;
 - 2. Determining amount and type of services to be provided; and,
 - 3. Providing services.
- B. Any investigation, prosecution, or criminal or civil proceeding in connection with the administration of the program.
- C. Any records or reports that are unconfirmed may only be used to assist in future risk or safety assessments.

7.605.5 PENALTY FOR UNAUTHORIZED RELEASE [Eff. 1/1/15]

Any person who willfully permits or who encourages the release of data or information related to abuse and/or neglect contained in the state automated case management system to persons not permitted access to such information, commits a Class 1 misdemeanor and shall be punished as provided in Section 18-1.3-501, C.R.S.

7.606 CHILD WELFARE GRIEVANCE RESOLUTION PROCESS [Eff. 1/1/15]

The governing body of each county, and city and county, shall establish a grievance process, including a citizen review panel, as required by Section 19-3-211, C.R.S. A grievance filed by a complainant concerning the conduct of a county department employee can be submitted to the county department or the Colorado Department of Human Services Client Services unit.

The following requirements apply to the grievance process:

- A. Definitions

“Grievance” means a complaint filed by a complainant regarding the conduct of an employee of a county department of social services in performing his/her duties under Article 3 of the Children's Code. “Grievance” does not include complaints regarding conduct by the courts, attorneys, law enforcement officials, employees of the State, foster parents or other providers of services to children, or other family members.

“Citizen Review Panel” means an advisory body appointed by the governing body of a county or city and county pursuant to Section 19-3-211, C.R.S. The members of such citizen review panel shall be appointed by the governing body without influence from the State Department or the county department, be representative of the community, have demonstrable personal or professional knowledge and experience with children, and not be employees or agents of the State Department or any county department. At least one member of the citizen review panel in each county and city and county shall be the parent of a minor child at the time of his or her appointment to serve on such panel.

“Complainant” means any person who was the subject of an investigation of a report of child abuse or neglect or any parent, guardian, or legal custodian of a child who is the subject of a report of child abuse or neglect and brings a grievance against a county department in accordance with the provisions of Section 19-3-211, C.R.S.

“Conduct” means the manner in which a county department employee behaves when performing his/her duties under Article 3 of the Children’s Code. If an employee makes a decision that is appealable under Colorado statutes and the rules governing child welfare services, an individual may pursue those remedies. The grievance resolution process does not modify the time frames for pursuing the other forms of relief available under Colorado statutes and the rules governing child welfare services.

“Governing body” means the board of county commissioners of a county, or a city council of a city and county, in accordance with Section 19-1-103(54), C.R.S.

“Recommendation” means a proposed course of action that may be implemented by a county director to resolve a grievance. These proposed actions may include reassigning a case to a different employee, requiring an employee to receive training, or administering disciplinary action to an employee, subject to applicable safeguards afforded to the employee through the personnel system under which the employee is employed.

B. Time Frames for Resolving Grievances

Any grievance shall be forwarded to the county director for internal resolution within ten (10) working days after it has been received by the county department.

The county director shall act on the grievance within twenty (20) calendar days after s/he receives it. If the county director is able to resolve the grievance to the complainant's satisfaction, s/he will issue a written decision setting forth the resolution. If the county director is unable to resolve the grievance to the complainant's satisfaction within twenty (20) calendar days and the complainant has requested the grievance be referred to the Citizen Review Panel, the county director shall immediately refer the grievance to the Citizen Review Panel, together with the county directors proposed resolution of the grievance.

Within thirty (30) calendar days after receipt of the grievance from the county director, the Citizen Review Panel will review or convene a hearing on the grievance and send a written recommendation regarding the grievance, together with the basis for its recommendation, to the county director and the complainant.

If the county director agrees with the Citizen Review Panel's recommendation, s/he will issue a written decision implementing the recommendation. If the county director or the complainant disagrees with the recommendation, the grievance shall be referred to the governing body.

Within thirty calendar days of receiving the grievance, the governing body shall send its written recommendation regarding the grievance, together with the basis for the recommendation, to the complainant, the county director and to any county employee who is the subject of the grievance. The county director shall issue a final decision including his/her plan to implement the governing body's recommendation, and shall send a copy of this report to the complainant and to the county employee who is the subject of the grievance. Within thirty calendar days after issuing this final decision, the county director shall submit a written report to the Citizen Review Panel including a disposition of the grievance, and shall send copies of the report to the complainant and to the county employee who is the subject of the grievance.

