COLORADO DEPARTMENT OF HUMAN SERVICES

RULE-MAKING COVER SHEET

Title of Proposed Rule: Homeless Youth Services Pursuant to H.B. 11-1079

Rule-making#: 12-1-4-1

Office/Division or Program: Children, Youth, and Families Division of Child Care

Rule Author: David A. Collins

Phone: 303-866-5946

E-Mail: David.Collins@state.co.us

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

a. [X] Board [ ] Executive Director

b. [X] Regular [ ] Emergency

This package is submitted to State Board Administration as:

[X] Initial Circulation (check all that apply)

- [X] that creates a rule(s)
- [X] that revises a rule(s)
- [ ] that is technical clean-up of a rule(s)

[ ] Update # _____

- [ ] that revises a proposed rule
- [ ] that is technical clean-up of a proposed rule

[ ] Cancel

Specify reason(s) for update or cancellation:

Number of rules included for repeal	4 (Four)
Number of rules included for revision	4 (Four)
What month is being requested for this rule to first go before the State Board?	April, 2012
What date is being requested for this rule to be effective?	July 1, 2012

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Division of Information Technology has occurred.

Office Director Approval: _____ Date: _____

TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Approved		Date:
Conditional		Comments:
Disapproved		

Pre-Board	1st Board	2nd Board	Effective Date

Approved to go to AG: _____ Code: _____

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STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for the rule or rule change. *(State what the rule says or does, explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule.)*

House Bill 11-1079 made significant changes to the laws regarding homeless youth. Specifically, the law expanded the defined age range of what is considered to be a homeless youth from 15-18 years of age to 11-21 years of age, added county referral requirements for homeless youth aged 11-15, expanded the allowable consecutive days of shelter from 14 to 21 days, and created a new type of homeless youth shelter, the Licensed Host Family Home. House Bill 11-1079 affects numerous rules: General Rules at 7.701, Residential Child Care Facility Rules at 7.705, Foster Home Certification Rules at 7.08, rules regulating Child Placement Agencies at 7.710, rules regulating Homeless Youth Shelters at 7.715, and creation of a new rules section, Licensed Host Family Homes, at new section 7.721.

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

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

Explain:

Authority for Rule:

State Board Authority: 26-1-107, C.R.S. (2011) - State Board to promulgate rules; 26-1-109, C.R.S. (2011) - State Board rules to coordinate with federal programs; 26-1-111, C.R.S. (2011) - State Board to promulgate rules for public assistance and welfare activities. 26-5.7-102(3.5), C.R.S. (2011) - State Board to establish requirements for "Licensed Host Family Homes"; 26-6-106(5), C.R.S. "The state board shall promulgate rules to define the requirements for licensure for a licensed host family home serving homeless youth pursuant to the "Homeless Youth Act", article 5.7 of this title."

Program Authority: *(give federal and/or state citations and a summary of the language authorizing the rule-making)*

Does the rule incorporate material by reference?		Yes	X	No
Does this rule repeat language found in statute?	X	Yes		No

If yes, please explain.

Sections of 26-5.7-105, C.R.S., and 26-6-102, C.R.S. are copied verbatim into rule for consistency. These statutes define "Homeless Youth," Licensed Host Family Home," and set standards for referring homeless youth to the county of a youth's residence.

State Board Administration will send this rule-making package to Colorado Counties, Inc., Office of State Planning and Budgeting, and the Joint Budget Committee. The program has sent this proposed rule-making package to which stakeholders

Attachments:
Regulatory Analysis
Overview of Proposed Rule
Stakeholder Comment Summary

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REGULATORY ANALYSIS

(*complete each question; answers may take more than the space provided*)

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

Homeless youth, Homeless Youth Shelters, Residential Child Care Facilities providing Shelter Care, Child Placement Agencies, Foster Homes, Rural communities, and counties.

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

Homeless youth will benefit from the expanded age range of allowable youth who may be sheltered by a homeless youth shelter, a Residential Child Care Center providing shelter care, and Licensed Host Family Homes. These youth will also benefit from the extended duration of stay from 14 to 21 consecutive days. Homeless youth will also benefit from the new Licensed Host Family Homes which are anticipated to create shelter for homeless youth in rural areas of Colorado where no Homeless Youth Shelters or Residential Child Care Facilities providing shelter care are available.

Child Placement agencies will be impacted in that they will be able to be engaged in providing additional services to Homeless youth, and open up the opportunity to seek federal grants related to providing homeless youth shelter services via the new Licensed Host Family Home.

Homeless Youth shelters will be impacted in that they will be able to serve a larger age range of homeless youth for longer durations of consecutive days.

Foster homes will have the added option to be dually certified for foster care and host family home care. While the home cannot have both populations at the same time, it creates opportunities for these homes to have homeless youth in care when either they do not want or cannot obtain foster placements.

Local communities will be impacted in that homeless youth in the community, where finances may not be available to fund a homeless youth shelter or a residential child care facility providing shelter care, to have licensed host family homes that provide shelter to homeless youth within the community, thus reducing the risks associated with homeless youth in rural communities traveling to metropolitan areas for shelter.

Counties will have the benefit of new resources in their community for homeless youth sheltering via the Licensed Host Family Home. Counties will benefit from the option to certify these homes, or to have homes in their county certified by a Child Placement Agency.

3. Fiscal Impact:
For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without

receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources.

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

None

County Fiscal Impact

While counties may experience a fiscal impact associated with the management of statutorily mandated referrals of homeless youth aged 11-15, it is unknown how many referrals will occur. It is also unclear whether there would be an increase at all, as the prior law did not allow for youth aged 11-15 to be in a homeless youth shelter, therefore these youth were already referred by homeless youth shelters and residential child care facilities to the counties for assessment.

Counties could experience a fiscal impact should they choose the option of certifying a Licensed Host Family Home. Licensing these homes, however, is entirely voluntary.

REGULATORY ANALYSIS (continued**)**

Federal Fiscal Impact

None

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

None

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

None

5. Alternatives to this Rule-making:
Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative.

As House Bill 11-1079 significantly changed the laws regulating sheltering homeless youth, no alternative to rule-making exists as our rules are now in conflict with statute.

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OVERVIEW OF PROPOSED RULE

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

Section Numbers	Current Regulation	Proposed Change	Stakeholder Comment
Example: *4.242.11, C*	*Report and verify changes of more than $100 in gross earned monthly income*	*Change $100 to $75*	*_X_ Yes _ No*
7.701.22	None	New Definitions of Homeless Youth, Homeless Youth Shelter, Shelter Care, and Licensed Host Family Home	X
7.705.81	Defines standards for Shelter Care at Residential Child Care Facilities	Amends the definitions for consistency, to align with new law, and to remove standards existing without statutory authority.	X
7.705.82	Sets standard for medical evaluation at 30th day of shelter care	Repeals the standard as the law does not allow for more than 21 consecutive days of shelter and replaces it with new law mandating referral to county of youth's residence. New rules are added as well for new laws specific to homeless youth aged 11-15 years.	X
7.705.83, D	Rule requires a placement plan for youth after their 30th day in shelter care	Repeal of this rule as no legal authority for homeless youth to stay longer than consecutive days in Shelter Care.	X
7.708.1	Rules regulating foster homes.	Adds new regulations allowing a certified Foster home to be dually certified as a Host Family Home and adds the country referral requirements of 26-5.7-105, C.R.S.	X

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7.710.12	Definitions section of Child Placement Agency Rules	Adds the definition of a Licensed Host Family Home, allowing a CPA to certify the homes. Adds Licensed Host Family Home to definition of Certification.	X
7.710.33	Standards for application and inspection of foster homes	Corrects language of "day care" home to "family child care home"; prevents a Foster home licensed as a Family Child Care home from also becoming a Host Family Home; adds additional training requirements for Licensed Host Family Homes.	X
7.715.1	Introduction	Subjects Homeless Youth Shelters to the General Rules at 7.701.	X
7.715.11	Policy of CDHS	Repeal as policy statements are not binding.	X
7.715.12	Definitions	Repeals current definition and refers to new definitions in section 7.701.22	X
7.715.33	Ratios for supervision	Technical clean up changes the age of children for the ration to 11 years and over.	X
7.715.43	Homeless Youth Shelter Admission Polices and Procedures	Adds the new country referral requirements under 26-5.7.105, C.R.S.;	X
7.715.71	Living space standards	Changes the age range for shared living space to meet new age range of 11-21 years of age.	X

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STAKEHOLDER COMMENT SUMMARY

DEVELOPMENT

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

This Package has been brought to Sub-PAC twice, once in October, 2011, and again in February 2012. As a result of the October 2011 meeting, substantive changes were made to the package and a dialogue with particular interested counties, i.e. Garfield County, to address concerns.

This package was drafted by a group of Stakeholders who met monthly beginning in July, 2011 through November 2011 and included the Division of Child Care, Division of Child Welfare, Office of Homeless Youth Services, the Colorado Office of the Child's Representative, the Colorado State Foster Parent Association, Family Tree Gemini, Urban Peak, Colorado Association of Family and Children Agencies (CAFCA), Governor's Office on Policy and Initiatives, Colorado Coalition for the Homeless, Housing Colorado, Montezuma County Partners, San Luis Valley Comprehensive Community Mental Health Center, Montrose County - Hilltop Community Services, Center for Systems Integration, Huerfano County Family Resource Center, Volunteers of America, The Council/Comitis, Attention Homes, Mile High United Way, and Lutheran Family Services.

THIS RULE-MAKING PACKAGE

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

This Package has been brought to Sub-PAC twice, once in October, 2011, and again in February 2012. As a result of the October 2011 meeting, substantive changes were made to the package and a dialogue with particular interested counties, i.e. Garfield County, to address concerns.

This package was drafted by a group of Stakeholders who met monthly beginning in July, 2011 through November 2011 and included the Division of Child Care, Division of Child Welfare, Office of Homeless Youth Services, the Colorado Office of the Child's Representative, the Colorado State Foster Parent Association, Family Tree Gemini, Urban Peak, Colorado Association of Family and Children Agencies (CAFCA), Governor's Office on Policy and Initiatives, Colorado Coalition for the Homeless, Housing Colorado, Montezuma County Partners, San Luis Valley Comprehensive Community Mental Health Center, Montrose County - Hilltop Community Services, Center for Systems Integration, Huerfano County Family Resource Center, Volunteers of America, The Council/Comitis, Attention Homes, Mile High United Way, and Lutheran Family Services.

Are other State Agencies (such as Colorado Department of Health Care Policy and Financing) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

☐ Yes ☒ No

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

[X] Yes [ ] No

Date presented October, 2011. Were there any issues raised? [X] Yes ____ No

Counties expressed concern that the draft presented to them did not allow for counties to certify the new license type, Licensed Host Family Home. This change has been made to the package allowing counties to certify the homes. Other concerns were raised regarding the age range of what the law now dictates is a homeless youth, 11-21 years of age, the new expanded allowable consecutive days of stay, now at 21 days, and the new requirements for reporting to counties when a youth aged 11-15 is in a homless youth shelter, shelter care, or a Licensed Host Family Homes. These three concerns regard the law, which cannot be changed by CDHS, but which CDS must amend rules to be in compliance with.

If not, why.

Comments were received from stakeholders on the proposed rules:

[X] Yes [ ] No

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

Stakeholders were present at each rule-making session, therefore, comments and feedback were incorporated through that medium directly into this completed rule package. The draft package will be posted on the Division of Child Care website with an internet based feedback system so that any additional feedback can be obtained. Any changes resulting from this feedback will be incorporated into a rule package update

7.701.2 DEFINITIONS

7.701.21 Types of Homes

7.701.211 Family Child Care Home

Rev. eff. 8/1/07 "Family Child Care Home", defined at Section 26-6-102(4), C.R.S., means a type of family care home that provides less than 24-hour care for 2 or more children on a regular basis in a place of residence. Children in care are from different family households and are not related to the head of household.

7.701.212 Foster Care Home

Add eff. 8/1/07 A "Foster Care Home", defined at Section 26-6-102(4.5), C.R.S., means a facility that is certified by the county department or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four (24) hour family care for a child under the age of eighteen (18) years who is not related to the head of such home, except in the case of relative care. The term includes any foster care home receiving a child for regular twenty-four (24) hour care and any home receiving a child from any state-operated institution for child care or from any child placement agency.

7.701.213 Specialized Group Facility

Rev. eff. 8/1/07 A "Specialized Group Facility", defined at Section 26-6-102(10)(a), C.R.S. means a facility sponsored and supervised by a county department or a licensed child placement agency for the purpose of providing twenty-four (24) hour care for three (3) or more children, but fewer than twelve (12) children except as noted below, from at least three (3) but less than eighteen (18) years of age, or for those persons less than twenty-one (21) years old who are placed by court order prior to their eighteenth birthday whose special needs can best be met through the medium of a small group. A specialized group facility may serve a maximum of one (1) child enrolled in Children's Habilitation Residential Program (CHRP) and eight (8) other foster children, or two (2) children enrolled in CHRP and five (5) other foster children, unless there has been prior written approval by the CHRP waiver administrator. If placement of a child in a specialized group center will result in more than three (3) children approved for Children's Habilitation Residential Program (CHRP) funding, then the total number of children paced in that specialized group center will not exceed a maximum of six (6) total children. Placements of more than three (3) children approved for CHRP funding may be made if the agency can demonstrate to the CHRP waiver administrator that the provider has sufficient knowledge, experience, and supports to safely meet the needs of all of the children in the home. Emergency placements will not exceed maximum established limits. Facilities that exceed established capacity at the time the rule takes effect may not accept additional children into the home until capacity complies with the rule.

