

12 CCR 2509-8:7.710

12 Colo. Code Regs. 2509-8:7.710 Alternatively cited as 12 CO ADC 2509-8

2509-8:7.710. RULES AND REGULATIONS FOR CHILD PLACEMENT AGENCIES

All child placement agencies shall comply with the “General Rules for Child Care Facilities” and “Rules and Regulations for Child Placement Agencies” and shall comply with the “Rules Regulating Family Foster Care Homes” for any homes certified by the Child Placement Agency, and the “Specialized Group Facilities” rules for any Specialized Group Facility sponsored by the Child Placement Agency.

12 CCR 2509-8:7.710.1

12 Colo. Code Regs. 2509-8:7.710.1 Alternatively cited as 12 CO ADC 2509-8

2509-8:7.710.1. GENERAL DEFINITIONS

“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 to the 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 the 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.

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“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” is defined at Section 7.701.21.

“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.

#### **7.710.11 (None)**

#### **7.710.12 Placement for Purposes of Adoption**

Pursuant to Section 19-5-206(2), C.R.S., in a child welfare case, a child’s best interests shall be the primary consideration for a court, county department, or licensed child placement agency in making determinations considering the placement of the child for purposes of adoption.

A. In making determinations concerning the placement of a child for the purpose of adoption, a licensed child placement agency may, under extraordinary circumstances, consider the racial or ethnic background, color, or

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1. The child; or,

2. A family who has submitted an application to adopt or provide foster care.

B. A licensed child placement agency shall not delay a foster or adoptive placement of a child as a result of the racial or ethnic background, color, or national origin of:

1. The child; or,

2. A family who has submitted an application to adopt or provide foster care.

C. In private adoption cases, a birth parent or birth parents may designate a specific applicant with whom they may wish to place their child for purposes of adoption.

**12 CCR 2509-8:7.710.2**

**12 Colo. Code Regs. 2509-8:7.710.2**Alternatively cited as 12 CO ADC 2509-8

**2509-8:7.710.2. GOVERNING BODY**

A. Any agency from out of state assisting with, facilitating for a fee, or placing a child within Colorado for the purpose of adoption must be licensed as a CPA by the Colorado Department of Human Services (the State Department) unless the placement services are coordinated with and provided by a county department of social services or a CPA licensed by the State of Colorado.

B. A CPA may not be operated without a license, as required by law, which license is to be issued by the State Department in conformity with all rules and regulations contained within Section 7.710, et seq.

C. Any entity, other than a CPA licensed in Colorado, may not assist or arrange for the placement of a child with a Colorado family for the ultimate purpose of adoption without first being licensed as a CPA.

D. A child placement agency may only accept applications from and certify families for foster care within the State of Colorado.

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E. The governing body shall be the corporation, partnership, association, firm, agency, institution or person in whom the ultimate authority and legal responsibility is vested for the conduct of the CPA.

F. The governing body shall be identified by its legal name. Each not-for profit child placement agency shall have a board of directors. If the board has community members, such community members shall neither be employed by or contracted to the CPA, nor related to any individual employed by or contracted to the CPA. Persons whose children are currently in placement (either voluntarily or involuntarily) through the CPA may serve on the board, but may not vote on any measure or issue related to the care of their child during the time such children are in placement. Minutes from all board meetings shall be maintained for a period of at least five (5) years and must be available to the State Department upon request.

G. The governing body of the CPA shall:

1. Maintain the written purpose and policies for the general operation and management of the agency. When such purpose and policies are reviewed and revised, the State Department shall be advised of such changes. The purpose and policies as a minimum shall include:

a. Statement of purpose of the CPA as to what type of placement of children in which the agency intends to engage, the geographic area the agency expects to serve, the ages of children to be placed, and any other specific factors regarding the children to be placed or the homes in which the children shall be placed.

b. Personnel policy including, but not limited to, job description; qualifications for position; required documentation for position; requirement for both a criminal history fingerprint background check and a child abuse/neglect check through the State Department's designated database (per Section 7.701.33);

c. Foster care policy including, but not limited to, types of foster care homes to be certified; geographical area of proposed foster homes; recruitment, assessment, training, certification, supervision and monitoring of certified foster homes.

d. Adoption policy which includes types of adoption in which the agency will participate and policy and procedure for each adoption program.

e. Fee policy.

2. Be responsible for the protection of the legal rights of children served by the CPA.

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3. Be responsible for approval of budget, obtaining funds and dispersal of funds.

4. Appoint an executive director who meets requirements of Section 7.710.22 and be assured that staff members responsible for placement of children and/or certification of foster homes meet the requirements as stated in Section 7.710.22.

5. The Board or Chief Operating Officer, in the case of a multi-service agency, in which the program director is the person responsible for overseeing the foster care and/or adoption program shall conduct an evaluation, at least annually, to determine if the executive director is fulfilling all responsibilities as required in Section 7.710.25.

6. Inform the department, in writing, of:

a. A change in the executive director of the CPA; AND,

b. Each agency office or change of agency office in which child placement is carried out at that location; and,

c. The hours of operation that each CPA office is open each week and available for inspection of CPA records.

7. Any legal action brought against the CPA which affects any child or children in care, personnel or conduct of the CPA.

8. Maintain professional liability insurance in amounts reasonable related to its exposure to risk. The agency must provide a current risk assessment to the State Department if requested.

9. Maintain and monitor a quality improvement program appropriate to the size and circumstances of the agency through which it makes systemic efforts to improve services if needed.

10. Ensure that the fees, wages, or salaries paid to the directors, employees, and officers of the agency not be unreasonably high in relation to the services actually rendered.

11. Ensure that the agency's Chief Executive Officer, Chief Financial Officer, Executive Director, and other officers or employees with direct responsibility for financial transactions or financial responsibility be bonded.

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12. Ensure that the agency maintains an average sufficient cash reserve or assets to meet its operating expenses, less foster parent payments, for two (2) months, taking into account the agency's projected volume of cases and its size, scope, and financial commitments.

H. The governing body shall be responsible for completing the licensing renewal requirements by:

1. Completing and submitting the license renewal application at least ninety (90) calendar days prior to the annual expiration date of the child placement agency license; and,

2. Completing, signing and submitting the required verification of compliance form; and,

3. Paying the prescribed fee pursuant to Section 7.701.4; and,

4. Cooperating with on-site monitoring visit(s) to assess the agency's compliance with the rules for child placement agencies.

#### **7.710.21 Financial Operation**

A. Each CPA shall develop an annual budget reflecting anticipated income by source and expenses by purpose, plus an accompanying balance sheet, which demonstrates that the CPA has assured resources to carry out its defined purpose. The budget shall be approved by the Board of Directors and recorded in the minutes of the Board of Directors. The first year's budget shall be submitted with the original license application.

B. The purpose of these requirements is to provide assurance the CPA has adequate accounting and budgeting information available to allow management to maintain a financially viable enterprise and to demonstrate financial accountability to the County and State Departments of Human Services for the use of public funds.

C. Each CPA must have a double entry accounting system and all financial transactions must be posted to this system. Financial statements, prepared from information provided by this system, shall be presented in conformity with U.S. Generally Accepted Accounting Principles (GAAP). Books and records of the CPA shall be subject, at any time the CPA office is open, to inspection, audit or copying by appropriate Federal, State or county personnel, or such independent auditors or accountants as may be designated by these personnel.