C. Citizen Review Panel

1. Access to Information and Confidentiality

A Citizen Review Panel shall have access to child abuse or neglect reports and any information from the complete case file that the governing body believes is pertinent to the grievance, which shall be reviewed solely for the purpose of resolving grievances pursuant to the provisions of this section, except that access to identifying information concerning any person who reported child abuse or neglect shall not be provided and no participant in the conflict resolution process shall divulge or make public any confidential information contained in a report of child abuse or neglect or in other case file records to which he or she has been provided access.

2. Informal Testimony

Upon the request of the complainant, the county department, or the subject of a grievance, a citizen review panel may receive testimony from experts or other witnesses. Such testimony must be provided voluntarily and without a fee. Further, such testimony will be provided without an oath, will not be subject to objections from parties to the grievance process, and the witness will not be subject to cross examination. Members of the Citizen Review Panel, however, may ask questions of the witness as the panel's procedures permit.

3. Scope of Inquiry and Recommendations

The Citizen Review Panel shall only inquire into and make recommendations concerning grievances as presented by a complainant and as defined above. The Citizen Review Panel may not access records or receive testimony unless the record or testimony is directly related to a grievance properly referred to the panel. Once the panel has made a recommendation concerning a grievance, or the time for making such a recommendation has expired, the panel may not inquire further into the grievance. The panel may not inquire into the conduct of courts, attorneys, law enforcement officials, employees of the State, foster parents or other providers of services to children, or other family members, nor may the panel inquire into the conduct of a county department employee if no grievance concerning that employee or that conduct has been properly referred to the panel.

The authority of the Citizen Review Panel is limited to making recommendations as defined above. Specifically, the panel may only recommend actions that:

- a. Will resolve a particular grievance concerning the conduct of a county department employee performing his/her duties under Article 3 of the Children's Code; and,
- b. Can be implemented by the County Director.

D. Annual Reports

On or before July 31 of each year, every county or city and county shall submit to the State Department an annual report regarding the resolution of grievances pursuant to this section. At a minimum, this report shall include:

1. The number of grievances received by the County Director, the number of grievances referred to the Citizen Review Panel, the number of grievances referred to the governing board, and the actual time frames for resolving grievances at each level.
2. A brief description of the disposition of the grievances, including the number that were concluded without any action taken, the number which were substantiated, the number resolved by case reassignment, the number resolved by requiring additional training, the number resolved by imposing disciplinary action against a county employee, and the number resolved in other ways.
3. A copy of its county grievance policy; and,
4. A list identifying the Citizen Review Panel members.

E. Counties shall publicize:

1. The availability of the process for all dependency and neglect cases through the "Notice of Rights and Remedies" and by informing child welfare clients, guardians, and legal custodians of the process during the initial contacts with parties and periodically throughout the provision of services related to dependency and neglect cases.
2. The rights and remedies for families as specified in Section 7.601.31.
3. Any other information about the process as deemed relevant by the governing body.

7.607 COUNTY RESPONSIBILITIES FOR PURCHASE OF SERVICE, CONTRACTING AND ADMINISTRATIVE SERVICE [Eff. 1/1/15]

7.607.1 DEFINITIONS [Eff. 1/1/15]

- A. "Administrative services" are personal services delivered by an individual or organization in lieu of the services being delivered directly by county department employees within the Merit System or county personnel system.
- B. "Program services" are direct program costs.
1. Non-contractual program case services are a type of program service obtained by purchase for a specific client or client groups without the use of a contract. These involve a direct payment to a client or one-time or irregular vendor payment for services provided to a specific client where a contract would be difficult or impossible to obtain.
 2. Contractual program services are obtained by purchase for a specific client or client groups and a contract is required.

7.607.2 CONTRACTING REQUIREMENTS [Eff. 1/1/15]

- A. The county department shall enter into a contract before the initiation of administrative or program services, except for non-contractual program case services identified in this section.