SPECIALIZED GROUP FACILITY MAXIMUM CAPACITY		
CHRP	Non-CHRP	Total Children
1	8	9
2	5	7

SPECIALIZED GROUP CENTER MAXIMUM CAPACITY		
CHRP	Non-CHRP	Total Children
3	3	6

7.701.213 Specialized Group Facility (continued)

A. "Specialized Group Homes or Group Centers" who are serving children enrolled in the Children's Habilitation Residential Program (CHRP) waiver shall be in compliance with rules contained within the Department of Health Care Policy and Financing's Medical Assistance Manual at Section 8.508 (10 CCR 2505-10).

B. "Specialized Group Centers" that serve three (3) children enrolled in CHRP waiver must be staffed with sufficient staff to deal with the complex needs of the children placed in the home.

C. A "Specialized Group Home" is located in a house owned or otherwise controlled by the group home parents who are primarily responsible for the care of the children and reside at the home.

D. A "Specialized Group Center" is located in a facility owned or controlled by a governing body that hires the group center parents or personnel who are primarily responsible for the care of the children.

7.701.214 Child Care Center

Rev. eff. 8/1/07 "Child care centers", less than 24-hour programs of care defined at Section 26-6-102(1.5), C.R.S., include the following types of facilities:

A. A "large child care center" provides care for sixteen (16) or more children between two and one-half (2½) and sixteen (16) years of age.

B. A "small child care center" provides care for five (5) through fifteen (15) children between two (2) and sixteen (16) years of age.

C. An "infant nursery" provides care for children between six (6) weeks and eighteen (18) months of age.

D. A "toddler nursery" provides care for children between the ages of twelve (12) months (when walking independently) and thirty-six (36) months of age.

E. "Preschool" is a part-day child care program for five (5) or more children between the ages of two and one-half (2½) and seven (7) years of age.

F. "Kindergarten" provides a program for children the year before they enter the first grade.

G. A "school-age child care center" means a child care center that provides care for five (5) or more children who are between five (5) and sixteen (16) years of age. The center's purpose is to provide child care and/or an outdoor recreational experience using a natural environment. The center operates for more than one week during the year. The term includes facilities commonly known as "day camps," "summer camps," "summer playground programs," "before and after school programs," and "extended day programs." This includes centers operated with or without compensation for such care, and with or without stated educational purposes.

7.701.214 Child Care Center (continued)

1. A "building-based school-age child care program" means a child care program that provides care for five (5) or more children who are between five (5) and sixteen (16) years of age. The center is located in a building that is regularly used for the care of children.

2. A "mobile school-age child care program" provides care for five (5) or more children who are at least seven (7) years of age or have completed the first grade. Children move from one site to another by means of transportation provided by the governing body of the program. The program uses no permanent building on a regular basis for the care of children.

3. An "outdoor-based school-age child care program" provides care for five (5) or more children who are at least seven (7) years of age or have completed the first grade. This program uses no permanent building on a regular basis for the care of children. Children are cared for in a permanent outdoor or park setting.

7.701.215 Children's Resident Camp

Rev. eff. 8/1/07

A "Children's Resident Camp", defined at Section 26-6-102(2.2), C.R.S., means a facility operating for three (3) or more consecutive 24-hour days for the care of five (5) or more children. The campers must have completed kindergarten or be at least six (6) years old to seventeen (17) years old.

A. A residential camp may have a "Primitive Camp" which is a portion of the permanent camp premises or another site at which the basic needs for camp operation such as places of abode, water supply systems, and permanent toilet and/or cooking facilities are not usually provided.

B. A "Trip Camp" is a camp in which children move from one site to another by means of the child's own power or by a transportation mode permitting the child's guidance of a vehicle or animal. The trip camp originates in Colorado and operates for three or more consecutive 24 hour days during the year for the care of 5 or more children who are at least 10 years old or have completed the fourth grade to 18.

7.701.216 Day Treatment Center

Rev. eff. 8/1/07

A "Day Treatment Center", defined at Section 26-6-102(2.4), C.R.S. means a facility that provides less than twenty-four (24) hour care for groups of 5 or more children from five (5) to eighteen (18) years of age and for those persons to twenty-one (21) years old who are placed in the program by court order prior to their eighteenth birthday. The center must provide a structured program of various types of psycho-social and/or behavioral treatments to prevent or reduce the need for placement of the child out of the home or community. This definition does not include special education programs operated by a public or private school system or programs that are licensed by other regulations of the Department of Human Services for less than 24-hour care of children, such as a child care center or part-day preschool.

7.701.217 Child Placement Agency

Rev. eff. 8/1/07

A “Child Placement Agency”, defined at Section 26-6-102(2), C.R.S., means any corporation, partnership, association, firm, agency, institution, or person unrelated to the child being placed, who places, who facilitates placement for a fee, or arranges for placement any child under the age of eighteen (18) years with any family, person or institution for purposes of foster care, treatment and/or adoption. The natural parents or legal guardian of any child who places that child for care with any facility licensed as a "Family Child Care Home" or "Child Care Center" shall not be deemed to be a Child Placement Agency.

To arrange for placement is to act as an intermediary by assisting a parent or guardian or legal custodian to place or plan to place a child with persons unrelated to the child for 24 hour care.

Any agency from out of state placing a child within Colorado must be licensed as a child placement agency by the Colorado Department of Human Services unless the placement services are coordinated with and provided by a county department of social services or a child placement agency licensed by the department.

7.701.218 Residential Child Care Facility

Rev. eff. 8/1/07

A. “Residential Child Care Facility”, defined at Section 26-6-102(8), C.R.S., shall provide twenty-four (24) hour residential group care and treatment for five (5) or more children between the ages of three (3) and eighteen (18) years old and for those persons to twenty-one (21) years old who are placed by court order prior to their eighteenth birthday. A residential child care facility must offer opportunities for a variety of experiences through a group living program and specialized services that can be used selectively in accordance with an individual plan for each child. A residential child care facility includes "Community-Based Residential Child Care Facilities", "Shelter Care Facilities", "Therapeutic Residential Child Care Facilities", and "Psychiatric Residential Treatment Facilities".

B. "Transition Program" may be a component of an RCCF program in which the child is residing in the RCCF part of the time and in a living situation that child is expected to move to after treatment in the RCCF is completed. The purpose of transition is to enable the child to transition to the home or a less restrictive setting in a manner that prepares the child for success in the new setting.

7.701.219 Secure Residential Treatment Center

Rev. eff. 8/1/07

A “Secure Residential Treatment Center”, defined at Section 26-6-102(9), C.R.S., means a facility operated under private ownership that provides twenty-four (24) hour group care and treatment in a secure setting for five (5) or more children or persons up to the age of twenty-one (21) who are committed by a court pursuant to an adjudication of delinquency or pursuant to a determination of guilt of a delinquent act or having been convicted as an adult and sentenced for an at that would be a crime if committed in Colorado, or in the committing jurisdiction, to be placed in a secure facility.

7.701.22 HOMELESS YOUTH SERVICES ARE DEFINED PURSUANT TO COLORADO REVISED STATUTES 26-5.7-102, C.R.S., 24-32-723, C.R.S., AND 26-6-102 C.R.S.

A. (1) "HOMELESS YOUTH" MEANS A CHILD OR YOUTH WHO IS AT LEAST ELEVEN YEARS OF AGE BUT IS LESS THAN TWENTY-ONE YEARS OF AGE AND WHO:

(A) LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE; OR

(B) HAS A PRIMARY NIGHTTIME RESIDENCE THAT IS:

(1) A SUPERVISED, PUBLICLY OR PRIVATELY OPERATED SHELTER DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS; OR

(2) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR, NOR ORDINARILY USED AS, A REGULAR SLEEPING ACCOMMODATION FOR HUMAN BEINGS.

(2) "HOMELESS YOUTH" SHALL NOT INCLUDE ANY INDIVIDUAL IMPRISONED OR OTHERWISE DETAINED PURSUANT TO AN ACT OF CONGRESS OR A STATE LAW.

B. "HOMELESS YOUTH SHELTER" MEANS A FACILITY THAT IS LICENSED PURSUANT TO SECTION 26-6-104, C.R.S.

C. "LICENSED HOST FAMILY HOME" MEANS A FOSTER CARE HOME THAT IS CERTIFIED BY THE COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY MEETING THE REQUIREMENTS FOR FOSTER CARE HOME CERTIFIED AS A HOST FAMILY HOME PURSUANT TO RULES SECTIONS 7.708 AND 7.710 OR HOST FAMILY HOME HAT IS CERTIFIED BY THE COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY MEETING THE REQUIREMENTS PURSUANT TO RULES SECTIONS 7.710 AND 7.721 THAT PROVIDES SHELTER TO RUNAWAY AND HOMELESS YOUTH.

D. “SHELTER CARE,” PURSUANT TO 25.5.7-105(1) C.R.S. MEANS A LICENSED RESIDENTIAL CHILD CARE FACILITY PURSUANT TO 26-6-102(8) CRS, PROVIDING SHELTER TO HOMELESS YOUTH.

E. HOMELESS YOUTH SHELTERS, RESIDENTIAL CHILD CARE CENTERS PROVIDING SHELTER CARE AND HOST FAMILY HOMES MAY PROVIDE SHELTER TO HOMELESS YOUTH FOR UP TO 21 CONSECUTIVE DAYS.

7.701.23 Other Definitions

Rev. eff. 8/1/07

A. "Affiliate of a licensee" means any person or entity that owns more than five (5) percent of the ownership interest in the business operated by the licensee or the applicant for a license, or any person who is directly responsible for the care and welfare of children served, any executive, officer, member of the governing board, or employee of a licensee, or a relative of a licensee, which relative provides care to children at the licensee's facility, or is otherwise involved in the management or operations of the licensee's facility.

B. For the purposes of all child care licensing rules, the terms "child battering", "child abuse", "child molesting", and "child neglect" are terms to be considered within the definition of abuse set forth in Section 19-1-103, C.R.S., unless otherwise indicated.

C. "Citizen/legal resident" means a citizen of the United States, current legal resident of the United States, or lawfully present in the United States.

D. The "Consumer Product Safety Commission", as referred to in rules regulating child care facilities, means the National Commission that establishes standards for the safety of children's equipment and furnishings and for playground safety. Information about these guidelines may be obtained from the Office of Information and Public Affairs, U.S. Consumer Product Safety Commission (CPSC), Washington, D.C. 20207. The CPSC web address is http://www.cpsc.gov. The local U.S. Consumer Product Safety Commission Office is located at 1961 Stout Street, Denver, Colorado 80294. You may contact a Senior Resident Investigator in the Denver office for information. This rule refers to the current edition of the Consumer Product Safety Commission standards, in effect when rules referencing the Commission are referenced, and does not include later amendments to or editions of the standards. The standards may be examined at any State Publications Depository Library.

E. A "critical incident" is a serious life safety or potential life safety incident or concern that poses a danger to the life, health, and/or well-being of a child or children at the facility or of a staff member at the facility.

F. "Department" is the Colorado Department of Human Services.

G. "Facility" is any business or operation established for the purpose of providing child care services that are required to be licensed pursuant to the Child Care Licensing Act, Section 26-6-101 et seq., C.R.S.

H. "Final Agency Action" means the determination made by the State Department, after opportunity for hearing to deny, suspend, revoke, or demote to probationary status a license issued pursuant to the Child Care Licensing Act or an agreement between the Department and the licensee concerning the demotion of such a license to a probationary license.

I. "Governing body" is the individual, partnership, corporation, or association in whom ultimate authority and legal responsibility are vested for the administration and operation of the child care facility.

7.701.23 Other Definitions (continued)

J. "Licensing specialist" is the authorized representative of the Colorado Department of Human Services who inspects child care facilities to ensure compliance with licensing requirements and to investigate possible violations of those requirements.

K. "Negative licensing action" means a Final Agency Action resulting in the denial, suspension, or revocation of a license issued pursuant the Child Care Licensing Act or the demotion of such a license to a probationary license.

L. "Serious emotional disturbance" means a diagnosable mental, behavioral, or emotional disorder that is of sufficient duration and has resulted in a functional impairment that substantially interferes with or limits a child's role or functioning in family, school, or community activities. Serious emotional disturbances do not include developmental disorders, substance-related disorders, or conditions or problems that may be a focus or clinical attention unless they occur with another diagnosable serious emotional disturbance.

7.705.8 SPECIAL RULES AND REGULATIONS FOR SHELTER CARE

7.705.81 Definitions ~~and Policy Statement~~

Rev. eff. 11/1/98

A. Any residential child care facility may provide shelter or 24-hour emergency care for ~~children~~ HOMELESS YOUTH, DEFINED IN GENERAL RULES AT SECTION 7.701.22. in need of short-term placement resulting from such circumstances as child abuse or running away from home FOR UP TO TWENTY-ONE (21) CONSECUTIVE DAYS. Some facilities accept only children for emergency care and are known as shelter care facilities.