D. Annual Audits

Each CPA whose total annual foster care or adoption expenditures are \$100,000 or more shall provide for an annual audit by an independent Certified Public Accountant in accordance with appropriate generally accepted auditing standards. CPAs with less than \$100,000 total annual expenditure may submit an audit as described

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above or may submit compiled or reviewed financial statements, prepared in accordance with generally accepted accounting principles. All Hague accredited international adoption agencies shall submit audits as required for Hague accreditation.

1. Every CPA shall submit supplementary information as prescribed by the state on the required supplementary information form and the administrative expenses for foster care as defined by the State Department.

2. The supplementary information submitted shall contain an affidavit signed by the CPA's Executive Director and an officer of its board attesting to the authenticity of the information. Submission of falsified information shall be grounds for suspension of the CPA license.

3. The audit and supplementary information shall be submitted to the State Department within six (6) months of the CPA's fiscal year end.

4. CPAs that are a subsidiary of a parent organization must submit separate audited financial statements for the subsidiary that detail each of the CPA's facilities or programs that provide services for the State or county department.

5. If a CPA does not submit its annual audit or refuses to disclose financial information regarding the operation of the program in a timely manner, the State Department may send notice to withhold payment until the audit and/or requested information is submitted.

6. Upon receipt of adequate written notice that a county department or the State Department plans to recover or withhold unallowable or misused funds from a CPA, a CPA may file a written request for review of the decision with the State Department.

a. The written request for review must be submitted within thirty (30) calendar days of the receipt of the notice to recover or withhold the misused funds.

b. The State Department shall convene a committee to review the written request from the CPA. The committee shall consist of three members representing:

1) The State Department's Child Care Division; and,

2) The State Department's Child Welfare Division; and,

3) An independent representative of an auditor from another State Department or a certified independent

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accountant referred from the Colorado Society of Certified Public Accountants.

c. The State Department reserves the right to receive legal consultation regarding the written request for review.

d. The committee shall review all relevant information and make a decision within sixty (60) calendar days of receipt of the request.

e. The committee shall send its findings to the Executive Director of the State Department or his/her designee, who shall make the final agency decision for the State Department.

#### E. Allowable Expenditures

1. A Child Placement Agency expenditure shall be considered allowable if it meets all of the following criteria:

a. Reasonable

The expenditure is reasonable in nature or amount and does not exceed the cost that would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

b. Ordinary and Necessary

The expenditure is of a type generally recognized as ordinary and necessary for the operation of a CPA or the performance of a contract for CPA services.

c. Prudent

The individuals concerned acted with prudence in the particular circumstances, considering their responsibilities to the CPA, its employees, clients, foster families, foster children, the public at large, the State and the CPA's responsibilities pursuant to the contract for services, and must not be contrary to Federal or State law.

d. Documented

A CPA has the responsibility to ensure that proper documentation procedures are followed for the funds that they control, and to ensure that only authorized expenditures are made. Lack of appropriate documentation will be considered cause for non-payment or non-reimbursement of expenditures. Expenditures must be



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adequately documented in writing. Documentation requirements shall include all of the following information:

- 1) Descriptive verification that the expenditure was for a business purpose directly related to the foster care or adoption program.
- 2) Date of event for which the funds were used.
- 3) Names of persons attending when an expenditure has the “appearance of personal benefit”.
- 4) Location of event or place where funds were spent.
- 5) When documentation includes purchases for multiple items and only some of the items relate to an appropriate expenditure for the CPA, a detailed itemization and reconciliation of the expenditures shall be evident on the face of the document.

e. Made in Accordance with GAAP

An expenditure must be recorded in accordance with Generally Accepted Accounting Principles (GAAP).

## 2. Generally Allowable Expenditures

The following list of expenditures shall be a general list of expenditures that would be permissible for CPAs to incur in order to further the goals and objectives of their agencies. This list includes, but is not limited to, the categories described below, and shall be used as a reference for guiding the expenditure of CPA funds.

When a specific expenditure is not listed, yet management deems it to be in the best interests of the CPA to make the expenditure of the funds, then the criteria above for an allowable expenditure shall be followed. The CPA shall document the purpose of the expenditure, as listed at 7.710.21, E, 1, d, so that a “reasonable person” test can be made in the event the expenditure is audited. Each CPA shall allocate expenditures in accordance with its internal policies.

- a. Salaries and wages, and related benefits, employment taxes, unemployment taxes, worker’s compensation taxes, retirement benefits, and insurance benefits.
- b. Retention and recruitment of staff, contractors, foster care parents, and volunteers, including advertising, background checks and other evaluations, recruiting, relocation, recognition, and food bank administrative

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c. Foster care, including provider reimbursement, respite for foster parents, child enrichment, clothing, health services, therapy, transportation, and other supportive services.

d. Professional fees, including audit and accounting fees, consulting, legal fees, and other professional fees. These fees must be consistent with what the market would pay if paid to a related party.

e. Contracted services, including contract labor, human resource services, payroll services, and temporary employment agencies.

f. Occupancy expenditures, including office rent comparable to given market rates, meeting room rental, electricity and gas, water and sewer, janitorial service, property repair and maintenance, storage unit rent, and waste removal. If the CPA owns the building, then reasonable depreciation shall be allowed based on the estimated useful life of the building.

g. Depreciation and amortization, based on estimated useful life of the asset, and prorated if the CPA only uses a portion of that asset.

h. Child care during client meetings, support groups, or training functions.

i. Training for staff, foster parents, and volunteers, including honorariums and conference registration fees.

j. Travel and transportation provided that there is some contemporaneous record to support the expense, including airfare, fuel, lodging, meals, mileage, parking, per diem, travel incidentals, vehicle rental, and vehicle repair and maintenance.

k. Telephone, including cellular and paging, data communication services, and telephone services.

l. Postage and shipping.

m. Office services, including coffee, tea, and water.

n. Printing and supply expenditures, including computer and office supplies, printing, and program supplies.

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o. Dues, memberships, licenses, and subscriptions, including accreditation fees, dues and memberships, licenses and fees, and subscriptions and publications.

p. Insurance, including automobile, directors and officers, volunteer, general and professional liability commercial packages, and umbrella.

q. Marketing and promotion, including advertising, booths and fairs, graphics and editorial, and printed material/ mailing house.

#### F. Unallowable Expenditures

A CPA expenditure shall be unallowable if it does not meet the criteria and documentation requirements as specified under the definition of an allowable expenditure as referenced in Section 7.710.21, E, or is a direct violation of federal law.

#### G. Remedies

Remedy for unallowable expenditures may include any or all of the following solutions:

1. Repayment to the State or Counties of identified unallowable expenditures.
2. Reclassification of the accounting entry to record the expenditure correctly, if the transaction can be appropriately reallocated to another cost center of the CPA, or affiliated agency, parent company, etc.
3. "Adverse licensing action" which could result in the denial, suspension, or revocation of a license issued, pursuant to the Child Care Licensing Act or the demotion of such a license to a probationary license.
4. Any other appropriate remedy based upon the facts and circumstances of the unallowable expenditure.