- B. The county department shall initiate a written corrective action plan or terminate the contract when it determines that services do not comply with the terms of the contract.
- C. The county department has direct responsibility for, and shall not purchase activities of:
 - 1. Service eligibility determination or redetermination;
 - 2. Development of the Services Agreement or Family Services Plan;
 - 3. Authorization of purchased services;
 - 4. Service fee determination; and,
 - 5. Monitoring of purchased services.
- D. County department employees shall not act as a provider of purchased program services.
- E. The county shall purchase services only when the rates of payment for services do not exceed the amounts reasonable and necessary to assure the quality of service. Reasonable means the cost does not exceed the community prevailing rate. Necessary means the service is directly related to the client's need.
- F. When contractors are required by statute to be licensed, registered, or certified in order to perform the purchased service, county departments of social services shall assure that such requirements are met, before the execution of the contract. In addition to or in the absence of such statutory requirements, the contractor shall meet standards or criteria as established by the State Department. All personnel engaged in the administration or direct delivery of services purchased by the county department shall meet qualifications as provided under Merit System rules and regulations or an approved county personnel system.
- G. The county department shall purchase services only from contractors independent of the county. State reimbursement shall be available only for purchase of service contracts where the relationship between the county department of social services and the contractor is a relationship of employer-independent contractor, not that of employer-employee.
- H. In cases where the contractor status is not clear, status resolution shall be in favor of the employee status classification.
- I. For program or administrative contracts in the amount \$10,000 or less, the county department may use its own selection criteria for awarding purchase of service contracts.
- J. The county department shall establish a separate file for each contract in excess of \$10,000 and include the following documentation:
 - 1. Supporting the basis for award cost or price; and,
 - 2. Identifying the procurement method used (formal advertising or negotiation).
 - a. If formal advertising was used, the county shall include descriptive material used to solicit bids and copies of published bid solicitation notices.
 - b. If negotiation was used, include justification for using this procurement method. Justification shall include one or more of the five acceptable reasons for negotiation listed below.

- K. The county department shall use the most formal procurement method that is possible and practical.
 - 1. Formal advertising is the procurement method that involves open and free competition (i.e., public notice of bid solicitations, a clear and adequate description of the technical requirements for the service to be procured, sealed bids, and the public opening of bids).
 - 2. Procurements may be negotiated if it is not practicable or feasible to use formal advertising. Generally, such procurements may be negotiated if one or more of the following conditions prevail:
 - a. The public exigency will not permit the delay incident to advertising.
 - b. The material or service to be procured is available from only one person or firm.
 - c. The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institution. (Personal services here refer to a contract with an individual for the services of that individual. Professional services refer to services rendered by a person or organization licensed or certified by the state.)
 - d. No acceptable bids have been received after formal advertising.
 - e. Formal advertising is otherwise not practicable or feasible, and negotiation is authorized by applicable law, rules, or regulations.
- L. Excluded from requirements of this section, "Purchase of Services," are services purchased under the Employment First Program.
- M. Any county department and child placement agency entering into a contract for the provision of foster care services shall include a provision in the contract that recognizes a right of the State Department or county department to recover any funds misused by the Child Placement Agency and to withhold subsequent payments. The provision in the contract shall provide for an appeal of the decision to recover or withhold the funds.

7.607.3 PURCHASE OF PROGRAM SERVICES [Eff. 1/1/15]

- A. The purchase of program services:
 - 1. May or may not require a contract depending upon the specific service purchased.
 - 2. Does not require State Department prior approval as long as the service is authorized by state rule.
- B. Authorized Non-Contractual Program Case Services
 - 1. Transportation for children in out-of-home care, limited to the following purposes:
 - a. For return of runaways, who are in county department custody, to their Colorado home county.
 - b. For a child in out-of-home care to receive services specified in the Family Services Plan that are directly related to visitation and reunification.
 - c. To facilitate a permanent plan through the Interstate Compact.