B. The acceptance of children for emergency care must be stated in the written purpose of the facility and the admission policy.

~~C. Residential child care facilities shall make every effort to assure that shelter care placements do not exceed sixty days. Exceptional circumstances shall be documented in the case file. No child shall remain in a shelter care facility for longer than ninety days. Review of placement will be required as appropriate.~~

C~~D~~. These regulations are specifically for shelter care facilities. The following regulations are in addition to corresponding regulations in Sections 7.705.1 through 7.705.6. However, if there is a conflict between those rules and regulations and these special rules and regulations, these special rules and regulations shall apply for shelter care facilities.

7.705.82 Admission to Shelter Care and Orientation

Rev. eff. 11/1/98

A. At the time of emergency shelter care placement of a child, the facility shall obtain at least the following information: name, birth date, if available, physical description of the child, date and time of the admission, name and authority of person bringing child to the facility, and reason for placement. On the next working day following emergency shelter care placement of the child, the facility shall obtain from the county department of social services or the parent of guardian a signed, written authorization to obtain medical care for the child. The county department is authorized to give this authorization pursuant to this staff manual.

B. The facility shall ensure that each newly admitted child is checked by facility staff or physician for signs of illness, symptoms of abuse, and the presence of vermin.

The facility shall have a medical plan, including staff training, which includes the screening of the child for child abuse and signs of illness requiring immediate medical attention.

C. ~~If a child remains in shelter care for longer than thirty days, a medical examination must be completed in compliance with Section 7.705.31, B.~~ PURSUANT TO 26-5.7-105(5), C.R.S., IF THE RESIDENTIAL CHILD CARE FACILITY DETERMINES THAT A REFERRAL FOR ADDITIONAL SERVICES NEEDS TO BE MADE, THEY SHALL MAKE A REFERRAL TO THE COUNTY OF REFERENCE OF THE PARENTS OF THE YOUTH

7.705.8 SPECIAL RULES AND REGULATIONS FOR SHELTER CARE (continued)

D. The facility shall provide orientation for the new child. Orientation shall include:

1. Tour of the facility.

2. Introduction to staff.

3. Description of rules, regulations , and discipline policies of the facility.

4. Discussion of tasks and behaviors the child is expected to perform

5. Discussion regarding personal possessions the child is permitted to bring and obtain while in shelter care.

E. PURSUANT TO 26-5.7-105(5), C.R.S., IF THE RESIDENTIAL CHILD CARE FACILITY DETERMINES THAT A REFERRAL FOR ADDITIONAL SERVICES NEEDS TO BE MADE, THEY SHALL MAKE A REFERRAL TO THE COUNTY OF REFERENCE OF THE PARENTS OF THE YOUTH.

F. PURSUANT TO 26-5.6-105(4) AND (7) CRS:

G. WHEN A YOUTH UNDER FIFTEEN YEARS OF AGE IS ADMITTED TO A RESIDENTIAL CHILD CARE FACILITY FOR SHELTER CARE, THE FACILITY SHALL NOTIFY THE COUNTY DEPARTMENT OF RESIDENCE OF THE PARENTS OF THE YOUTH WITHIN SEVENTY-TWO (72) HOURS OF THE YOUTH'S ADMISSION.

H. IF A YOUTH WHO IS AT LEAST ELEVEN (11) YEARS OF AGE BUT LESS THAN FIFTEEN (15) YEARS OF AGE HAS BEEN SERVED UP TO TWENTY-ONE (21) DAYS AND RETURNS AGAIN TO THE RESIDENTIAL CHILD CARE FACILITY AFTER LEAVING THE HOME, THE FACILITY SHALL NOTIFY THE COUNTY DEPARTMENT OF RESIDENCE OF THE PARENTS OF THE YOUTH WITHIN SEVENTY-TWO (72) HOURS OF THE YOUTH'S ADMISSION.

7.705.83 Education and Treatment

Rev. eff. 11/1/98

A. The facility shall ensure that each child is provided with an educational program in accordance with state and local laws. Any educational program provided by a shelter care facility shall comply with all applicable state and local laws.

B. Daily routine schedules shall be established by the facility which ensures a stable, orderly, supportive environment for children in care.

C. Case plans shall be developed for each child who stays in shelter care longer than two weeks. The plan will include, at least, issues regarding personal and group living skills. The child shall be involved in the establishment of short-term goals.

D. ~~A permanent placement plan shall be made for the child within thirty days of admitting a child into care. The comprehensive assessment as found at Section 7.705.23, B, should serve as a basis for the plan.~~

7.705.8 SPECIAL RULES AND REGULATIONS FOR SHELTER CARE (continued)

7.705.84 Personnel

Rev. eff. 11/1/98

A. A shelter care facility shall maintain the staff ratio described at Section 7.705.46.

B. A shelter care facility must have awake staff during the children's sleeping hours.

C. A shelter care facility shall make adequate provisions to ensure the immediate availability of additional staff in the event of an emergency or crisis.

D. Training programs for staff in shelter care facilities shall reflect special emphasis on the following areas:

1. Passive physical restraint techniques.

2. Crisis intervention.

3. Crisis and emergency procedures

7.705.85 Records

Rev. eff. 11/1/98

A. A record for a child accepted for emergency care or in a shelter care facility shall include:

1. Information obtained at admission pursuant to Section 7.705.82.

2. Statement from the physician about the child's physical examination pursuant to Section 7.705.31, B.

3. Assessment and permanent placement plan.

4. Record of medication given to the child while in care.

5. Date of discharge, to whom the child was discharged, and physical description of child at time of discharge.

7.708 RULES REGULATING FAMILY FOSTER CARE HOMES

Rev. eff. 2/1/02 All family foster care homes must comply with the "Rules Regulating Family Foster Care Homes" and the "General Rules for Child Care Facilities".

7.708.1 FAMILY FOSTER CARE HOMES

Rev. eff. 8/1/07

A. "Family foster care homes" are defined at Section 26-6-102, C.R.S., means a that is certified by the county department or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four (24) hour family care for a child under the age of eighteen years who is not related to the head of such home, except in the case of relative care. The term includes any foster care home receiving a child for regular twenty-four (24) hour care and any home receiving a child from any state-operated institution for child care or from any child placement agency. The number and age of foster children for which a license may be issued is determined by the following factors:

1. No foster child shall be placed in a foster home if that placement will result in more than four foster children in that home, or a total of eight children (foster and non-foster), or more than two children under two years of age, except in those instances in which the placement of a sibling group in a foster home would exceed the limits. If the placement of a sibling group results in exceeding the above limits, no other foster children can be placed in the home.

2. A family foster care home may serve a maximum of one foster child enrolled in Children's Habilitation Residential Program (CHRP) and 2 other foster children or 2 foster children enrolled in CHRP and no other foster children., unless there has been prior written approval by the CHRP waiver administrator. Placements of three (3) children approved for CHRP funding may be made if the agency can demonstrate to the CHRP waiver administrator that the provider has sufficient knowledge, experience, and supports to safely meet the needs of all of the children in the home. In any case, no more than three (3) children enrolled on the CHRP waiver and no (0) non-CHRP children will be placed in one foster home. Emergency placements will not exceed maximum established limits. Facilities that exceed established capacity at the time the rule takes effect will be grandfathered in; however, with attrition, capacity must comply with the rule.

FAMILY FOSTER HOME (COUNTY OR CPA) MAXIMUM CAPACITY		
CHRP	Non-CHRP	Total Children
1	2	3
2	0	2
3	0	3

3. Family foster care providers who are serving foster children enrolled in the Children's Habilitation Residential Program (CHRP) waiver shall be in compliance with rules contained within the Department of Health Care Policy and Financing's Medical Assistance Manual at Section 8.508 (10 CCR 2505-10).

7.708.1 FAMILY FOSTER CARE HOMES (continued)

4. Family foster care may be provided to children from birth to 18 years of age and to those persons to 21 years of age who are placed by court order prior to their eighteenth birthday.

5. When a certified family foster care home only provides temporary emergency care for foster children, the home may be certified for up to six foster children with no more than two foster children, including the caretaker's own children, under two years of age. There can be no more than a total of six foster children in the home except in sibling placements. The number of additional foster children under six years of age to be cared for shall be specified on the certificate and in the home study. Such a family foster care home shall be designated as a receiving home. The designation shall appear on the certificate.

   a. No foster child shall remain in that family foster care home at the receiving home rate longer than 90 consecutive days, in accordance with the requirements of Section 7.417.4.

   b. The number of foster children to be cared for at the receiving home rate and any foster children to be cared for at the regular foster home rate shall be included on the certificate.

   c. Each receiving home parent shall have two years experience as a foster parent, although the certifying agency may take into account other relevant education and experience.

   d. Each receiving home parent shall complete 32 hours of on-going training every year as identified in his/her training development plan. This training shall include the following competencies.

      1) Issues regarding emergency and crisis placement of children with unknown histories; and,

      2) Dynamics of victimization issues, with emphasis on appropriate age and developmental levels; and,

      3) Cultural, spiritual, and religious awareness, consideration for, sensitivity to, and tolerance of each child individually.

   e. Because receiving homes are likely to have quick turn-over of the children in care, supervision and monitoring of the receiving home shall be carried out according to the following:

      1) One face-to-face contact shall be made with the receiving home parent(s) at least every week when children are in placement in the home, with a minimum of two visits per month occurring in the receiving home.

7.708.1 FAMILY FOSTER CARE HOMES (continued)

2) Documentation of such contact shall be in the provider file, as well as in each file of all foster children in the home.

3) The purpose of the contact is to address any questions the receiving home parent has about the children in care, to observe child care when appropriate and to provide support to the receiving home parent.

f. A receiving home shall have a comprehensive annual evaluation, which includes a review of any critical incidents, any allegations of institutional abuse, and the skills, needs, and competencies of the receiving home parent(s).

6. A family foster care home may not be operated without a license or a certificate as required by law and Section 7.701.4 of these rules, and the number of foster children cared for in such facility may not exceed the number authorized by such license or certificate.

7. FAMILY FOSTER CARE HOMES MAY BE LICENSED HOST FAMILY HOMES

a. A LICENSED FOSTER HOME MAY BE APPROVED TO PROVIDE 24-HOUR CARE TO HOMELESS YOUTH AS A LICENSED HOST FAMILY HOME AS THOSE TERMS ARE DEFINED THE GENERAL RULES AT 7.701.22, C

b. PURSUANT TO 26-5.7-105(6), C.R.S., A LICENSED FAMILY FOSTER HOME APPROVED AS A LICENSED HOST FAMILY HOME SHALL NOT ACCEPT A HOMELESS YOUTH FOR PLACEMENT UNDER THIS SECTION IF THERE ARE ANY FOSTER CHILDREN CURRENTLY PLACED IN THE HOME. NO FOSTER CHILDREN MAY BE PLACED WHILE A HOMELESS YOUTH RESIDES AT THE LICENSED FOSTER HOME.

c. A FAMILY FOSTER CARE HOME ACTING AS A HOST FAMILY HOME FOR HOMELESS YOUTH SHALL RECEIVE ADDITIONAL TRAINING REGARDING HOMELESS YOUTH SERVICES AND SHALL BE DESIGNATED AS A HOST FAMILY FOSTER CARE HOME ON THE FACE THEIR FOSTER CERTIFICATION.

d. A FAMILY FOSTER HOME CERTIFIED AS A HOST FAMILY HOME MAY PROVIDE SHELTER TO HOMELESS YOUTH FOR UP TO 21 CONSECUTIVE DAYS.

7.708.1 FAMILY FOSTER CARE HOMES (continued)

e. PURSUANT TO 26-5.7-105(5), C.R.S., IF THE COUNTY OR CHILD PLACEMENT AGENCY REFERRING THE YOUTH TO THE HOST FAMILY HOME OR THE HOST FAMILY HOME PARENTS DETERMINE THAT A REFERRAL FOR ADDITIONAL SERVICES NEEDS TO BE MADE, THEY SHALL MAKE A REFERRAL TO THE COUNTY OF REFERENCE OF THE PARENTS OF THE YOUTH.

f. PURSUANT TO 26-5.7-105(4) AND (7) CRS:

1. WHEN A YOUTH UNDER FIFTEEN YEARS OF AGE IS ADMITTED TO A HOST FAMILY HOME THE COUNTY OR CHILD PLACEMENT AGENCY REFERRING THE YOUTH TO THE HOST FAMILY HOME OR THE HOST FAMILY HOMES PARENTS SHALL NOTIFY THE COUNTY DEPARTMENT OF RESIDENCE OF THE PARENTS OF THE YOUTH WITHIN SEVENTY-TWO (72) HOURS OF THE YOUTH'S ADMISSION.

2. IF A YOUTH WHO IS AT LEAST ELEVEN (11) YEARS OF AGE BUT LESS THAN FIFTEEN (15) YEARS OF AGE HAS BEEN SERVED UP TO TWENTY-ONE (21) DAYS AND RETURNS AGAIN TO THE LICENSED HOST FAMILY HOME AFTER LEAVING THE HOME, THE COUNTY OR CHILD PLACEMENT AGENCY REFERRING THE YOUTH TO THE HOST FAMILY HOME OR THE HOST FAMILY HOME SHALL NOTIFY THE COUNTY DEPARTMENT OF RESIDENCE OF THE PARENTS OF THE YOUTH WITHIN SEVENTY-TWO (72) HOURS OF THE YOUTH'S ADMISSION.