#### H. Intentional Mis-Use of Funds

Intentional mis-use of funds implies that the individual(s) making the expenditure decision had deliberate, willful, and intentional disregard for the fiduciary responsibility for how public funds are to be used for purposes of placing children in foster care or adoptive homes, or arranging for the placement of children in foster care or adoptive homes, considering their responsibilities to the CPA, its employees, clients, foster families, foster children, the public at large, the State Department's and the CPA'S responsibilities pursuant to the contract for services.

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These rules do not preclude the State or county department(s) from pursuing other remedies available at law; for example:

1. Referral for prosecution; or,
2. Referral to the Internal Revenue Service for issues that violate Internal Revenue codes; or,
3. Repayment to the State and/or counties of identified unallowable expenditures; or,
4. "Adverse licensing action" which could result in the denial, suspension, or revocation of a license issued, pursuant to the Child Care Licensing Act, or the demotion of such a license to a probationary license.

#### **7.710.22 Personnel Requirements**

A. Each CPA shall have staff members in sufficient number to meet the needs of individuals served. Such staff members shall meet the following requirements:

1. The Executive Director and placement supervisor must:
  - a. Reside in Colorado.
  - b. Submit proof of qualifications and certified transcripts from a regionally accredited college or university to the State Department within thirty (30) calendar days of accepting the position.
2. The Executive Director or in a multi-services agency, the program director, shall possess a knowledge of the type of child welfare services in which the CPA engages and shall be able to demonstrate administrative skill and leadership qualities. The Executive Director must have:
  - a. Graduated with a Bachelor's degree from a regionally accredited college or university with a minimum of thirty (30) semester credits or equivalent quarter credits in the social or behavioral sciences, and,
  - b. At least five (5) years' full time or equivalent part time work experience in an administrative capacity, at least two (2) of which included supervision of professional staff and budget or fiscal management; or,

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c. Graduated with a Master's degree or greater from a regionally accredited college or university with a minimum of thirty (30) semester credits or equivalent quarter credits in the social or behavioral sciences, and have two (2) years full time or equivalent part time work experience in an administrative capacity, all of which must have included supervision of professional staff and budget or fiscal management; and,

d. A minimum of nine (9) semester hours or equivalent quarter hours in business or finance classes from a regionally accredited college or university may substitute for budget or fiscal management experience.

3. Administrative capacity includes, but is not limited to, policy and procedure development and implementation, strategic planning, budget responsibility, fiscal management, quality assurance, networking, human resources management, program development and oversight, and business management.

4. The State Department must receive at least three (3) current written statements or telephone references from individuals unrelated to the applicant, at least one (1) of whom has been the employer or supervisor of the applicant, which describes the executive director's character, reliability, knowledge of child welfare services and ability to perform the tasks of the Executive Director as outlined in the duties of the Executive Director at Section 7.710.25, A. If the Executive Director or in a multi-service agency, the program director, is also to have responsibility for placement supervision, she/he shall also meet the requirements for placement supervisor as set forth in Section 7.710.22, A, 6.

5. References checked through a telephone call must include the:

a. Name and position of individual called; and,

b. Name and position of individual spoken with; and,

c. Agency; and,

d. Telephone number; and,

e. Time and date the call(s) was made; and,

f. Relationship of individual providing reference for prospective employee (all references must be from individuals unrelated to the applicant); and,

g. Whether this was a personal or professional reference; and,

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h. Summary of conversation that describes the character, reliability, knowledge, experience, and ability to perform the tasks of the position as outlined in the job description; and,

i. Name, position, date and signature of individual checking the reference.

6. Placement supervisors shall have a Master of Social Work degree or a Master's degree in the social or behavioral sciences.

a. If the placement supervisor has a Master of Social Work degree, the placement supervisor must have a minimum of two (2) years (3640 hours) full-time or equivalent part-time experience in the type of child welfare services in which the CPA engages, some of which must have included child placement.

b. If the placement supervisor is qualified by a Master's degree in social or behavioral science, the placement supervisor must have a minimum of two (2) years (3640 hours) full-time or equivalent part-time experience in child placement in the type of child welfare services in which the CPA engages. The two (2) years experience in child placement shall have been supervised by a person holding a Master of Social Work degree, a licensed professional counselor, a licensed marriage and family therapist, a licensed social worker, or licensed psychologist.

c. The State Department must receive at least three (3) current written statements from individuals unrelated to the applicant, one (1) of whom has been the employer or supervisor of the applicant, which describes the character, reliability, knowledge of child welfare services and the ability to perform the tasks of the placement supervisor as outlined in the duties for that position at Section 7.710.25, B.

7. If additional placement workers are necessary to fulfill the placement responsibilities of the agency, such workers shall be supervised by a qualified placement supervisor and shall hold a Bachelor degree in the social or behavioral sciences. If an individual has a Bachelor's degree in a non-related field, he/she shall have at least two (2) years experience supervised by an individual with a Master of Social Work or other Master's degree in the social or behavioral sciences.

B. There shall be a sufficient number of placement supervisors and placement workers to meet the needs of the individuals being served in a timely manner. Each placement supervisor shall not supervise more than nine (9) FTE.

C. There shall be sufficient support staff to comply with record keeping, bookkeeping and reporting requirements as necessary.

D. Foster care paraprofessionals, interns or trainees who do not meet placement worker qualifications may assist qualified placement workers, but may not complete family or child assessments or conduct home supervision. Qualifications shall be established by the CPA.

#### **7.710.23 Personnel Policy**

A. A written statement of personnel policy shall be provided to each employee or qualified applicant. This statement shall, as a minimum, contain the following information: a job description which outlines the duties, responsibilities, qualifications; policy on outside agency employment; and educational requirements for the position, as well as an organizational chart for the agency.

B. The Board of Directors must approve a conflict of interest policy regarding outside employment.

C. If an individual is employed or contracted, as a placement supervisor at more than one (1) child placement agency, the total number of individuals supervised by the placement supervisor at all agencies may not exceed nine (9) FTE.

#### **7.710.24 Personnel File**

A. A personnel file shall be maintained on each employee and contract worker and shall be available to authorized representatives of the State Department.

B. Each file shall include:

1. Original certified transcript from a regionally accredited college or university if a degree is required by the position.

2. Employment application showing qualifications and experience.

3. A minimum of three (3) current written signed statements obtained from previous employers and personal references at the time of hire to show that the person has the qualifications required in Section 7.710.22.

4. Evaluations of job performance.

5. Results of the review of records and reports of child abuse or neglect as listed at Section 7.701.32 and criminal record check as listed at Section 7.701.33.

#### **7.710.25 Duties of the Executive Director, Placement Supervisor, Placement Worker, Paraprofessionals/Trainees**

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A. The responsibilities of the Executive Director are:

1. Human resources management; and,
2. Policy and procedures development and implementation; and,
3. Accountability for being in compliance with regulations; and,
4. Fiduciary requirements; and,
5. Quality assurance; and,
6. Regulatory compliance and accountability; and,
7. Overall professionalism of the agency; and,
8. Responsibility for the daily operation of the agency; and,
9. In a multi-service agency, the program director may have responsibility for administering the adoption and/or foster care unit and may not be responsible for the budget and accounting duties.