- d. To access one-time physical, dental, and psychological examinations for children in out-of-home care who are not Medicaid eligible and have no other insurance.
 - 2. A one-time physical, dental, and psychological examination for children in out-of-home care who are not Medicaid eligible and have no other insurance.
 - 3. Case services authorized in the Adoption Services and Relative Guardianship Assistance Program sections that are specified in a current signed Adoption or Relative Guardianship Assistance Agreement.
 - 4. Other case services provided to children in out-of-home placement when such services are not a part of either room and board or Medicaid treatment or case management services.
- C. Contractual Program Services
- 1. Services may be obtained by purchase for specific clients using the standardized form contracts, identified by number in the paragraph below. Standardized form contracts comply with federal and state statutes and/or regulations for the purchase of service.
 - a. Child Welfare Child Care: Use contract form SS-19 as appropriate.
 - b. Child Foster Care Service: Use state authorized contract forms as appropriate.
 - c. Psychological Evaluations, when purchased once and not through an agency contract: Use contract form SS-21B. Psychological evaluations shall not be purchased for children or adults who are eligible for Title XIX (Medicaid). Third party payment for psychological evaluations shall be used as first payer where possible.
 - 1) Limited purposes for children:
 - a) For assessment of the need for protection - includes psychological evaluations for parents or substitute caretakers. Substitute caretakers are persons providing care as an alternative to the parent, i.e., includes guardians or legal custodians and excludes foster parents.
 - b) For foster care placement.
 - c) For adoptive home placement.
 - 2) Limited purposes for adults:

For biological parents, on behalf of children in foster care.
 - d. Physical evaluations, when purchased once and not through an agency contract shall use the state authorized contract form. Physical evaluations shall not be purchased with program service funds for children or adults who are eligible for Title XIX (Medicaid). Third party payment for physical evaluations shall be used as first payer where possible.

Limited purposes for children:

 - 1) Needing assessment of need for protection.

2) In Child Welfare Child Care.

3) In out-of-home care.

- e. Evaluation shall include the cost of the examination as well as any written and/or verbal interpretation of the results of the psychological or physical evaluation.

Core Services Program Services: County departments with state approved Core Services plans may use Form FPP-1 or develop and use their own contract for the purchase of Core Services. County developed contracts shall meet the contract content requirements provided in Section 7.607.4, D.

D. Billing and Payment

County department billings for the purchase of program service shall follow state procedures.

7.607.4 ADMINISTRATIVE SERVICES [Eff. 1/1/15]

A. The purchase of administrative services requires:

1. A contract; and,
2. State Department approval.

B. The content of all administrative contracts shall comply with the requirements as established by the State Department.

C. The county department shall monitor the provision of services at least every six (6) months under an administrative service contract for compliance with the contract and maintain written documentation of such monitoring including dates of monitoring and results/conclusions.

D. Contract Content

1. If a county department determines that certain administrative services are to be purchased, the county department shall negotiate terms and write a contract for the purchase.
2. When the county department writes an administrative service contract, the contract shall contain:
 - a. All terms of the contract in one instrument, be dated, and be executed by authorized representatives of all parties to the contract prior to the date of the implementation;
 - b. A definite beginning and ending date for provision of services up to a maximum of one (1) year duration;
 - c. A detailed description of the services to be provided and of the methods, including subcontracting, to be used by the contractor in carrying out its obligations under the contract;
 - d. A stated number of units of service at a specific dollar rate, and/or for a specific dollar amount;
 - e. The method and source of payment to the contractor;

- f. The source of funds and provision that "Payment pursuant to this contract, if in federal and/or state funds, whether in whole or in part, is subject to and contingent upon the continuing availability of federal and/or state funds for the purposes hereof";
- g. Provision that no fees shall be imposed by the contractor related to services provided under this contract;
- h. Provision that the contractor meets applicable state licensing requirements, and/or federal standards and/or qualifications as provided under Merit System rules and regulations or county personnel system;
- i. Provision that contractor strictly adheres to all applicable federal, state, and local laws that have been or may hereafter be established;
- j. The address(es) of facilities to be used in providing services;
- k. Provision that the contractor shall comply with the requirements of the Civil Rights Act of 1964, the requirements of Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act, and for safeguarding information according to rules of the State Department;
- l. Provision that any subcontracts permitted by the contract shall be subject to the requirements of the contract as listed here, and that the contractor is responsible for the performance of any subcontractor;
- m. A statement specifying requirements for fiscal and program responsibility, billing, records, controls, reports, and monitoring procedures;
- n. Provision for access to financial, program, and other records pertaining to services provided under this contract by county, state, and federal officials, and others as authorized in writing by the county;
- o. Provisions for contractor to keep financial, program, or other records pertinent to this contract for a period of 5 years from the contract termination date;
- p. Provision that the parties of the contract intend that the relationship between them contemplated by the contract is that of employer-independent contractor;
- q. Provisions for termination by either party including the manner by which termination will be effected and the basis for settlement. In addition, such contracts shall set forth the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor; and,
- r. For contracts over \$10,000 certain provisions that will allow for administrative, contractual, or legal remedies in instances in which contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate; and for contracts in excess of \$100,000, the contract must contain provisions for compliance with the Clean Air Act and the federal Water Pollution Control Act.