7.710 RULES AND REGULATIONS FOR CHILD PLACEMENT AGENCIES

Rev. eff. 9/1/02

All child placement agencies shall comply with the “General Rules for Child Care Facilities", “Rules Regulating Family Foster Care Homes”, and “Rules and Regulations for Child Placement Agencies”.

7.710.1 GENERAL DEFINITIONS

Rev. eff. 5/1/10

“Arrange for placement” means to act as an intermediary by assisting a parent or guardian or legal custodian to place or plan to place a child with other than persons related to the child for the purpose of foster care or for the purpose of adoption.

“Average sufficient cash reserve” means the computed monthly average cost over the recent ongoing twelve (12) month period to determine the amounts spent on operating expenses for the agency including, but not limited to, staff salaries; contract reimbursements; employment, unemployment, and other taxes; insurance and retirement benefits; foster care payments; other provider reimbursement fees; health, therapy, transportation and support services for children in care; foreign country fees, office mortgage or rent payments; transportation costs; communications; or, any other expense needed for the agency to function, including a line of credit. The minimum allowable average sufficient cash reserve that an agency must maintain at all times is at least two months’ of the average monthly cost.

“Bonding” means an insurance bond issued through a financial or insurance entity.

“Certification” means the process by which the county department of social/human services or a child placement agency approves the operation of a foster care home AND/OR A LICENSED HOST FAMILY HOME.

“Child placement” means to coordinate, arrange, and approve the process of a child entering an unrelated home or facility to be cared for on a temporary, long-term, or adoptive basis.

“Child Placement Agency (CPA)” defined at Section 26-6-102(2), C.R.S., means any corporation, partnership, association, firm, agency, institution, or person unrelated tot he child being placed, who places, facilitates placement for a fee, or who arranges for placement, any child under the age of eighteen (18) years with any family, person, or institution for purposes of foster care, treatment and /or adoption. The natural or adoptive parents or legal guardian of any child who places that child for care with any facility licensed as a "family care home" or "child care center," as defined by this section, shall not be deemed to be a CPA.

“Conflict of interest” means a situation that has the potential to undermine the impartiality of an individual because of the possibility of a clash between the individual’s self interest or other professional interest.

“Cradle care home” means a facility that is certified by a child placement agency for the care of a child, or children in the case of multiple-birth siblings, who is twelve (12) months of age or younger, in a place of residence for the purpose of providing twenty-four (24) hour family care for six (6) months or less or children pursuant to Article 5 of Title 19, C.R.S., or while a county department prepares an expedited permanency plan for an infant in its custody.

7.710.1 GENERAL DEFINITIONS (continued)

"Current reference" means a reference dated within one (1) year of the time of application for employment with agency.

"Foster care home" means a facility that is certified by the county department or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four (24) hour family care for a child under the age of eighteen (18) years who is not related to the head of such home, except in the case of relative care.

"Generally Accepted Accounting Principles" (GAAP) means the standard framework of guidelines for financial accounting.

"LICENSED HOST FAMILY HOME" MEANS A FOSTER CARE HOME THAT IS CERTIFIED BY THE COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY MEETING THE REQUIREMENTS FOR FOSTER CARE HOME CERTIFIED AS A HOST FAMILY HOME PURSUANT TO RULES SECTIONS 7.708 AND 7.710 OR HOST FAMILY HOME THAT IS CERTIFIED BY THE COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY MEETING THE REQUIREMENTS PURSUANT TO RULES SECTIONS 7.710 AND 7.721.

"Licensing" means the process by which the Colorado Department of Human Services approves a facility or agency for the purpose of conducting business as a child care facility or child placement agency.

"Multi-service agency" is an organization that provides additional community services and programs other than foster care and adoption.

"Program director in a multi-services agency" is the person responsible for overseeing the foster care and/or adoption program of the organization.

"Quality Improvement Program" means a review of the services and outcomes of such services provided to applicants and a procedure for tracking such outcomes to determine if changes need to be made to the system to improve delivery of such services.

"Relative", except as used in the definition of foster care home, means any of the following relationships by blood, marriage, or adoption: parent, grandparent, son, daughter, grandson, granddaughter, brother, sister, stepparent, stepbrother, stepsister, stepson, stepdaughter, uncle, aunt, niece, nephew, or cousin.

"Risk assessment" means a review and assessment by an insurance or financial specialist to determine the liability an agency carries for the services it offers and the work it performs.

"Social and behavioral sciences" includes sociology, psychology, social work, criminal justice, human services, human development, and counseling.

"Unreasonably high" means the fees, wages, or salaries paid to the directors, officers, and employees of the agency are excessively high in relation to the services actually rendered, taking into account the area in which the services are provided and norms for compensation within the community, including factors such as the location, number, and qualifications of staff, workload requirements, budget; and size of the agency or person.

7.710.33 Application and Inspection for Certification of Foster Care Homes

Rev. eff. 5/1/10

A. Any application accepted by the CPA from an individual(s) or couple who wishes to be certified to operate a foster care home shall be on the Department approved form and shall include:

1. The names and addresses of child placement agencies and county departments of social services that had previously certified the applicant. Information as to whether the applicant has been licensed or certified for child care in the past or is licensed or certified for child care at the time of the application, what agency issued the certificate or license, and the type of child care the license or certificate authorizes.

2. Information about an applicant or individual living in the proposed foster care home who has been convicted of a felony or charged or convicted of child abuse or an unlawful sexual offense.

3. Information about whether the applicant is currently licensed by the State Department to provide day care.

4. Include a statement on the application for certification as a foster care home that states:

"Any applicant who knowingly or willfully makes a false statement of any material fact or thing in this application is guilty of perjury in the second degree as defined in Section 18-8-503, C.R.S., and, upon conviction thereof, shall be punished accordingly."

B. No application shall be accepted from an individual who is currently certified by another county or CPA to operate a foster care home until that individual has terminated the certification by the other county or CPA.

C. No board member, director or staff member of a CPA shall contact or recruit foster homes currently certified by another county department or CPA.

D. A CPA must take an application from an applicant(s) before the CPA has authority to complete the family assessment, background checks, and training.

E. An applicant may apply to become a dual care provider to operate a family child care home as well as a foster care home. The foster home will be certified by the CPA and the FAMILY CHILD CARE HOME will be licensed by the Colorado Department of Human Services. Both sets of standards shall be met. The CPA will monitor the foster care standards and the State Department will monitor the FAMILY CHILD CARE HOME standards. The CPA shall counsel the family if it believes such a situation is not in the best interest of any foster child who may be placed in the home. The CPA must approve the home to be licensed for day care when the home is certified for foster care.

7.710.33 Application and Inspection for Certification of Foster Care Homes (continued)

F. A home that is licensed AS A FAMILY CHILD CARE HOME may only be certified for foster care for one child or for a group of siblings. A FAMILY FOSTER CARE HOME DUALLY LICENSED AS A FAMILY CHILD CARE HOME SHALL NOT BE CERTIFIED AS A HOST FAMILY HOME PROVIDING SHELTER TO HOMELESS YOUTH.

G. A CPA that has a foster/adoptive home that is certified for foster care and also licensed AS A FAMILY CHILD CARE HOME must notify the Division of Child Care when any of the following situations occur in the foster/adoptive home:

1. A complaint is received; or,

2. A child abuse investigation occurs; or,

3. A stage II investigation occurs; or,

4. A foster/adoptive child is placed in the home; or,

5. A foster/adoptive child(ren) is removed from the home because of abuse allegations; or,

6. The foster home certificate is changed to probationary; or,

7. The foster home certificate is revoked or closed.

H. A CPA that has a foster/adoptive home that is certified for foster care and also licensed AS A FAMILY CHILD CARE HOME must submit the following reports to the Division of Child Care:

1. All complaint investigation reports; and,

2. All child abuse investigation reports; and,

3. All Stage II investigation reports.

I. A CPA shall conduct a reference check of each applicant by contacting all of the previous certifying authorities listed on the application before issuing the certification for that foster care home. The CPA shall sign an affidavit that, after reviewing all previous certifying information, certification is appropriate.

7.710.33 Application and Inspection for Certification of Foster Care Homes (continued)

J. After the foster care application is received, each applicant listed on the application must complete a minimum of twenty-seven (27) hours of initial training consisting of at least twelve (12) hours of core training prior to the certificate being issued and completion of the remaining training within three (3) months after the placement of a child. The training shall be provided through the statewide core curriculum training, by the CPA, or by a county department. The core training shall include the following ten primary topic areas:

1. General overview of foster care; and,

2. Administrative and legal issues; and,

3. Why children get placed in out-of-home care; and,

4. Parenting and family dynamics; and,

5. Key concepts of child growth and development; and,

6. Importance of the team approach; and,

7. Individual differences such as ethnicity and culture; and,

8. Discipline; and,

9. Effects of fostering on the foster family; and,

10. Working with the biological family.

If the twenty-seven (27) hours of initial training is not completed prior to the certificate being issued, the remaining training must be completed as identified in each foster parent(s)' training development plan as required at 7.708.65, B. This rule does not apply to foster homes certified for adoption placements; it only applies to initial applicants for family foster home certification on or after June 1, 2001, which is the effective date of implementing legislation.

TO BE CERTIFIED AS A FAMILY FOSTER CARE HOME AND A HOST FAMILY HOME PROVIDING SHELTER TO HOMELESS YOUTH, AN ADDITIONAL THREE (3) HOURS OF TRAINING SPECIFICALLY RELATED TO THE SUBJECT OF PROVIDING SHELTER TO HOMELESS YOUTH POPULATIONS IS REQUIRED.

7.710.33 Application and Inspection for Certification of Foster Care Homes (continued)

K. After the application to become a cradle care provider is received, each applicant listed on the application must complete a minimum of twenty (20) hours of initial training prior to the certificate being issued. The training shall include the following primary topic areas:

1. Attachment/bonding issues; and,

2. Loss and grief issues, as applicable for all parties to the adoption; and,

3. Adoption as a life long issue as it pertains to all parties to the adoption; and,

4. Key concepts of child growth and development; and,

5. Limit setting and safety; and,

6. Caring for a child of a different cultural or racial background, if applicable; and,

7. Understanding adoption laws and procedures, including termination of parental rights and the expedited relinquishment process pursuant to Section 19-5-103.5, C.R.S., if applicable; and,

8. Possible current and/or future use of community resources, including help with parenting techniques; and,

9. Infant care to include, but not be limited to, basic care and feeding of the infant and Shaken Baby Syndrome; and,

10. Fetal alcohol/substance abuse syndrome, if applicable; and,

11. General overview of the adoption process; and,

12. Why children get placed for adoption; and,

13. The importance of the team approach; and,

14. Effects of fostering on the cradle care family; and,

15. Potential communication with biological family and/or adoptive family.

The cradle care provider must also hold a current infant/toddler CPR and first aid card and complete four (4) hours of on-going training a year on topics related to adoption.

L. After the application is received and prior to the certificate being issued, a family assessment using the Structured Analysis Family Evaluation (SAFE) instrument(s) to determine the character and suitability of the applicant(s), appropriateness of the home, and child care practices must be completed.

7.710.33 Application and Inspection for Certification of Foster Care Homes (continued)

1. An assessment of character and suitability must include at least a review of the State Department's automated system as to applicants and persons who reside in the home of the applicants with written consent of the individuals. Statements from references and physician must be obtained. A review of all existing child placement agency and county department case records including the automated system must be completed. An investigation of any concerns raised from the application and/or the aforementioned sources of information and a personal assessment of the applicant must be conducted.

2. The agency will require any applicant or any person eighteen (18) years of age or older who resides with the applicant in the foster care home to submit a complete set of fingerprints taken by a qualified law enforcement agency. The fingerprints and appropriate processing fee must be submitted to the Colorado Bureau of Investigation (CBI) to obtain any record of arrest or conviction which is held by the CBI.

   a. The agency must send an applicant card (FD-258) to the individual required to provide fingerprints. The fingerprints must be taken by a police or sheriff's department. The individual must send the card to the CBI with a certified check or money order for the amount of the current processing fee. The CBI report must be sent to the child placement agency certifying the foster home.

   b. A certificate cannot be issued to a foster care home until the fingerprints and current processing fee are submitted to the CBI and a clearance or hit/match is received from the CBI. If a hit/match with a criminal history arrest is received, the formal court disposition must be received and reviewed before a decision is made to issue a certificate.