B. The placement supervisor shall be responsible to oversee the:

1. Study of potential foster or adoptive families 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; and,
2. Certification of foster care homes and placement of children in foster care homes; and/or,
3. Study of the child for adoption; and,



4. Placement of children in homes for adoption.

5. Reviewing and signing the SAFE assessment, post placement reports, and the issue certificate form; placement supervisors who complete a SAFE assessment are not required to obtain an additional review or signature of another placement supervisor; and,

6. Oversight of appropriate medical services for the children placed in the care of any facility certified or sponsored by the CPA; and,

7. Supervision of placement workers at least monthly to review, at a minimum, all SAFE assessments in process, certifications in renewal status, and current placement activity; such supervision shall be documented in writing by the placement supervisor.

C. The placement worker, under the direct supervision of the placement supervisor, is responsible for the monitoring and protection of children, and may:

1. Provide case management for individual children; and,

2. Coordinate services for child(ren) and their family; and,

3. Provide monitoring and support to foster homes; and,

4. Conduct SAFE assessments to determine the ability of foster homes to meet children's needs.

D. The placement worker in an adoption agency may function as an adoption caseworker or birth parent counselor as listed in 7.710.52.

E. Foster care paraprofessionals, interns, or trainees may assess the physical environment for foster homes for compliance with regulations; act as a liaison with courts, schools, foster parents and all peripheral parties under the direct supervision of a placement supervisor or placement worker.

**12 CCR 2509-8:7.710.3**

**12 Colo. Code Regs. 2509-8:7.710.3**Alternatively cited as **12 CO ADC 2509-8**

**2509-8:7.710.3. CERTIFICATION OF FOSTER CARE HOMES**

Colorado Administrative Code \_Title 2500. Department of Human Services\_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)\_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing\_7.710. Rules Governing Child Placement Agencies

### **7.710.31 Legal Base**

A. Licensed Child Placement Agencies are authorized Section 26-6-102, Colorado Revised Statutes, to certify foster care homes.

B. A foster care home certified by a CPA may not accept placements from any source other than the certifying CPA as to each such child, unless the certifying CPA gives written consent and approval for the placement.

### **7.710.32 Minimum Regulations**

#### **A. Operation**

1. The regulations for operation of a foster care home shall be met before a certificate can be issued.

2. The CPA shall audit the foster care home files on an annual basis to verify that all required information is present in the file. The CPA shall attest in writing that the required information is present.

3. The CPA shall notify the Colorado Department of Human Services in writing within three (3) business days of the closure of a foster home because of receipt, either verbally or in writing, of a confirmed report of child abuse or neglect.

4. The CPA shall notify the State Department in writing within three (3) business days when a determination is made by the CPA to continue to certify a foster care home that the CPA has received notice, either verbally or in writing, of a confirmed report for medium to severe abuse or neglect. The written notice shall include the justification for continuing to certify the foster care home.

#### **B. Certification**

The law states that foster care certificates issued by CPAs are considered licenses; the regulations which are established by the State Department for foster care homes are therefore applicable to any such facility being certified by a licensed CPA. Copies of these rules shall be made available to each applicant for certification and to each foster care home.

#### **C. Conflict of Interest**

Colorado Administrative Code \_Title 2500. Department of Human Services\_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)\_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing\_7.710. Rules Governing Child Placement Agencies

1. Staff members or members of the governing board or relatives of staff members or relatives of any officer, executive or member of the governing board of a CPA shall not be certified by the CPA to operate a foster care home, except for a person who is employed for the sole purpose of providing foster care and who serves in no other capacity for the agency.

2. No owner, officer, executive, member of the governing board, or employee of a CPA or any relative of said owner, officer, executive, member or employee shall hold a beneficial interest in any property operated or intended to be operated as a foster care home when the property is certified by the CPA as a foster care home.

D. A CPA:

1. Must demonstrate to the State Department that it provides child placement services ethically and in accordance with Colorado state regulations and statutes, interstate compact requirements, intercountry requirements and Hague accreditation, as applicable, to ensure that foster and adoptive placements take place in the best interests of children.

2. Shall not knowingly and willfully:

a. Disseminate or cause directly or indirectly to be disseminated, statements regarding services which are untrue, deceptive, or misleading; or,

b. Make any statement or prepare or use any document that is known to be false; or,

c. Conceal or misrepresent any material fact in connection with the provision of services to birth parents, foster or adoptive parents, foster or adoptive parent applicants, or children.

**7.710.33 Application and Inspection for Certification of Foster Care Homes**

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

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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 (2nd) 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 as a family child care home when the home is certified for foster care.

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,

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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.

J. Initial Training for Foster Care Homes

1. 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:

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- a. General overview of foster care; and,
  
- b. Administrative and legal issues; and,
  
- c. Why children get placed in out-of-home care; and,
  
- d. Parenting and family dynamics; and,
  
- e. Key concepts of child growth and development; and,
  
- f. Importance of the team approach; and,
  
- g. Individual differences such as ethnicity and culture; and,
  
- h. Discipline; and,
  
- i. Effects of fostering on the foster family; and,
  
- j. Working with the biological family.

2. For homes dually certified as a family foster care home under this Section and Section 7.708, and a host family home under Section 7.721, an additional three (3) hours of training specifically related to the subject of providing shelter to the homeless youth populations is required.

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,

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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

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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.

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 or agency 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:

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.

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.

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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.

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 SAFE update/addendum 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 dually certified as a foster home and licensed as a family child care home, 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.

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.

#### **7.710.34 Issuance/Denial of Certificate**

A. After the completion of the family assessment/home study, one of the following certification actions must be taken:

1. A one (1) year time-limited certificate will be issued when it is determined that the applicant is competent, has completed the necessary training, and has met the Rules Regulating Family Foster Care Homes. The certificate issue date is the date that the assessment/study is completed and the foster home is in compliance with the Rules Regulating Family Foster Care Homes.

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2. A provisional certificate may be issued, upon the written approval of the State Department for a kinship or child specific placement when requested by a county department of social/human services.

The reasons for the issuance of a provisional certificate must be displayed on the certificate. The provisional certificate will be issued for up to 60 calendar days from the date it is determined that time will be needed to comply with the appropriate kinship or child specific regulations. Only one original provisional certificate may be issued to a foster care home at one location address.

3. The original application will be denied. The renewal application will not be acted upon. The applicant will not be certified as a foster home.

B. Upon issuance of the certificate, the child placement agency shall submit data entry information to the department on forms prescribed by the State Department.

C. The application will be withdrawn when the applicant no longer chooses to pursue certification.

D. An applicant shall be denied if the person(s) applying for the certificate has been determined to be insane or mentally incompetent by a court of competent jurisdiction and, should a court enter an order pursuant to Part 3 or Part 4 of Article 14 of Title 15, C.R.S., or Section 27-65-109(4) or 27-65-127, C.R.S., specifically finding that the mental incompetency or insanity is of such degree that the applicant is incapable of operating a family child care home, foster care home, child care center, or child placement agency, the record of such determination and entry of such order being conclusive evidence thereof.

E. The application must be denied if the person(s) applying for the certificate has been convicted of:

1. Child abuse, as specified in Section 18-6-401, C.R.S.; or,

2. A crime of violence, as defined in Section 18-1.3-406, C.R.S.; or,

3. Any felony offenses involving unlawful sexual behavior, as defined in Section 16-22-102(9), C.R.S.; or,

4. Any felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in Section 18-6-800.3, C.R.S.; or,

5. Any felony involving physical assault, battery or a drug-related/alcohol-related offense within the five (5) years preceding the date of application for a license or certificate; or,

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6. Any felony offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in numbers 2 to 4 of this section; or,

7. For the purposes of these regulations, convicted means a conviction by a jury or by a court and shall also include a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, an adjudication, and a plea of guilty or nolo contendere.