E. Additional County Option Contract Components

The county department may add optional provisions to the above required standard contract items.

F. Billings and Payment

1. County department billings for administrative service contractual purchase of services shall follow state procedures.
2. State Department reimbursement for a properly approved county administrative service contract is subject to the availability of funds within the county's allocation.

7.608 HUMAN IMMUNODEFICIENCY VIRUS (HIV) POLICY [Eff. 1/1/15]

7.608.1 DEFINITIONS [Eff. 1/1/15]

Acquired Immunodeficiency Syndrome (AIDS): The late stage of the illness triggered by infection with Human Immunodeficiency Virus (HIV). A person receives an AIDS diagnosis when he or she has a CD4 (helper 1-cell) count of less than 200 and/or certain opportunistic infections common with advanced immune deficiency.

HIV: The detection by laboratory antibody tests of the presence of the Human Immunodeficiency Virus (HIV) in an individual.

Universal Precautions: Measures used to keep a barrier between a person and blood and/or other infectious bodily fluids. The precautions are published by the Centers for Disease Control as accepted methods of preventing the spread of infectious disease and, when used routinely and properly, are sufficient to control the spread of infectious blood borne diseases, including HIV. Following are the universal precautions:

- A. Universal precautions apply to blood and to other body fluids containing visible blood. Blood is the single most important source of HIV in a care giving setting.
- B. Universal precautions also apply to semen and vaginal secretions. Although both of these fluids have been implicated in the sexual transmission of HIV, they have not been implicated in transmission from client to care providers.
- C. Universal precautions do not apply to feces, nasal secretions, sputum, sweat, tears, urine, saliva and vomitus unless they contain visible blood. The risk of transmission of HIV from these fluids, while theoretically possible, is extremely low or nonexistent.
- D. In any contact with visible blood, use a barrier such as latex gloves. When these are not immediately available, such as immediate response to a nosebleed or wound, use a barrier such as a towel. If hands are exposed to blood, they must be washed with soap and water immediately after contact.

7.608.2 Testing and Confidentiality [Eff. 1/1/15]

- A. For children and youth in the legal custody of the county department of human or social services, the county department shall recommend to the medical care provider that the child or youth be tested for HIV based on determination of risk including the following considerations:
 1. Specific medical reasons for testing related to the well-being of the child or youth.

2. Authority to test based on legal mandates or the informed consent of the client or those authorized to make medical decisions for the client.
3. Mandatory pre and post test counseling shall include age appropriate information regarding the illness, assistance in dealing with psycho social issues, information about safer sex and a risk reduction plan.
4. A plan shall be developed for re-testing based upon risk behaviors.
5. In the event a child or youth refuses to consent to testing for HIV, the medical care provider shall be requested to provide counseling to the child.

B. Confidentiality

Section 25-4-1405(6), C.R.S., allows for minors to be examined and treated for HIV infection without the consent of the parent or guardian. Further, if the minor is age sixteen (16) or older, the results of the examination or treatment need not be divulged to the minor's parent or guardian, or to any person, unless necessary under reporting requirements of Title 25 or Title 19, C.R.S.

In the event that the county becomes aware of positive HIV test results, the county shall develop a plan for confidential management of test results and HIV status. The county's policy may limit access to the test results based on the need to know and must comply with provisions of Title 25, Article 4, Part 14, C.R.S. The need to know shall include, but not be limited to:

1. The care provider, with consideration of his or her capacity to provide appropriate physical and emotional care to a child or youth who is HIV-infected and his or her capacity to appropriately manage confidentiality issues. In the case of residential child care facility, residential treatment center, or child placement agency placement, HIV information shall be provided to the person designated by the facility to coordinate medical care.
2. The caseworker and supervisor for the child or youth, who must manage the case including medical care.
3. Child's biological parents based on the determination of risk to the child. The county department shall include the child's parents in decisions for medical procedures and treatment based on risk to the child, except where parental rights have been terminated.