3. A family assessment using the Structured Analysis Family Evaluation (SAFE) instrument(s), including Questionnaires One (1) and Two (2) and the psychosocial inventory, to determine the character and suitability of the applicant(s), appropriateness of the home, and child care practices must be completed by a staff member and reviewed by a supervisor both which have completed the two (2) day SAFE assessment training. Separate and joint interviews with the applicant(s), all adults residing in the home both related and non-related to the applicant, and all children residing in the home regarding at least significant events in family background, evaluation of applicants' knowledge and capacity to care for children, and ability to maintain long-term relationships and life changes including issues of grief and loss. Interviews with children must be age appropriate. The assessment shall include, but not be limited to, the following:

7.710.33 Application and Inspection for Certification of Foster Care Homes (continued)

a. Social history/background (adults and children), including childhood family adaptability; childhood family cohesion; childhood history of deprivation and trauma; childhood history of victimization; history of child abuse or neglect; history of alcohol and drug use; history of crimes, allegations and violence; psychiatric history, occupational history, and marriage or domestic partner history.

b. Personal characteristics of the family, including communication, commitment and responsibility, problem solving, interpersonal relations, health and physical stamina to include information about nutritious meals and snacks, self-esteem, acceptance of differences, coping skills, impulse control, mood, anger management and resolution, judgment, and adaptability.

c. Marital/domestic partner relationship, including conflict resolution, emotional support, attitude toward spouse or partner, communication between couple, balance of power, stability of the marriage or partnership and sexual compatibility.

d. Motivation for a child, including a discussion of the child to be placed, attitudes toward foster care/adoption by applicants, other adults residing in the home, children and others such as extended family and discussion of fertility, if relevant. Assess the physical, mental, and emotional capability of the applicant(s) to parent a child(ren) and the ability to reevaluate and readjust expectations.

e. Children with Special Needs and/or Disabilities

The applicant's interest, preparation, and willingness to care for a child(ren) with disabilities such as emotional, mental and physical, and the ability to meet the special needs of the child(ren). The home study must include an assessment as to how the child(ren)'s special needs will impact the family and extended family.

f. Extended family relationships, including extended family adaptability, extended family cohesion, relationship with own extended family, and relationship with spouse's or partner's family.

g. Physical and social environment, including cleanliness, orderliness and maintenance, safety; furnishings; play area, equipment, and clothing; finances; support system; and, household pets.

h. General parenting, including child development, parenting style, disciplinary methods, child supervision, learning experiences, parental role, and child interactions.

7.710.33 Application and Inspection for Certification of Foster Care Homes (continued)

i. Specialized parenting, including expectations, effects of abuse or neglect, effects of sexual abuse, effects of separation and loss, structure, therapeutic and educational resources, birth sibling relationships, child background information, and birth parent issues.

j. For adoption only, issues including infertility, telling child about adoption, openness in adoption, and adoptive parent status.

4. Other Requirements

a. Discuss the applicant's ability to work with the child welfare system, court, birth parents, and others in the child's life, including willingness to obtain help from professionals involved.

b. Documentation of any previous emotional problems, mental illnesses, substance abuse issues, or marital/relationship problems that may have an impact on the case of a child(ren). Include any factors which would impact the safety and well-being of any child(ren) in the home.

c. The application and medical records must be reviewed; and any issues that are identified be discussed with the applicants. No physical examination shall be required of any person who in good faith relies upon spiritual means or prayer in the free exercise of religion to prevent or cure a disease unless there is a reason to believe such person's physical condition is such that he/she would be unable to care for a child, or such person has a communicable illness.

d. The agency shall not perform a family home assessment on its own staff member, board member, or family member of a staff member or board member.

e. A current photograph of the family shall be requested and maintained in the file.

f. In kinship care, the ability to provide a permanent home through adoption, guardianship or permanent custody, including the ability to meet the individualized needs of the specified child(ren), assessment of the relationship with birth parents and extended family members as they impact capacity of the applicants to care for the child(ren), and the ability to set boundaries with birth parents to maintain safety for the child(ren) in care.

7.710.33 Application and Inspection for Certification of Foster Care Homes (continued)

g. Assessment of the applicant's ability to foster or adopt a child of a different ethnic and cultural background, preserving continuity of the child's ethnic and cultural identity in a positive manner. Factors should include, but are not limited to, consideration of the child's family, community, neighborhood, faith or religious beliefs, school activities, friends, and child's and family's primary language. Documentation of the assessment of this requirement shall be in the case file.

5. The agency shall not deny to any person the opportunity to become a foster/adoptive parent on the basis of race, color or national origin of the person or of the child involved.

6. As part of the assessment, the agency must:

a. Conduct a minimum of one joint interview with a couple, one individual interview with each adult member of the household and an age/developmentally appropriate interview with all children residing in the home. For single applicants, a minimum of two (2) interviews will be required.

b. Conduct at least one (1) interview in the applicant's home.

c. Spread out Interviews over a period of not less than seven (7) consecutive days.

d. Update the assessment annually in the form of an addendum. An addendum shall include at least one (1) home visit and a review of the current medical status. During each subsequent addendum, applicants shall be questioned regarding any child abuse investigations during the previous year.

7. Following the completion of the assessment, a narrative report must be completed that summarizes and evaluates the information obtained and lists the characteristics of child(ren) the home is approved for. Age, sex, race, legal risk, and special needs (such as medical, physical, behavioral, emotional) and any limitations or restrictions on placement of a child(ren).

8. If there are additions of new adults to the household, additions of new children to the household, and/or changes in the age, sex, and special characteristics of child(ren) which will be considered for placement with the foster family, a re-evaluation of the family must be completed and the family assessment revised.

9. An on-site home inspection is required to determine its compliance with the Rules Regulating Foster Care Homes and, if the applicant is applying to be dual certified, with the rules regulating Family Child Care Homes. Written documentation of the home inspection shall be in the foster care home file at the child placement agency. Approval of local zoning, health or fire departments must be documented in writing when the situation warrants.

7.710.33 Application and Inspection for Certification of Foster Care Homes (continued)

M. An annual on-site, unannounced, home inspection must be made to the foster care home to determine compliance with the Rules Regulating Family Foster Care Homes and, if the foster care home is dual certified, with the rules regulating Family Child Care Homes. A written report of the supervisory visit must be given to the foster parent and a copy maintained at the child placement agency. A written notice of noncompliance with the regulations will be left with the foster parents or sent to the foster parents within fifteen (15) calendar days of the supervisory visit if there is noncompliance. Compliance must be achieved within the time frames indicated on the written compliance notice.

7.715 STANDARDS FOR HOMELESS YOUTH SHELTERS

7.715.1 INTRODUCTION

All rules in Section 7.715 will be known and hereinafter referred to as the Standards for Homeless Youth Shelters. ALL HOMELESS YOUTH SHELTERS SHALL COMPLY WITH THE GENERAL RULES FOR CHILD CARE FACILITIES LOCATED AT SECTION 7.701.

~~7.715.11 Policy of the Colorado Department of Human Services~~

~~It is the policy of the Colorado Department of Human Services ("the Department") to promote the provision of safe and adequate care of youth in an environment designed to meet the physical, emotional, cognitive and social needs of the youth at those times in the life of such youth when the youth's family of origin is unable or unwilling to provide adequate care. It is also the policy of the Department to require care providers to meet standards and conditions for the well-being and protection of the youth in their care. In furtherance of the foregoing policy considerations, the proper enforcement of these rules requires thorough and ongoing appraisal of the youth care shelter where care is provided, the staff members providing the care, and the nature and quality of the care provided.~~

7.715.12 Definitions

A. ~~A homeless youth shelter ("the shelter") means a facility that, in addition to other services it may provide, provides services and temporary shelter for a period of three days or more to homeless youth~~. HOMELESS YOUTH SHELTER IS DEFINED IN THE GENERAL RULES AT 7.701.22, A.

B. ~~A homeless youth ("youth") means a youth who is at least 15 years of age but is less than 18 years of age and meets the statutory definition of a homeless youth pursuant to Section 26-5.7-102 (2), C.R.S.~~ HOMELESS YOUTH IS DEFINED IN THE GENERAL RULES AT 7.701.22, B.

C. A staff member of the shelter as used in these rules includes staff that work time-limited work shifts and do not live at the shelter on a permanent basis.

D. Religion when used in these regulations includes traditional religious beliefs and spiritual beliefs such as those of Native Americans.

7.715.33 Youth Care Staff-to-Youth Ratios

A. There shall be a minimum of one (1) adult qualified as a youth care staff on duty and one (1) adult on call who can be summoned at all times when there is one youth or more at the shelter.

B. At night there shall be at least one awake staff person within each physically separate building, and within hearing of youth, and a second person who can be immediately summoned in case of emergency.

C. The ratio of youth care staff to youth in care shall be dependent on the needs of the youth but there shall always be at least 2 staff persons present when youth are present. The ratio of such staff shall not be less than the following schedule except when transporting youth in vehicles (see Section 7.715.87):

Age of Youth	Waking Hours	Sleeping Hours
~~15~~ 11 years and over	1 staff member: 20 youth	1 staff member: 20 youth

7.715.43 Admission Policy and Procedures

A. Admission of a youth shall be in keeping with the stated purpose of the homeless youth shelter and shall be limited to those youth for whom the shelter is qualified by staff, program, equipment, and needs of youth already in residence to provide care deemed necessary. Care must be provided in the least restrictive, most appropriate setting in order to meet the youth's needs.

B. Each shelter shall have a written admission policy, which at a minimum must include:

1. The policies and procedures related to intake.

2. The age range and sex of youth accepted for care.

3. The needs, problems, situations or patterns best addressed by the shelter's program.

4. The anticipated criteria, problems, situations, and patterns that would result in the shelter requesting removal of a youth.

5. A statement regarding the religious orientation or affiliation of the shelter, and of the religious activities at the shelter, if any.

6. A statement regarding any charges or costs for services that may be expected from the youth, the youth's family or others who may be responsible for the youth.

C. The shelter shall accept a youth into care only after a preliminary assessment and screening of presenting problems in areas such as social, physical health, mental health.

D. Upon admission of a youth to a shelter, the shelter shall provide all necessary services pursuant to Section 26-5.7-106(2), C.R.S.

E. Within 24 hours of arrival at the shelter, a youth shall be given an orientation to the shelter, consistent with the youth's age and ability to participate, which includes at least the following:

1. Tour of the shelter and instruction on fire alarm and fire evacuation procedures, escape routes and exits.

2. The rules/regulations of the shelter.

3. Procedures affecting the youth's behavior, including limiting or restricting a youth's rights where allowed, the type of discipline used in the shelter, and consequences for certain behaviors.

4. The complete youth's rights and youth's grievance procedures as developed by the shelter or by the certifying authority.

7.715.43 Admission Policy and Procedures (continued)

F. Within 48 hours following admission to the shelter, excluding Saturdays, Sundays and legal holidays, and pursuant to Section 26-5.7-105 (2), C.R.S., the director of the shelter shall provide the youth and the youth's parent with a written statement identifying:

1. The availability of counseling services;

2. The availability of longer term residential arrangements; and

3. The possibility of referral to the county department.

G. Within 2 weeks following admission a placement agreement shall be developed with the involvement of the youth, and if possible, the youth's parent or the legal guardian(s). Where the involvement of any of these is not feasible or desirable, the reasons for the exclusion shall be recorded by the shelter. The placement agreement shall include at least the following information:

1. Discussion of the youth's and the parent's or guardian's expectations regarding: family contact, reconciliation and involvement; how family contact and involvement are to occur; the nature and goals of care, the anticipated planned discharge date and the plan for the youth following discharge.

2. A delineation of the respective roles and responsibilities of all agencies and persons involved with the youth and his/her family.

3. Legal status or custody of the youth.

4. If a youth is placed by a Colorado county department of social services, the appropriate state form or contract shall be completed. This form or contract may provide some of the required authorizations.

H. PURSUANT TO 26-5.7-105(5), C.R.S., IF THE DIRECTOR OF THE HOMELESS YOUTH SHELTER OR OTHER PERSON IN CHARGE DETERMINES THAT A REFERRAL FOR ADDITIONAL SERVICES NEEDS TO BE MADE, THE DIRECTOR OR OTHER PERSON IN CHARGE SHALL MAKE A REFERRAL TO THE COUNTY OF REFERENCE OF THE PARENTS OF THE YOUTH.

(I) IN ADDITION TO COMPLYING WITH RULES REGULATING HOMELESS YOUTH SHELTERS, PURSUANT TO 26-5.6-105(4) AND (7) CRS:

A. WHEN A YOUTH UNDER FIFTEEN YEARS OF AGE IS ADMITTED TO A LICENSED HOMELESS YOUTH SHELTER, THE DIRECTOR OF THE SHELTER OR OTHER PERSON IN CHARGE SHALL NOTIFY THE COUNTY DEPARTMENT OF RESIDENCE OF THE PARENTS OF THE YOUTH WITHIN SEVENTY-TWO (72) HOURS OF THE YOUTH'S ADMISSION.

7.715.43 Admission Policy and Procedures (continued)

A. IF A YOUTH WHO IS AT LEAST ELEVEN (11) YEARS OF AGE BUT LESS THAN FIFTEEN (15) YEARS OF AGE HAS BEEN SERVED UP TO TWENTY-ONE (21) DAYS AND RETURNS AGAIN TO THE LICENSED HOMELESS YOUTH SHELTER AFTER LEAVING THE SHELTER, THE DIRECTOR OF THE SHELTER OR OTHER PERSON IN CHARGE SHALL NOTIFY THE COUNTY DEPARTMENT OF RESIDENCE OF THE PARENTS OF THE YOUTH WITHIN SEVENTY-TWO (72) HOURS OF THE YOUTH'S ADMISSION.

7.715.7 LIVING SPACES, EQUIPMENT, AND NECESSARY FACILITIES

7.715.71 Living Spaces and Equipment Necessary in a Shelter

A. Youth ~~15-18~~ 11-21 years of age may be housed in the same area in a shelter.

B. There shall be separate sleeping rooms for boys and girls. Sleeping rooms above or below the floor of exit travel shall not be used for sleeping purposes for youth who are non-ambulatory.