F. The application may be denied for one (1) or more of the following reasons if the applicant(s), an affiliate of the applicant, or any person living with or employed by the applicant(s) has:

1. Been convicted in Colorado or in any other state of any felony, or has entered into a deferred judgment agreement or a deferred prosecution agreement in Colorado or in any other state to any felony other than those offenses specified in Section 26-6-104(7), C.R.S., or child abuse, as specified in Section 18-6-401, C.R.S., the record of conviction being conclusive evidence thereof, notwithstanding Section 24-5-101, C.R.S.; or,

2. Been convicted of third (3<sup>rd</sup>) degree assault, as described in Section 18-3-204, C.R.S., any misdemeanor, the underlying factual basis of which has been found by the court on any record to include an act of domestic violence, as defined in Section 18-6-800.3, C.R.S., any misdemeanor violation of a restraining order, as described in Section 18-6-803.5, C.R.S., any misdemeanor offense of child abuse as defined in Section 18-6-401, C.R.S., or any misdemeanor offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in this paragraph; or,

3. Been determined to be insane or mentally incompetent by a court of competent jurisdiction and incapable of performing duties; or,

4. Used any controlled substance as defined in Section 12-22-303(7), C.R.S., or consumed any alcoholic beverage or been under the influence of a controlled substance or alcoholic beverage during the operating hours of the facility. This shall not apply to foster care homes, unless such use or consumption impairs the foster parent's ability to properly care for children; or,

5. Been convicted of unlawful use of a controlled substance as specified in Section 18-18-404, C.R.S., unlawful distribution, manufacturing, dispensing, sale, or possession of a controlled substance as specified in Section 18-18-405, C.R.S., or unlawful offenses relating to marijuana or marijuana concentrate as specified in Section 18-18-406, C.R.S.; or,

6. Consistently failed to maintain standards prescribed and published by the Colorado Department of Human Services; or,

7. Furnished or made any misleading or any false statement or report to the Colorado Department of Human Services; or,

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8. Refused to submit to the Colorado Department of Human Services any reports or refused to make available to the State Department any records required by it in making investigation of the facility for licensing purposes; or,

9. Failed or refused to submit to an investigation or inspection by the Colorado Department of Human Services or to admit authorized representatives of the State Department at any reasonable time for the purpose of investigation or inspection; or,

10. Failed to provide, maintain, equip, and keep in safe and sanitary condition premises established or used for child care pursuant to standards prescribed by the Colorado Department of Public Health and Environment and the Colorado Department of Human Services or by ordinances of regulations applicable to the location of the foster car home; or,

11. Willfully or deliberately violated any of the provisions of the Child Care Licensing Act; or,

12. Failed to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises and provision for personal care, medical services, clothing, and other essentials in the proper care of children; or,

13. Been charged with the commission of an act of child abuse or an unlawful sexual offense, as specified in Section 18-3-411(1), C.R.S., if:

a. Such individual has admitted committing the act or offense and the admission is documented or uncontroverted; or,

b. An Administrative Law Judge finds that such charge is supported by substantial evidence; or,

14. Admitted to an act of child abuse or if substantial evidence is found that the licensee, person employed by the licensee, or person who resides with the licensed in the foster home has committed an act of child abuse, as defined at Section 19-1-103(1), C.R.S.; or,

15. Been the subject of an adverse licensing action.

G. The denial of the original application must be carried out in accordance with the [Colorado Revised Statutes, Section 26-6-108](#).

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**7.710.35 Renewal or Continuation Notice**

A renewal notice must be sent to the foster parents at least ninety (90) calendar days prior to the expiration of the certificate.

A. If the foster parents wish to continue to provide care, the renewal notice must be completed and returned to the child placement agency prior to the expiration of the certificate.

B. If the renewal notice is received by the child placement agency prior to the expiration of the certificate, the renewal notice is timely, and the certificate continues valid until action is taken by the child placement agency.

C. If the renewal notice is received after the expiration of the certificate, the renewal notice is untimely, and the certificate is no longer valid. The untimely renewal notice must be acted upon as an original application.

**7.710.36 Recertification Action**

A. Within ninety (90) calendar days of the receipt of a timely renewal application for a certificate, the child placement agency must complete the following actions:

1. Evaluate the foster care homes' current and past compliance with the Rules Regulating Family Foster Care Homes.

2. Conduct an unannounced inspection of the foster care home in accordance with Section 7.710.33, M.

3. Review the following information, for the applicants) and all individuals residing in the home, to determine if continued certification is appropriate:

a. Any child abuse allegations or investigations in the previous year;

b. Any arrest or conviction records in the previous year;

c. Any information from the local county department concerning county involvement with the foster family, including information from caseworkers;

d. Current health status.

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4. Complete the SAFE family assessment narrative update/renewal template with changes that have occurred with the foster family. Questionnaires One (1) and Two (2), and the psychosocial inventory, must be completed on the first renewal if a full SAFE assessment has not been completed on the foster family.

B. At the time of the renewal of the certificate, one of the following must be completed:

1. A provisional certificate for a kinship or child specific placement will be changed to a one year time-limited certificate as soon as the foster family has completed the items listed as reasons for the provisional certificate.

2. A new one (1) year time-limited certificate is issued. The certificate issue date will be the date that the foster care home is in compliance with the Rules Regulating Family Foster Care Homes, as found at Section 7.708.

3. The renewal application for the certificate is denied. The process for denial of a renewal application is the same as the process for denial of an original application.

C. Upon issuance of the one (1) year time-limited certificate, the child placement agency must submit data entry information to the department on forms prescribed by the department.

D. A foster care home certificate is no longer valid whenever one of the following situations exists:

1. A certified foster family moves to a new address.

2. A foster family decides to withdraw from the foster care home program and confirms same in writing.

3. A certificate has been revoked or denied.

12 CCR 2509-8:7.710.4

12 Colo. Code Regs. 2509-8:7.710.4 Alternatively cited as 12 CO ADC 2509-8

2509-8:7.710.4. PLACEMENT OF CHILDREN IN FOSTER CARE

#### **7.710.41 Acceptance of Children for Placement**

A. No agency shall accept a child for placement, except as provided in paragraph B below, from any source other than the child's parent(s) or guardian(s), a court of competent jurisdiction or a county or tribal department of



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social services and upon a specific written authorization by one of these to place the child, as only these have the right under the law to contract for a child's placement.

B. If a law enforcement officer places a child in case of an emergency, when the parent or guardian cannot be located, in a facility which has been designated as a shelter facility in accordance with the law, and the law enforcement officer is unable to locate the child's parent, guardian or the persons with whom the child was living, the agency shall petition the appropriate court within forty-eight (48) hours for legal custody.

C. If a child placement agency no longer chooses to place children in the foster care home, the child placement agency shall follow one of the following procedures:

1. A provisional certificate may be allowed to expire if the foster family chooses not to submit a renewal application; or,

2. The child placement agency must send a written statement to the foster home explaining that the agency will no longer place children in the home for foster care, that the home must not accept any children for care from any other source; or,

3. The child placement agency must meet with or send a letter to the foster parents requesting them to sign a statement that they are withdrawing from the foster home program.