7.608.3 SERVICE PROVISIONS [Eff. 1/1/15]

7.608.31 Non-Discrimination [Eff. 1/1/15]

The status of being at risk for HIV exposure or being diagnosed with HIV/AIDS shall not be a cause for denial of services.

7.608.32 General Services [Eff. 1/1/15]

The county department shall identify and may refer for medical evaluation children or youth in county custody who are at risk of HIV infection, considering the following factors:

- A. Infants born to known HIV infected mothers or mothers with high risk behavior.
- B. Children who have been involuntary sexual partners because of sexual assault, rape, incest and/or sexual abuse.

- C. Children with hemophilia who were exposed to blood or blood products before 1985 or children or youth who have received blood transfusions before March 1985.
- D. Children engaged in injection drug use past or present, including other injection behaviors such as needle sharing.
- E. Children engaged in unprotected, oral, vaginal, or anal intercourse.

7.609 FEES – RECORDS AND REPORTS [Eff. 1/1/15]

- A. The county department may assess a fee for the reproduction of county documents. Such fees may be waived in accordance with county policy.
- B. The State Department shall assess a uniform fee for the purpose of conducting employment, volunteer, placement and adoption background screening to determine if the individual has been confirmed in the state automated case management system as a person responsible in a child abuse and/or neglect incident. The fee shall be established by the State Department not to exceed the direct and indirect costs of administering Section 19-1-307(2)(i), (k) to (o), and (t), C.R.S., and Section 19-3-313.5(3) and (4), C.R.S.
- C. The State Department shall review the fee at least annually to determine whether the fee is consistent with funding the direct and indirect costs indicated above.
- D. The State Department is authorized to set the fee not to exceed \$35, taking into consideration the appropriation level set by the General Assembly and the fund balance of, and the funds collected and paid into, the Records and Reports Cash Fund.
- E. The State Department shall not set the fee above \$35, unless specifically approved by the State Board of Human Services. The State Department shall notify the State Board of Human Services of changes to the fee at least annually upon the assessment of the fee.
- F. When the State Department anticipates changing the fee under the parameters set forth above, the State Department shall notify interested persons, at least thirty (30) calendar days in advance, if practicable, to obtain public comment to consider prior to the change.
- G. The State Department shall notify interested persons by way of the Department's Background Investigations Unit website and through information provided by the Background Investigations Unit when responding to background screen requests.

7.610 LOCAL DISPUTE RESOLUTION PROCESS [Eff. 1/1/15]

- A. County department staff shall advise clients orally and in writing at the time of application of their right to appeal a county department decision either to the State Department for a fair hearing and/or to the county department for a local level dispute resolution conference.
- B. Clients or recipients shall be advised in writing and provided an opportunity for a county level dispute resolution conference within ten (10) calendar days of the mailing date of notice of a decision by the county department of the denial, decrease, discontinuation, or modification of human or social services, and/or Medicaid for children in foster care. Refer to the Income Maintenance rules, Section 3.840 (9 CCR 2503-8), for the proper policy and procedures for noticing and conduct of the local conference.

7.611 STATE APPEAL [Eff. 1/1/15]

County departments shall advise clients in writing of their right to appeal from adverse decisions of county departments. When issuing a written adverse decision, county departments shall include complete information on appeal rights, including any right to a local conference with the county department.

The rules governing the appeals process, including timeframes and notice, are set forth in rule section 3.850 (9 CCR 2503-8). Appeals of confirmed abuse and/or neglect shall proceed in accordance with Sections 7.202.604 through 7.202.609 (12 CCR 2509-3).

Editor's Notes

History

Entire rule repealed eff. 03/01/2000.

Entire rule eff. 01/01/2015.

Rules 7.602, 7.602.1-7.602.2, 7.603, 7.603.1, 7.603.1 J, 7.603.1 O eff. 11/01/2015.

Rules 7.601.11, 7.603.1 eff. 01/01/2016.

Rule 7.603 eff. 07/01/2017.

Rules 7.601.6-7.601.8 eff. 12/01/2017.

Rule 7.601.71 eff. 04/30/2022.

Rules 7.603.1 C, 7.603.1 C.2.a, 7.603.1 D.2, 7.603.1 E.2 eff. 09/01/2022.