C. Each youth shall be provided suitable sleeping equipment consisting of individual beds, or bunks, complete with mattresses in good repair, or individual cots. All sleeping equipment shall be constructed so as to facilitate cleaning while in use by youth and upon each change of occupancy. Triple-deck bunks are prohibited. Sleeping equipment being used by youth shall have, clean sheets, pillows, pillowcases and blankets.

D. Each room of occupancy shall be well-lighted and adequately ventilated.

E. Staff rooms shall be located on the same floor or in the general area of youth's sleeping rooms so that the youth care staff can supervise youth and be readily accessible when needed.

F. There shall be a designated space distinct from youth's living areas to serve as an administrative office.

G. There shall be a designated space distinct from youth's living areas to allow for private discussions and/or counseling sessions.

H. Each shelter shall have a telephone. Each separate living unit within a shelter shall have 24-hour telephone service or an intercom system connected with an outside telephone service. Emergency telephone numbers, including fire, police, physician, poison control, health agency, and ambulance shall be conspicuously posted adjacent to each telephone.

7.721 Rules Regulating Host Family Homes

7.721.1 Definitions:

"Homeless Youth" is defined in the General Rules at 7.701.22

"Licensed Host Family Home" is defined in the General Rules at 7.701.22.

"Host Home Parent" is the responsible adult in the Host Home that is participating in the Host Home.

7.721.2 General Requirements:

A. The Certifying Child Placement Agency or County shall be able to assure the health and safety and the proper care and treatment of the youth in the Host Home.

B. The Host Home must be located in an area that is accessible to health resources, public and private utilities, adequate and safe water supplies, sewage disposal, and fire and police protection.

C. The Child Placement Agency or County shall have written screening procedures and make reasonable efforts to evaluate the overall emotional health and stability of each Host Home applicant and/or staff member. Procedures shall include exploring for any history of youth battering, youth abuse, youth molestation, youth neglect, or previous criminal convictions.

D. The Child Placement Agency or County shall determine policies, procedures and case management structure that clearly defines duties and responsibilities for Host Home Parents.

E. The Child Placement Agency or County shall develop an adequate emergency preparedness and management plan for Host Home Parents.

F. The Child Placement Agency or County shall have on file the verification of tuberculin status of Host Home Parents and other residents of the home. If the Host Home residents have certificates of previous negative testing, the testing does not need to be repeated. If there is no certificate, the testing needs to be completed prior to Host Home certification and annually thereafter.

G. The Child Placement Agency or County shall ensure that all staff, certified Host Homes and program partners demonstrate an interest, receive training and have knowledge of positive youth development, homelessness and a concern for the proper care and well being of youth.

7.21.21 MANAGEMENT REQUIREMENTS

7.21.211 Certifying Child Placement Agency or County

A. The Child Placement Agency or County is the individual, partnership, corporation or association in whom the ultimate authority and legal responsibility is vested for the conduct of the Host Home.

7.21.211 Certifying Child Placement Agency or County (continued)

B. When the Child Placement Agency or County does not include a board of directors, there shall be an advisory committee of at least two other individuals who act in an advisory capacity to the governing body. The names of the advisory committee members shall be disclosed to the Department. The advisory committee shall meet at regularly stated intervals.

C. Minutes of the advisory committee or the board of directors shall be maintained. The minutes shall be available to the Department upon request, except that the minutes containing confidential personnel information need not be shared with the Department.

D. The functions of the Child Placement Agency or County shall include:

1. The appointment of an administrator who shall be responsible to establish and implement, according to performance criteria, to the governing body, and shall delegate to him/her the executive authority and responsibility for the administration of Host Home certification according to its defined purpose.

2. The certification of all Host Homes.

3. The formulation and regularly planned review of policies and procedures to be followed by the Host Homes.

4. As necessary, establish formal agreements with local agencies participating in Host Home. If a local agency delegates responsibility for any responsibility established by the Host Home, the Child Placement Agency or County must certify and document that the local agency meets requirements established in rule.

5. Sixty-day notice must be given to State Department of any changes to formal agreements established by Child Placement Agency or County.

6. The provision of necessary emergency services and temporary shelter using Host Homes; adequate financing; qualified personnel and Host Home provider; and services and program functions for the welfare and safety of youth in accordance with these standards.

7.721.212 Fiscal Management

A. The Child Placement Agency or County shall demonstrate that it is financially sound and manages its financial affairs prudently. All funds disbursed by the Child Placement Agency or County shall be expended in accordance with the program objectives as specified by the governing body.

7.721.213 Insurance

A. The Child Placement Agency or County certifying the Host Home shall determine policy and procedures on liability insurance that includes the Host Home supervised by the agency.

7.721.213 Insurance (continued)

B. The Host Home shall maintain adequate insurance and submit annually the amount of the insurance and the name and the address of the insurance agency providing the insurance for the Host Home.

C. Information about the insurance should be maintained at the Child Placement Agency or County.

D. Agencies and Host Homes participating in the Host Home operating their own transportation vehicles shall carry insurance in compliance with the minimum limits as required by the Colorado Revised Statutes.

E. The Child Placement Agency or County shall establish procedures to review and establish annually that all agencies and Host Homes participating in the Host Home meet program insurance requirements.

7.21.22 HUMAN RESOURCES

7.721.221 Administrative Staff

A. Administrator of the Child Placement Agency or County shall be qualified as follows:

1. The administrator shall have received a bachelor's degree from an accredited college or university and have two years of verified experience in the human services field, two of which were in a supervisory or administrative position; or The administrator shall have received a master's degree and have two years of verified experience in the human services field, one of which was in a supervisory or administrative position.

2. The administrator shall assume the following duties:

a. Overall direction and responsibility for the youth, program, Host Home, and fiscal management.

b. Overall direction and responsibility of supervision of adequate staff.

c. The selection, roles, responsibilities and training of a capable staff member who can assume responsibility for management of Host Homes in the administrator's absence.

d. The establishment of relationships, protocols, agreements and contact maintenance with allied agencies, services, and resources within the community.

B. Case Manager

The Child Placement Agency or County shall specifically designate a staff member, age 21 or over, capable of acting as a substitute for the administrator during his/her absence. The duties and responsibilities of the substitute administrator shall be clearly defined in order to avoid confusion and conflict among other staff, provider within Host Home and youth.

7.721.221 Administrative Staff (continued)

C. Administrative Coverage

1. The Department shall be notified in writing when a possible change in administrator is anticipated or at the time there is a change in administrator. Documents verifying the qualifications of the acting/interim or new administrator, including official transcripts and documents verifying work experience, shall be submitted to the Department.

2. The administrator or the staff member to whom the administrator has delegated responsibility shall be available at all times.

7.721.222 Case Management Staff and Other Professional Staff

A. Case management shall be provided by the Child Placement Agency or County.

1. A qualified professional having a bachelor's degree in social work, psychology, or child development from an accredited college or university shall supervise the Host Home. This professional shall have two years of treatment-oriented experience, or

2. A case manager who meets the requirements of the Child Placement Agency or County.

B. The case management staff shall be responsible for providing case management services as stated at Section 7.715.42, B.

7.721.23 Capacity

A. When a certified home participating in the Host Home only provides temporary emergency shelter for youth, the home may be certified for up to 4 (four) youth including siblings groups.

B. Child Placement Agency or County shall instruct homes participating in the Host Home in requirements in accommodations and required supervision placement of both male and female youth.

7.721.3 Host Home Character, Suitability, and Qualifications

A. A certificate shall be denied in accordance with Section 7.710.34, D and E.

B. A certificate may be denied or revoked if the Host Home's own children have been placed in foster care or a residential treatment facility under circumstances which demonstrated that the provider(s) in Host Home or another resident of the home was abusive, neglectful, or a danger to the health, safety, or well-being of children within the home.

C. The providers in Host Home shall be able to provide for a homeless youth's physical, mental and character development.

D. Applicants shall demonstrate stability in family relationships within the Host Home.

7.721.3 Host Home Character, Suitability, and Qualifications (continued)

E. The licensing or certifying authority must receive at least three written statements which describe the applicant's character, interpersonal relations, and ability to provide care for youth from references provided by the applicant, at least two from a source/person who are not related to the applicant and who have known the applicant one year or longer (references need not be residents of Colorado). Licensing or certifying representatives may contact others who may have knowledge or information regarding the applicant's character or suitability.

F. The Host Home provider shall possess basic knowledge of childcare, positive youth development, runaway and homeless youth issues, and good nutrition, and shall cooperate with the licensing or certifying agency in programs designed to increase such knowledge.

G. Providers in Host Home shall protect youth receiving shelter in the home from exposure to second hand tobacco smoke. Smoking includes carrying or having in one's possession a lighted cigarette, cigar, pipe or other object giving off tobacco smoke.

1. Smoking is prohibited inside the Host Home at all times when homeless youth are present.

2. Smoking is prohibited in a motor vehicles used by providers in Host Homes or case managers when a youth is present.

H. The financial resources of a Host Home shall be adequate to assure that the home where the shelter is provided is maintained in safe repair and in conformity with standards and that the requirements of these regulations can be fulfilled.

I. Each Host Home provider shall have a health assessment within one year prior to certification or within 30 calendar days after certification and thereafter as required, in writing, by a licensed health care professional. The reports of the medical examinations shall be dated and signed by the examining physician or nurse practitioner and shall be provided to the certifying authority. Reports shall include a statement of the evaluation of the person's physical ability to care for youth.

J. If, in the opinion of the licensed health care professional or the assessment worker, an emotional or psychological condition exists which would have a negative impact on the care of youth, the certification of a Host Home shall be conditioned upon the satisfactory report of a licensed mental health practitioner.

K. Other children of the providers of the Host Home and any other persons not placed by the agency and living in the Host Home shall obtain a medical statement from a licensed health care professional verifying that each such person suffers from no illness or communicable disease which would adversely affect youth receiving shelter in the Host Home. This statement shall be obtained annually or as required in writing by an approved health care professional. A licensed health care professional is defined as a physician, nurse practitioner, or a physician's assistant. This statement shall have been signed within the twelve-month period preceding the certificate granted to the home.

7.721.31 Medical and Health

A. The Child Placement Agency or County shall provide referrals to local health care providers for any youth requiring medical attention while participating in a Host Home.

B. Child Placement Agency or County of the Host Home will determine policies for storage and distribution of medications.

7.721.32 Personnel Policy, Orientation, and Training

A. The Child Placement Agency or County shall have a comprehensive written plan for the recruitment, hiring or certification, orientation, ongoing training, and professional development of providers in a Host Home.

B. The Child Placement Agency or County shall have an introductory training and orientation program for all providers in a Host Home. This program shall include orientation to emergency and safety procedures and the general and specific duties and responsibilities of staff /case managers and Host Home providers.

C. The Child Placement Agency or County shall maintain written documentation of specific in-service training held, staff/providers participating, the hours involved, and/or other on-going training activities in which staff /providers were involved.

D. The Child Placement Agency or County shall document that all staff and providers in the Host Home receive appropriate training in the following areas:

1. The Child Placement Agency or County's administrative procedures and overall program goals.

2. The emergency and safety procedures, including but not limited to fire evacuation drills, tornado drills, where appropriate, and flood evacuation drills, where appropriate, on at least a semiannual basis.

3. Universal precautions regarding safe work practices to prevent exposure to blood and bodily fluids.

4. CPR and basic first aid.

5. The principles of positive youth development and practices of working with youth.

6. Acceptable behavior management techniques, including appropriate discipline in accordance with Host Home policies and these rules.

7. Appropriate boundaries (both physical and emotional) between case managers, providers in Host Home and youth and after the youth no longer reside in the host home.

7.721.32 Personnel Policy, Orientation, and Training (continued)

8. Positive and constructive methods of dealing with the youth including but not limited to physical structuring of the environment and de-escalation of crisis situations.

9. Hazardous materials.

10. Storage and distribution of medications.

11. Mandated reporting.

7.721.4 PROGRAM

7.721.41 Program Description

A. The Child Placement Agency or County shall have a written overall program description for the Host Home.

B. The written description shall address at least the following areas:

1. Provision of Case Management

2. Referral to emergency medical and/or dental services

3. Referral to Education/Vocational services

4. Housing, food, and clothing resources

5. Referral to medical, dental and substance abuse services

6. Recreation opportunities

7. Youth rights

8. Requirements of the Host Family Home provider.

C. Child Placement Agency or County will develop and provide services using a positive youth development approach that ensures a young person a sense of--

1. Safety and structure;

2. belonging and membership

3. Self-worth and social contribution;

4. Independence and control over one's life; and closeness in interpersonal relationships.

7.21.42 Case Management Services

A. The Child Placement Agency or County shall be assigned the responsibility for case management for each youth.

B. Each individual assigned the responsibility of providing case management services for a youth shall:

1. Participate actively with the youth, family, Host Home provider, and other supports to create a service and transition plan and to address the provision of resources and/or identified services.

2. Assure that appropriate information concerning the youth and her/his background is shared with other staff members and providers in Host Home who deal with the youth regularly and to maintain communication with youth's parents, guardians, if available, and with the individual or agency responsible for discharge planning and follow-up care of the youth, if applicable.