#### **7.710.42 The Placement Process**

A. In addition to an agency's responsibility to inspect and to supervise the ongoing operation of certified foster care homes, agencies shall comply with the following minimum standards applicable to the placement process.

B. When accepting a referral, the agency shall conduct an assessment to determine whether placement of an individual child is appropriate and desirable. The following shall be included in this determination:

1. The reason(s) for placement; and,

2. Information relating to the child's natural parents or family situation including religious, educational, economic and cultural background and other factors which 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; and,

3. Information relating to the child's legal status, medical or health history, his/her physical condition,

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personality, school placement and adjustment, previous placements outside the home, attitude toward removal from the home, and family relationships, and preferences of the child when age and developmentally appropriate; and,

4. Coordination with other social service agencies or departments which may have information relating to the child; and,

5. Additional information, if any, designed to assist the agency in determining what type of placement, if any, will best meet the needs of such child.

C. The agency must make available the original written family assessment, home study, and background checks of the foster parent(s) to the placing authority upon request. Updates to the family assessment, home study, and background checks must be sent to the placing authority.

D. A child who is to be placed in a foster care home or child care center pursuant to Sections 7.500.21 and 7.500.22 respectively shall only be placed in a home or center that is licensed by the State Department or certified by a licensed placement agency or a county department of social services.

E. The agency shall discuss information deemed necessary regarding a prospective foster child with foster parents as early as possible prior to placement. It is desirable for the child to visit and become familiar with the foster parents and other persons living therein prior to the time of placement.

F. At the time of foster placement, the agency shall complete a record of admission for the foster care home parents as outlined in, Section 7.708.51, C, and be assured that the foster care home parents have a copy of a signed authorization for foster parents to obtain emergency medical care for the foster child, if necessary.

G. No placement shall be continued where it is not in the best interest of the child.

H. If a child is placed in a family child care home, the placement agency shall be assured that the child's admission record and all admission procedures as stated Sections 7.707.5 and 7.707.51, are completed.

7.710.43 Responsibility of Placement Agency While the Child is in Care

A. The placement agency shall work as closely as possible with the child's natural parent(s), guardian(s), individual or agency with legal responsibility for each child with the view to maintaining a child in his own home, placing the child in foster care temporarily or appropriate permanent substitute care.

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B. The placement agency shall be assured that care is provided the child in placement in accordance with the applicable regulations, which shall include but not be limited to applicable medical, dental and optical care, and participation in appropriate educational and recreation experiences.

C. The placement agency shall require the foster home to maintain written documentation of all medical, dental, and optical care appointments of foster children, including the need for follow-up, next visit scheduled, and the reason the child was taken to the doctor. The written documentation shall be submitted by the foster home to the agency on at least a monthly basis. The agency is responsible to send the written documentation of the medical appointments to the caseworker for each foster child in care on a at least a monthly basis.

D. The agency shall provide on-going training for foster care parents to help improve their ability to care for children in placement. The training may include orientation and group meetings, publications, institutes, workshops, and consultation with experts.

E. Professional staff of the agency shall visit the home at least monthly to observe the interaction of the foster children with the foster parent(s) and to generally assess the safety of the home.

F. The agency is responsible to notify all placing agencies when a child is removed from care because of concern for the child's health, welfare, and safety and other children remain in care.

G. The agency and/or the foster parent(s) shall attend Administrative Reviews in person or by conference call.

H. The reimbursement rate for child maintenance agreed upon between the CPA and the county department shall be paid to the CPA foster parents for the care of the child.

#### **7.710.44 Termination of Placement**

A. The agency shall counsel and assist parent(s) or guardian(s), foster parents and foster children in preparing for the termination of placement.

B. When a placement is terminated, the child shall be released only to his parent(s) or guardian(s) or to a court of competent jurisdiction. If a child has been received for care upon court order, the child shall be released only upon direction of the court.

C. Upon termination of placement, the agency shall provide the parents or the agency receiving the child with pertinent health information and other records, such as school reports, which may be useful to persons with responsibility for such child.

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**7.710.45 Required Records**

A. A placement agency shall be responsible for maintaining an individual case record for each child accepted for care. All records are confidential and shall be protected from unauthorized examination.

B. The State Department staff shall have access to such records upon request,

C. Foster care home parents are to receive necessary information regarding the foster child in care pursuant to Section 7.710.42; and such foster parents shall be given detailed instructions regarding the confidential nature of information which they receive.

D. The agency record for each child shall contain as a minimum:

1. Report of the original intake study; and,

2. An agreement signed by the parent or guardian authorizing the agency to place the child in foster care and consenting to necessary medical and surgical care. A court order transferring legal custody to the agency will fulfill this requirement; and,

3. If the child is placed in a foster care home, a copy of the record of admission form as required in Section 7.708.51, C; and,

4. Documentation of the legal custody and responsibility for the child; and,

5. Reports of the child's progress under care; and,

6. School reports including records of scholastic achievement and social adjustment; and,

7. Individual medical records for each child including reports of the admission examination and a complete and continuous record of illness, immunization, communicable diseases and follow-up treatment and examination; and,

8. Reports of psychological tests, psychological or psychiatric examination and follow-up treatment if obtained; and,

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9. Record of visits to the child and record of the contacts with child's own family and services to be provided or for which arrangements have been made; and,

10. Copy of the treatment plan for the child.

E. The record for each child placed by the agency in foster care shall be maintained at least three (3) years after foster care has been terminated.

F. Each placement agency shall maintain a separate record for each foster care home certified by the agency. This record shall include: the application; all relevant information obtained at the time of certification and recertification summary reports of subsequent visits to the home; and, a list of the children placed in the home, including names, birth dates, dates of placement and reasons for removal. This record shall be available to the staff of the State Department for inspection.

G. Records relating to foster care homes whose certificates have expired shall be retained for at least three (3) years after the expiration of the last-issued certificate and for a longer period if they contain information which would be relevant to a subsequent request for foster home certification.

#### 12 CCR 2509-8:7.710.5

12 Colo. Code Regs. 2509-8:7.710.5 Alternatively cited as 12 CO ADC 2509-8

#### 2509-8:7.710.5. PLACEMENT OF CHILDREN FOR ADOPTION

#### **7.710.51 Legal Basis**

A. A CPA that places children or arranges for the placement of children for the purpose of adoption shall comply with the provisions of the Child Care Licensing Act, Sections 26-6-101 through 26-6-114, C.R.S., and the Colorado Children's Code, Sections 19-5-101 through 19-5-403, C.R.S.

B. A CPA must be approved in writing by the State Department for the type of adoption in which it engages, either domestic and/or intercountry, prior to engaging in that type of adoption. The agency must have current written policies and qualified staff at all times if engaging in intercountry and/or domestic adoption.

C. A CPA cannot work with a facilitator to place or arrange for the placement of a child if that facilitator is not licensed as an adoption agency in Colorado or the resident state of the birth mother or adoptive parent(s).

D. In the case of intercountry adoptions, a child placement agency is permitted to work with an in-country coordinator who resides in the foreign country and is authorized by the foreign country to provide in-country services.