3. Assure that the plan developed for each youth is implemented, and documented in the youth's file.

7.21.43 Admission Policy and Procedures

A. Admission of a runaway /homeless youth to a Host Home shall be in keeping with the stated purpose of the program.

B. Pursuant to 26-5.7-106(4), (5) and (7), CRS:

1. When a youth under fifteen years of age is admitted to a licensed host family home, the director of the facility, shelter, or other person in charge shall notify the county department of the county of residence of the parents of the youth within seventy-two (72) hours of the youth's admission.

2. If the director of the facility, shelter, or other person in charge determines that a referral for additional services needs to be made, the or other person in charge shall make the referral to the county of residence of the parents of the youth.

3. If a youth who is at least eleven (11) years of age but less than fifteen (15) years of age has been served up to twenty-one (21) days and returns again to the licensed host family home after leaving the host family home, the Child Placement Agency or County certifying the host family home shall make a referral for services to the county of residence of the parents of the youth.

C. Child Placement Agency or County shall place youth in Host Homes where the provider of the Host Home is qualified and taking into account the needs of children already in residence to provide the care necessary. Care must be provided in the least restrictive, most appropriate setting in order to meet the youth's needs.

D. Each Host Home and its certifying authority shall have a written admission policy that at a minimum must include:

7.21.43 Admission Policy and Procedures (continued)

1. The policies and procedures related to intake.

2. The age range and sex of youth accepted/admitted for care.

3. The needs, problems, situations or patterns best addressed by the Host Home.

E. Any pre-placement requirements for the youth, the parent(s) or guardian, and/or the placing agency.

F. The anticipated problems or situations that would result in the Host Home or certifying authority requesting removal of a youth from the Host Home.

G. The written description of admission policies and criteria shall be provided to referring agencies.

H. The Child Placement Agency or County shall accept a youth into temporary/emergency shelter only after a preliminary intake assessment and screening of immediate needs. Further assessments of areas such as social, physical health, mental health shall be conducted within three days of admission.

I. Pursuant to 26-5.7-106(2), CRS, Upon admission of a youth to a Host Home, the Child Placement Agency or County shall:

1. Immediately notify the youth's parent of the youth's whereabouts, physical and emotional condition, and the circumstances surrounding the youth's placement;

2. Notify the youth's parent that it is the paramount concern of the facility or shelter to achieve a reconciliation between the parent and the youth, to reunify the family, and to inform the parent about the alternatives that are available;

3. Arrange transportation for the youth to the residence of the youth's parent when the youth and the parent agree that the youth shall return to the home of the youth's parent. The parent shall reimburse the party who paid for the transportation costs to the extent of the parent's ability.

4. Arrange transportation for the youth to an alternative residential placement facility when the youth and the youth's parent agree to such placement. The parent shall reimburse the appropriate person for transportation costs to the extent of the parent's ability.

J. Within 24 hours of admission the Child Placement Agency or County is responsible to contact parents/legal guardians of youth under the age of 18 and document their permission to serve or attempts made to contact parents/legal guardians.

K. Within 24 hours of arrival at the Host Home, a youth shall be given an orientation to the Host Home, consistent with the youth’s age and ability to participate, which includes at least the following:

7.21.43 Admission Policy and Procedures (continued)

1. Tour of the Host Home and instruction on fire alarm and fire evacuation procedures, escape routes and exits.

2. The rules/regulations of the Host Home.

3. Procedures affecting the youth's behavior, including limiting or restricting a youth's rights where allowed, the type of discipline used in the Host Home, and consequences for certain behaviors.

4. The complete youth's rights and youth's grievance procedures as developed by the Host Home or by the certifying authority.

L. Within 48 hours following admission to the Host Home, excluding Saturdays, Sundays and legal holidays, and pursuant to Section 26-5.7-105(2), C.R.S., the Child Placement Agency or County shall provide the youth and the youth's parent with a written statement identifying:

1. The availability of counseling services;

2. The availability of longer term residential arrangements; and

3. The possibility of referral to the county department.

M. The case plan shall be developed with the involvement of the youth, the parent(s) or guardian(s) of the youth, the representative of the Child Placement Agency or County, and when possible, the Host Home provider. Where the involvement of any of these is not feasible or desirable, the certifying authority shall record the reasons for the exclusion. The case plan shall include by reference or attachment at a minimum the following:

1. Discussion of the youth's and the parent's or guardian's expectations regarding: family contact and involvement; how family contact and involvement are to occur; the nature and goals of care, including any specialized services or specialized treatment to be provided; the religious orientation and practices of the Host Home; and the anticipated planned discharge date and plan for the youth following discharge.

2. Written authorization for care and treatment of the youth.

7.21.5 Youth Rights

A. The Child Placement Agency or County shall have written policies and procedures that address and ensure the availability of each of the following core rights for youth in Host Home. These rights may not be restricted or denied by the Host Home.

1. Every youth has the right to enjoy freedom of thought, conscience, cultural and ethnic practice, and religion.

2. Every youth has the right to a reasonable degree of privacy.

7.21.5 Youth Rights (continued)

3. Every youth has the right to have his or her opinions heard and considered, to the greatest extent possible, when any decisions are being made affecting his/her life.

4. Every youth has the right to receive appropriate and reasonable adult guidance, support and supervision.

5. Every youth has the right to be free from physical abuse or neglect, inhumane treatment, and all forms of sexual exploitation.

6. Every youth has the right to receive adequate, appropriate, and timely emergency medical care.

7. Every youth has the right to receive adequate and appropriate food, clothing, and housing.

8. Every youth has the right to live in clean, safe surroundings.

9. Every youth has the right to participate in an educational program that will maximize his/her potential in accordance with existing law.

10. Every youth has the right to communicate with others outside the Host Home, such as a parent or guardian, caseworker, attorney or guardian ad litem, current therapist, physician, religious advisor, and, if appropriate, probation officer.

B. The following youth's rights may be limited to reasonable periods during the day or restricted according to written policies of the Host Home to ensure the protection of the youth, staff, and program from unreasonable and unnecessary intrusions and disruptions and from health and safety hazards.

1. Every youth has the right to have access to letter-writing materials, including postage, and to have staff members of the Host Home assist him/her if unable to write, prepare, and mail correspondence.

2. Every youth has the right to have access to telephones to both make and receive local emergency telephone calls.

3. Every youth has the right to receive and send sealed correspondence.

C. Written policies that restrict or limit a youth's rights as listed at Section 7.721.5 must include at a minimum the requirement that the Host Home notify the youth at the time of admission of any policy that would limit or restrict a youth's rights. The notification must be communicated in a language or mode of communication the youth can understand and, if possible, be signed by the youth.

D. If the Host Home enforces any restrictions upon the youth's rights as listed at Section 7.721.5, the Host Home must, in compliance with the written policy and procedure of the Host Home:

7.21.5 Youth Rights (continued)

1. Inform the youth in a language or mode of communication the youth can understand, of the conditions of and reasons for restriction or termination of his/her rights.

2. Place a written report summarizing the conditions of and reasons for restriction, denial, or termination of the youth's rights in that youth's case record along with information about if or when the youth's right(s) can be restored. This Information must be made available to the youth upon request.

3. When a restriction of a youth's rights affects another youth in the Host Home, the youth shall be informed, in a language or mode of communication the individual can understand, of the conditions of and reasons for the action.

7.21.51 Youth's Grievance Procedure

A. The Child Placement Agency or County of the Host Home must establish a written grievance procedure that provides adequate due process safeguards, spells out the appeal process, and assures that youth and parent(s) or guardian(s) are entitled to report any grievance and shall not be subject to any adverse action as a result of filing the grievance.

1. The Host Home must follow grievance procedures without alteration, interference, or unreasonable delay.

2. If a grievance is filed with the Host Home, the grievance shall be recorded in the youth's record along with the investigation findings and resulting action taken by the Child Placement Agency or County.

B. A list of the youth's rights and the grievance procedures must be provided and explained to the youth and the parent or guardian in a language or manner of communication that they can understand.

7.21.6 Discipline

A. The Child Placement Agency or County shall have written policies and procedures regarding discipline that include:

1. Discipline shall be constructive or educational in nature.

2. Procedures for diversion or separation from the problem situation.

3. Procedures for withholding privileges.

4. Positive responses to youth's appropriate behavior.

B. Policies and procedures must be explained to all youth, parent(s), guardian(s), staff, Host Home provider and placing agencies. Basic rights shall not be denied as a disciplinary measure.

7.21.6 Discipline (continued)

C. Youth in care at the Host Home shall not discipline other residents.

D. Separation when used as discipline must be brief and appropriate to the youth's age and circumstances. The youth shall always be within hearing of an adult in a safe, clean, well-lighted, well-ventilated room in the Host Home that contains at least 50 square feet of floor space

E. The Child Placement Agency or County shall prohibit all cruel and unusual discipline and ensure providers of Host Home and case managers are trained on established guidelines and appropriate discipline.

7.21.7 Non-Discrimination

In compliance with Section 7.701.14, the Host Home shall not discriminate against a youth based upon race, religion, age, gender or disability.

7.21.71 Religion and Culture

A. The Host Home shall demonstrate consideration for, and sensitivity to, the cultural and religious backgrounds of youth in care.

B. Youth in care of the Host Home shall be allowed and encouraged to celebrate their cultural and religious holidays.

C. A youth may be invited to participate in religious and cultural activities of the Host Home but shall not be required to participate.

D. Any form of religious or cultural intervention used by the Host Home to control or change a youth's behavior, or treat or heal a medical condition, must be approved, in writing, by the legal guardian(s) of the youth prior to the use of the intervention.

E. The Host Home cannot deny medical care to a youth because of religious beliefs.

F. Opportunity and assistance shall be provided for each youth to practice the chosen/preferred religious beliefs and faith of his/her family. If the family has no preference, the individual preference of the youth shall be respected. The Child Placement Agency or County will attempt to make necessary arrangements for attendance of youth at the appropriate religious institution or at a study group for religious instruction.

7.21.8 Education and Community Involvement

7.21.81 Education

A. Youth shall attend educational/vocational programs in the most appropriate and least restrictive educational setting for the youth, including, but not limited to, attending regular classes conducted in accredited secondary schools within the community and workforce programs to achieve outcomes such as decreasing secondary school dropout rates, increasing rates of attaining a secondary school diploma or its recognized equivalent, or increasing placement and retention in postsecondary education or advanced workforce training programs.

7.21.82 Community Participation

A. Participation in community activities shall be encouraged, supported, and a vital part of each youth's life and choice.

B. The Child Placement Agency or County shall reflect consideration for, and sensitivity to, the racial, cultural, ethnic and/or religious backgrounds of youth in care. The Host Home shall involve a youth in cultural and/or ethnic activities appropriate to his/her cultural and/or ethnic background. Other factors should include, but are not limited to, consideration of the child's family, community, neighborhood, faith or religious beliefs, school activities, friends, and child's and family's primary language.

C. The Host Home shall utilize available services, facilities, and activity programs of the community, and youth shall be given opportunities to participate as individuals or as a group in agency-sponsored recreational and cultural programs.

D. Chores at the Host Home are considered part of the participatory responsibility of living together. They shall provide constructive experiences in accordance with the age and ability of the youth. All chores shall be scheduled so as not to conflict with other essential scheduled activities. Youth participating in the Host Home cannot provide independent care/supervision of other residents in the Host Home.

E. The Child Placement Agency or County shall comply with all child labor laws and regulations in making work assignments, with consideration for agricultural work assignments in those communities.

F. Case manager shall approve paid or voluntary work assignments outside of the Host Home. Approval shall include knowledge of the employer, the specific type of work, and the conditions of employment/voluntary work.

G. A youth shall not be exploited. A youth may not participate in solicitation on behalf of the Child Placement Agency or County or certifying authority for a fund-raising activity without the written permission of the parent(s) or guardian(s) for each specific activity, and the youth must be willing to participate in the activity.

7.21.9 PERSONAL CARE OF THE YOUTH

7.21.91 Medical and Health Services

A. The Child Placement Agency or County of the Host Home shall ensure the availability of emergency medical care for each youth in care.

B. Whenever indicated, a youth shall be referred to an appropriate specialist for either further assessment or treatment.

C. At all times there shall be first aid supplies readily available at each Host Home and at least one (1) person present at the home or with the youth who is certified in first aid, or the equivalent, and CPR for all ages of youth in care.

D. The Child Placement Agency or County, in conjunction with the parent(s) or guardian(s), shall make every effort to ensure that a youth needing corrective devices such as glasses, hearing aids, etc., is provided with the necessary equipment.

7.21.91 Medical and Health Services (continued)

E. In a potentially life-threatening situation, the Child Placement Agency or County shall refer the youth's care to the appropriate medical and legal authority.

F. Child Placement Agency or County of the Host Home will determine policies for Medications which include the following:

1. Required storage procedures in homes participating in the Host Home including locked containment of all medication.

2. During admission process case manager shall ascertain all medication the youth is currently taking.

3. All medication must be kept in a clean storage area inaccessible to youth and stored according to pharmacy instructions.

4. All prescriptive medications shall be administered only upon the written prescription of a physician. The Child Placement Agency or County shall also obtain written authorization from the prescribing physician to administer any non-prescriptive medication.