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E. Hosting programs in which children who are eligible or may become eligible for adoption and who reside with Colorado families must comply with all child placement agency rules and regulations. All families participating in such programs must meet all standards and be certified as foster parents during such time the children reside with them.

#### **7.710.52 Adoption Definitions**

“Adoption exchange” is an agency whose membership includes county departments and child placement agencies and is an organized means of sharing information among agencies about children for whom an adoptive resource is not immediately available and about potential adoptive families for whom an agency does not have a child waiting. The purpose of an exchange is to facilitate permanence as quickly as possible so that a child does not wait while an agency develops a resource.

“Administrative notice procedure” applies only to expedited relinquishments filed under Section 19-5-103.5, C.R.S., and allows the CPA counseling the birth mother to provide notice to the presumed Birth father of an anticipated expedited relinquishment prior to the filing of the relinquishment petition. The notice to the presumed birth father cannot be made more than sixty (60) days prior to the birth of the child.

“Agency adoption” means an adoptive placement in which the CPA is responsible to counsel the birth parent(s), place the child(ren), supervise the placement, and provide reports to the court as required by law. The CPA is granted custody of the child(ren) with the right to place for adoption either as legal risk placement or through relinquishment or termination of parental rights by court order and places the child(ren) for adoption with adoptive parent(s) who have a CPA approved adoptive family assessment.

An “adoption caseworker” must be qualified as a placement worker and may complete family assessments, place a child with a family, provide post placement supervision and training for adoptive parents, all under the direct supervision of a placement supervisor.

“Birth parent counseling”, here-in-after referred to as “counseling”, means the required decision making counseling that shall be provided to a birth parent(s) or legal parents prior to a decision regarding whether or not to relinquish a child(ren) as required at 7.710.57.

A “birth parent counselor” must be qualified as a placement worker and may have responsibility for relinquishment/decision making counseling with birth parent(s) dealing with an unplanned or crisis pregnancy or the relinquishment of a child, all under the direct supervision of a placement supervisor.

“Closed adoption” means an adoptive placement when the adoptive parent(s) and the birth parent(s) do not share identifying information or communicate with each other before or after the finalization of the adoption.

“Concurrent adoption” means more than one (1) adoption being processed simultaneously either through the same agency or multiple agencies.

“Convention” means the Convention on protection of children and cooperation in respect of intercountry adoption done at the Hague on May 29, 1993.

“Convention adoption” means the adoption of a child resident in a Convention country by a United States citizen or an adoption of a child resident in the United States by an individual or individuals residing in a Convention country when in connection with the adoption the child has moved or will move between the United States and the Convention country.

“Convention country” means a country that is a party to the Convention and with which the Convention is in force for the United States.

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“Country of origin” means the country in which a child is a resident and from which a child is emigrating in connection with his or her adoption.

“Designated adoption” means an adoptive placement in which adoptive parent(s) have been designated by the birth parent(s) prior to either parties involvement with a CPA licensed for adoptions. The CPA is responsible for completing the birth parent(s) counseling and to ensure an adoptive family assessment is completed for the designated parent(s). The CPA is granted temporary custody of the child for the purpose of placement.

“Dissolution” means the termination of the adoptive parent(s)’ parental rights after an adoption.

“Disrupted adoption” means the interruption of a placement for adoption during the post-placement period.

“Domestic adoptions” means collectively identified or designated adoptions, interstate adoptions, and intrastate adoptions.

“Expedited Relinquishment” means the legal process which a parent desiring to relinquish his or her child under one (1) year of age may follow to obtain an expedited order terminating his or her parent-child legal relationship without the necessity of a court hearing.

“Facilitator” means a person, partnership, corporation, association, firm, agency or institution, other than an adoption exchange, county department or child placement agency, who offers, gives, charges or receives any money or other consideration or thing of value in connection with locating or identifying for purposes of adoption any child, birth parent, expectant natural parent or prospective adoptive parent.

“Foreign national” means a child who was born outside the United States of America (U.S.A.), at the time of placement lacks U.S.A. citizenship, and is a resident outside the U.S.A.

“Foster care adoption” means a placement in which the child(ren)’s parental rights have not been terminated at the time of the foster care placement. The placement is made as a long-term foster care placement with the intention of adoption if or when the parental rights are terminated.

“ICPC” means the Interstate Compact for the Placement of Children which is an agreement that has been enacted into law by all fifty (50) states in the United States and the District of Columbia, which controls the lawful movement of children from one state to another for the purposes of adoption. Both the originating state, where the child is born, and the receiving state, where the adoptive parents live and where the adoption of the child will take place, must approve the child’s movement in writing before the child can legally leave the originating state. This Compact regulates the interstate movement of both foster children and adoptive children. For further information or to obtain a copy of “Guide to the Interstate Compact on the Placement of Children”, contact the: American Public Human Services Association, 1133 Nineteenth Street, NW, Suite 400, Washington, DC 20036. Phone: 202-682-0100; Fax: 202-289-6555.

“Intercountry adoption” means the placement of children emigrating from their country of origin. The placement for the purpose of adoption of foreign national children with approved adoptive parents in Colorado is considered an incoming or immigrating case. The adoption may be finalized in Colorado or in the foreign country depending on the requirements of the foreign country. If the foreign country in this instance is party to the Hague Convention on Intercountry Adoption, the adoption must be in compliance with the Intercountry Adoption Act of 2000 and with federal regulations 22 CFR Parts 96, 97, and 98. U.S. children placed in a foreign country for the purpose of adoption is considered an outgoing or emigrating case. If the foreign country is party to the Hague Convention, the adoption must be in compliance with the Intercountry Adoption Act of 2000 and Federal Regulations 22 CFR Parts 96, 97, and 98.

“Interstate adoption” means a placement of a child into or from Colorado with a person(s) for the purpose of adoption. Placement shall be in conformity with Colorado Revised Statutes, including the Child Care Licensing Act, the Colorado Children’s Code and the Interstate Compact on Placement of Children. Services to the child and adoptive family shall be provided under the laws of each state.

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“Intrastate adoption” means an adoptive placement of a Colorado child with a person(s) who is a resident of Colorado.

“Legal risk adoption” means an adoptive placement where parental rights have not been relinquished and/or terminated and the child(ren) is not yet legally free for adoption at the time of placement. This includes infants placed directly after birth. The child(ren) is placed in an approved adoptive home. If the adoptive family resides in Colorado, the home shall be certified as a family foster home. The placement is with the intention of adoption when or if the child becomes available for adoption. The placement remains a legal risk placement until parental rights have been relinquished or terminated.

“Non-agency adoption” means a placement in which the child(ren) is placed by the birth parent(s) with person(s) unrelated to the child(ren). The placement is made with the intention of adoption. There has been no CPA participation, birth parent counseling, or adoptive family assessment completed before the placement of the child(ren). In order for the adoption to be finalized, the birth parent counseling and approved family assessment shall be completed by a CPA or county department of social services.

“Open adoption” means an adoptive placement where the adoptive parent(s) and the birth parent(s) choose to communicate with each other and share identifying information. The communication and sharing of information may occur before and/or after the finalization of the adoption. The degree of openness is determined by the parties involved.

“Relative adoption” means a placement for the purpose of adoption in which a child(ren) is placed with a person(s) related to the child(ren) as a grandparent(s), aunt, uncle, brother(s), or sister(s).