5. Child Placement Agency or County will provide providers of Host Homes complete instructions to ensure proper administration of medication for each youth

6. For youth under 18 years old, in an emergency situation, non-prescriptive medication may be administered on the verbal authorization of a physician. Written confirmation must then be obtained for the verbal authorization.

7. The Child Placement Agency or County maintains for each youth a cumulative record of all medication, both prescriptive and non-prescriptive, dispensed to that youth, including:

a. The name of the youth.

b. The name and dosage of medication.

c. The time and date the medication was dispensed.

d. The name or initials of the person administering the medication.

8. The Child Placement Agency or County will establish guidelines for documenting an error of any sort with medication including:

a. Notification to poison control if medication is administered incorrectly

b. Documentation of missing medication.

7.21.92 Food, Nutrition, Personal Hygiene, Daily Routine, Clothing, and Personal Belongings.

7.721.921 Food and Nutrition

A. The Host Home shall provide nutritious foods in the variety and amounts as appropriate for the age, appetite, and activity of each youth.

B. At least three nourishing, wholesome, well-balanced meals a day shall be offered at regular intervals. The Host Home provider will document meals in a log to be audited by the Child Placement Agency or County.

C. Family meals including all children and adults present in the home shall be provided whenever possible.

D. Youth shall be encouraged to eat a variety of the food served but shall not be subjected to undue coercion, including forced feeding, or punished for refusal to eat.

E. All food shall be from sources approved or considered satisfactory by the health authority. All foods shall be stored, prepared, and served in such a manner as to be clean, wholesome, free from spoilage, and safe for human consumption. Only pasteurized milk shall be served. Home pressure-canned fruits and vegetables and canned meats cannot be served because of the possible severe health concerns for youth from botulism in unsafe canned foods. Fruits, vegetables and meats may be frozen.

F. The Child Placement Agency or County of the Host Home shall inform providers of Host Home of the special diets prescribed for youth including those that are contrary to their religious beliefs, or of their family, or are known to cause an allergic reaction or a health hazard.

G. Water shall be readily accessible to youth by means of an approved water source. Youth will be provided clean single-service cup for administering medication and rinsing mouth in bathroom.

7.21.922 Personal Hygiene and Daily Routine

A. The Child Placement Agency or County of Host Home shall establish procedures to ensure that youth receive training in good habits of personal care, hygiene, and grooming appropriate to their age, gender, race and culture.

B. The Host Home shall ensure that youth are provided with necessary and appropriate toiletry items, including clean, individual towels and washcloths, toothbrush, toothpaste, comb, shampoo and clean cups and dishes.

A. The Host Home shall allow a youth in care to bring his/her personal belongings to the program, as defined by the Child Placement Agency or County policy, and to acquire belongings of his/her own in accordance with the youth's plan. However, the Host Home shall, as necessary, limit or supervise the use of these items while the youth is in the program. Where extraordinary limitations are imposed, the youth shall be informed of the reasons, in a language or manner of communication the youth can understand. The decision and reasons shall be recorded in the youth's case record.

7.721.923 Clothing and Personal Belongings (continued)

B. The Child Placement Agency or County shall establish provisions for the protection of the youth's property while the youth is participating in the Host Home. If the Host Home safeguards any money, valuables or personal property for a youth, the Child Placement Agency or County shall maintain and inventory all such possessions. A full return or accounting of such possessions shall be made upon discharge of the youth from the Host Home.

7.721.93 LIVING SPACES, EQUIPMENT, AND NECESSARY FOR HOST HOME PROGRAM

7.721.931 Physical Requirements for a Safe and Adequate Host Home

A. The entire premises of homes participating in the Host Home are subject to inspection for licensing or certification purposes, including, but not limited to, the interior of the home, the grounds surrounding the home, the basement, the attic (if accessible), any storage buildings, and a garage or carport, if applicable.

B. Homes participating in the Host Home, including indoor and outdoor space, shall be maintained in a clean and safe condition free from hazards to health and safety.

C. The following shall be required for all Host Homes:

1. Although the presence of firearms and ammunition is strongly discouraged in Host Homes, if Child Placement Agency or County policies allow the presence of any weapons such as firearms, air rifles, bows, hunting knives or hunting sling shots they shall be unstrung and unloaded at all times when youth are in the home and shall be stored in locked containers out of the reach youth. Ammunition and arrows shall be stored in separate locked containers. Firearms that are solely ornamental can be excepted from the storage requirement. Weapons shall not be transported in any vehicle in which youth are riding. Law enforcement professionals are exempted from the requirements of this section if conditions of their employment require them to carry weapons.

2. At least 35 square feet of usable indoor space exclusive of halls, baths and sleeping area shall be available for each child. All floor space shall have carpets, tile or smooth finish that may be easily cleaned. Interior walls shall be constructed of solid material and be free from holes. Unfinished basements must be inaccessible to youth when safety hazards are present.

3. Exterior doors shall be maintained in such a manner that would permit easy exit. Interior doors shall be designed to prevent children from being trapped.

4. A basement that will be used regularly in the care of children in any manner shall be equipped with more than one exit; such exit may be an accessible window.

5. The home shall be equipped with refrigeration, and provisions shall be made for the washing, rinsing and storing of dishes in a safe and sanitary manner.

7.721.931 Physical Requirements for a Safe and Adequate Host Home (continued)

6. A comfortable bed in a well-ventilated room, which is not customarily used for other purposes, shall be available for each youth in the Host Home. There shall be a minimum of 40 square feet of floor space for each youth's bed, and the beds should be placed at least two feet apart when arranged in parallel.

7. No home participating in the Host Home shall be used for a rental income business or an adult foster care facility. A business of a nature that might be hazardous to the health, safety, morals or welfare of youth shall not be operated on the premises of the home.

8. Mobile homes participating in the Host Home shall have at least two exits, be skirted and properly installed and stabilized.

9. The Child Placement Agency or County shall establish procedures for safety issues related to swimming pools; trampoline or other outdoor equipment shall be assessed by the Child Placement Agency or County, addressed by the county or state health department as necessary, and documented in the case file.

D. A certificate shall be denied, suspended, revoked or made probationary for failure to repair or otherwise comply with any of the preceding requirements when a defect or noncompliance with such requirement has been noted by the licensing or certifying representative of the Child Placement Agency or County and brought to the attention of the licensee or applicant in writing.

7.21.932 Host Home Maintenance

A. Child Placement Agency or County shall ensure that homes participating in the Host Home:

1. Are kept in good repair and maintained in a safe, clean, and sanitary condition.

2. All areas available to youth's activities including equipment, materials and furnishings shall be of sturdy, safe construction, easy to clean, and free of hazards, such as sharp points or corners, splinters, protruding nails, broken play and recreational equipment, or paint that contains lead or other poisonous materials and might be dangerous to the life or health of youth.

3. Are kept free from accumulation of significant amounts of non-essential materials such as furnishings, newspapers, or magazines that could pose a fire or health hazard.

4. Have provisions for collection, storage, and disposal of trash to prevent infestation by rodents.

7.721.933 Fire Safety

A. Child Placement Agency or County shall establish procedure for homes participating in the Host Home that ensure:

7.721.933 Fire Safety (continued)

1. All homes participating in the Host Home shall contain at least one Underwriters Laboratories (U.L.) approved fire extinguisher, highly visible, easily accessible, and in working condition, weighing not less than five pounds, that has a rating of 2A, 10BC. This requirement may be waived if more extensive fire-control measures are required by a local fire department.

2. A smoke detector and carbon monoxide detector, in working condition, must be installed on each level of the home and near sleeping areas.

3. Fire hazards, such as defective electrical appliances and electric cords, dangerous or defective heating equipment or flammable material stored in such a manner as to create a risk of fire shall be corrected or eliminated.

4. No gas space heaters, open-flame gas or oil stoves, hot plates, or un-vented heaters are used in the home for heating purposes. No electric space heaters shall be used in the home for permanent heating purposes.

5. Flammables, aerosol paints, insecticides, chemicals, and other dangerous materials shall be locked or stored so they are inaccessible to youth and must be stored in areas separate from sleeping or living areas. Flammables shall be stored in an approved container and not be stored near a furnace, hot water heater, or other heating device.

6. Heating devices such as radiators, registers, fireplaces, wood-burning stoves, and steam and hot water pipes that pose a fire or burn hazard to youth shall be screened or otherwise protected.

7. There shall be no candles or other burnable objects permitted in youth's sleeping areas. Youth shall not be permitted to smoke inside Host Home or in any vehicle used to transport.

8. Exit doors shall be clearly identified to all youth. No lock or fastening to prevent free escape from the inside of any room used by the youth shall be permitted.

9. Exit routes shall be kept free of discarded furniture, furnishings, laundry, and stacks of newspapers or magazines that could interfere with the prompt evacuation of the homes participating in the Host Home.

A. The Child Placement Agency or County of the Host Home shall ensure that youth are provided with the transportation necessary for implementing the youth's service plan.

B. Homes participating in the Host Home shall have means of transporting youth in cases of emergency.

C. Any vehicle used by the Host Home in transporting youth in care shall be properly licensed and the vehicle shall be maintained in accordance with Colorado law.

D. Any Host Home parent or other person acting on behalf of the Host Home operating a vehicle for purpose of transporting youth shall be properly licensed to operate the class of vehicle in accordance with Colorado law.

7.721.94 Transportation (continued)

E. Youth under 16 years of age must be properly fastened into a restraint system that conforms to all applicable Federal Motor Vehicle Safety Standards and pursuant to Colorado law.

F. The Host Home shall not allow the number of persons in any vehicle used to transport youth to exceed the number of available seats in the vehicle.

G. The vehicle shall be enclosed and provided with door locks.

H. The Child Placement Agency or County of the Host Home shall ascertain the nature of any need or problem of youth in the program that might cause difficulty during transportation, such as seizures or a tendency toward motion sickness. The Host Home shall communicate this information to the driver of any vehicle transporting youth.

7.721.95 RECORDS, REPORTS AND CONFIDENTIALITY

7.721.951 Confidentiality

A. The Child Placement Agency or County shall have a policy as to the maintenance, storage and confidentiality of records.

B. Records shall be the property of the Child Placement Agency or County and shall be protected against loss, tampering, or unauthorized use.

C. Facts learned about youth and their families shall be kept confidential, with the following exceptions:

1. In medical emergencies, and then only when the assistance and/or expertise is required of that unauthorized person; or

2. To the youth, his/her parent(s) or guardian(s) and their respective legal counsel(s), a court having jurisdiction over the youth, or an authorized public official, or licensing representative in performance of his/her mandated duties; or

3. If the parent(s) or guardian(s) has given voluntary, written consent facts maybe shared using confidential fax or encrypted email.

4. Mandatory reporting of child abuse as required by law; and;

5. Reporting to the appropriate authority a youth's attempt to harm his/herself or others.

6. A youth's records may only be released upon the written consent of the youth, and the legal guardian for youth under 18 years old; facts may be shared using confidential fax or encrypted email.

7.721.952 Records

A. The Child Placement Agency or County shall maintain complete records as required for the Host Home.

B. Records for youth shall be retained for at least three years. Retention of records for a longer period may be desirable when they reflect an accident, injury or other unusual circumstance.

C. A record of admission shall be completed for each youth in the Host Home at the time of admission. The admission record shall be maintained at the Child Placement Agency or County. The Host Home where the youth where the youth resides shall received an abbreviated admissions record that contains:

1. Youth's name, date and place of birth (verified by a birth certificate when possible), gender, race, religious preferences, and date of admission.

2. Psychiatric and psychological reports, when available.

3. Medical/medication summary and reports, when available

4. Summary recording of significant contacts with parent(s), guardian(s) and other involved agencies.

D. When a youth is removed or discharged from the Host Home, the Child Placement Agency or County shall complete a summary of the youth's discharge from the home which includes at a minimum:

1. The date of the discharge of the youth from the home.

2. The plan for the youth.

3. Circumstances that led to an unplanned discharge.

E. Copies of a youth's file, including discharge information, shall be provided to parent(s) or guardian(s) upon request or to others by written consent pursuant.

F. A copy of all policies developed by the Child Placement Agency or County for the Host Home shall be maintained for at least three years.

7.721.953 Reports

A. The Child Placement Agency or County shall immediately attempt to notify the youth's parent(s), guardian(s), and/or the responsible agency of any serious illness or serious injury resulting in medical treatment away from the home, hospitalization or death involving a youth in the Host Home.

B. The Child Placement Agency or County must immediately report in writing to the Department any accidents, injuries, serious illnesses, or fatalities that occurred at the Host Home and that resulted in emergency medical treatment away from the Host Home, hospitalization or death. The report must be made within 48 hours after the accident, illness, or death occurred.

7.721.953 Reports (continued)

C. A report about a death must include:

1. The youth's name, birth date, address, and telephone number.

2. If known, the names of the youth's parent(s) or guardian(s) and their address and telephone number if different from that of the youth.

3. Date of the fatality.

4. Brief description of the incident or illness leading to the death.

5. Names and addresses of witnesses or persons who were with the youth at the time of death.

6. Name and address of police department or authority to which the report was made.

D. The Child Placement Agency or County of the Host Home must immediately report in writing to the Department any change in the status of the home that would affect care of youth.

E. The Child Placement Agency or County must immediately report in writing to the department any legal action brought against a home participating in the Host Home regarding any youth, staff, or conduct of the home at the time of initiation of such legal action.