“Selected agency” means the non-public agency selected by, the State Department, pursuant to Section 19-5-205.5, C.R.S., to perform the administrative review and approval or denial functions required by the Interstate Compact on the Placement of Children (ICPC) and statutes governing foreign adoptions. Agencies selected by the State Department to provide these functions shall hereafter be referred to as “selected agencies”.

“Semi-open adoption” means an adoptive placement when the adoptive parent(s) and the birth parent(s) choose to share non-identifying information with each other either before and/or after the finalization of the adoption. The amount of information shared is determined by the parties involved. All information shared is sent to the adoption CPA.

“USCIS” means the United States Custom and Immigration Services.

### **7.710.53 Disclosure and Fee Information**

A. Prior to signing the adoption services contract or other specific agreement for adoptive services or payment of any fees, each agency must provide in writing the following information to any applicant(s) approaching the agency with an interest in adopting a child(ren). The information must be easily understandable to any applicant. Applicants must sign a statement affirming that they have received the following information:

1. The most current child care license for the agency; and,
2. The philosophical perspective and/or religious affiliation of the agency; and,



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3. Information as to where any prospective adoptive parent may obtain:

a. A list of all licensed adoption agencies in the State of Colorado; and,

b. Information as to how to review the official licensing file for the agency; and,

c. Information as to how to file a complaint regarding the agency with the Colorado Department of Human Services; and,

d. Information as to how to obtain the rules regulating child placement agencies in the State of Colorado.

4. For what programs the agency has been approved (foster care, domestic adoption, intercountry adoption) by the State Department including a detailed description of the services offered and the agency's role in those services; and,

5. A statement that parents are paying for services provided by the agency, not for children; and,

6. A copy of the most current annual report submitted to the State Department as found at Section 7.710.73, A; and,

7. A fee schedule listing all the costs of the adoption itemized by services; including incidental fees, additional expenses, and post-finalization fees if included in the cost for the adoption, as listed in Section 7.710.53, C; and,

8. Average time frame for the different services provided, including the family assessment and for the complete finalization of the adoption; and,

9. Description of required training for adoptive parents, as required in Section 7.710.55; and,

10. The process of sharing available information regarding the child and the birth family as provided in accordance with Colorado statute pertaining to identifying and non-identifying information; and,

11. Provide information about the birth parent contact preference form and the medical history statement that the birth parent can file with the State Registrar, including the ability of the birth parent to change the preference form at a later date; and,

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12. Any policy that would result in the denial of services or would preclude placement of a child with an adoptive family; and,

13. The grievance/appeal process of the agency; and,

14. Post adoption services offered or required by the agency as found at Section 7.710.62 and the cost of such services; and,

15. The right to seek legal counsel to further understand Colorado adoption laws; and,

16. Process of record storage and maintenance in the event of closure of the agency; and,

17. Any service if provided or offered by the CPA is provided by another agency, entity, or individual; and,

18. That applicants who reside in Colorado and whose adoptions will be finalized in the State of Colorado must apply for and be certified as foster care parents until the finalization of the adoption; and,

19. The agency's policy on concurrent adoptions; and,

20. That only pregnancy related expenses may be paid to a birth parent and all payments made on behalf of a birth parent must be processed through the agency; and,

21. The requirement of the agency to collect fees and submit court documents after the completion of an intercountry adoption to validate such adoption in the United States court.

B. Prior to the provision of services, or for some items during the birth parent or legal parent counseling, each agency must provide the following information in writing to any parent(s) approaching the agency with an interest in the possible relinquishment of a child(ren) for the purpose of adoption. The written information must be easily understandable to any parents in language or manner they can understand. Disclosure items 1 through 8, below, must be provided prior to service.

Disclosure items 9 through 18 may be provided to the parent(s) prior to service and/or during the parents' counseling process.

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1. Information as to whether the birth or legal parent(s) is required to sign a contract or agreement with the agency.

2. A list of birth or legal parent rights under current Colorado law including, but not limited to:

a. All of the legal options related to the relinquishment procedures presented in an accurate, competent, unbiased manner; and,

b. A fair and balanced picture of adoption presented; and,

c. Decision-making related to the possible relinquishment of a child in an atmosphere free from coercion and undue pressure; and,

d. Option, by law, to change the decision about relinquishment and to choose to parent the child. The decision can be changed at any time prior to the final order of relinquishment being signed by the court, unless otherwise limited by a court order if a court hearing is held; and,

e. Written grievance procedure for the agency; and,

f. Philosophy and/or religious affiliation of the agency; and,

g. Referral to helping organizations in the community if a decision is made to parent the child; and,

h. Termination of the relationship with the agency parent counselor at any point during the counseling relationship; and,

i. To seek independent counsel on any issue related to the relinquishment of a child(ren), including the right to seek independent counseling for an expedited relinquishment procedure.

3. The following must also be provided to birth parents considering relinquishment of a newborn infant:

a. The right to receive a copy of any document signed by the birth parent(s) and to receive a copy of the original birth certificate; and,

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- b. The right to have all of the legal options related to a pregnancy presented in an unbiased manner; and,
  
  - c. The right to receive, in writing, the process by which an expedited relinquishment affidavit is withdrawn, including a personal meeting with a representative of the agency and the signing of a statement of withdrawal which is witnessed and signed by an agency representative; a copy of the statement with original signatures must be provided to the birth parent(s); and,
  
  - d. The right to withdraw an affidavit for expedited relinquishment at any time before the affidavit is filed with the court. In the case of expedited relinquishment, the petition for relinquishment may not be filed until at least four (4) calendar days after the birth of the child.
4. Range of available adoptive families, to include religion, race and ethnicity.
5. Information as to where any parent considering relinquishing a child for adoption may obtain:
- a. A list of all licensed adoption agencies in the State of Colorado.
  
  - b. Information as to how to review the official licensing file for the agency.
  
  - c. Information as to how to file a complaint regarding the agency with the Colorado Department of Human Services.
  
  - d. Information as to how to obtain the rules regulating child placement agencies in the State of Colorado.
6. Copy of the most current annual report submitted to the State Department as described in Section 7.710.74.
7. Policy regarding the payment of pregnancy related expenses and that only pregnancy related expenses may be paid to a birth parent. All payments made on behalf of a birth parent must be processed through the child placement agency.
8. Information about whether the birth parent(s) have the right to choose the adoptive family.
9. Requirement for birth parent counseling; topics covered.

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10. Information about the different types of adoption services the agency provides.

11. Types of communication between birth parents and adoptive parents, including a statement that the adoption agency cannot enforce any voluntary agreements written or unwritten entered into between birth parent(s) and adoptive parent(s).

12. How parental rights are terminated in Colorado; legal process; mother and father, including the option of expedited relinquishment and administrative notice to the presumed birth father.

13. The process for identifying and serving legal and/or presumed birth father(s).

14. Any policy or requirement that would preclude the agency placing a child for adoption.

15. Provide information on the Birth Parent Contact Preference Form and Medical History Statement that can be filed with the State Registrar.

16. Process of record storage and maintenance in the event of closure of the agency.

17. The process of sharing available information regarding the child and the birth family as provided in accordance with Colorado statute, Section 19-5-301, C.R.S., pertaining to identifying and non-identifying information.

18. The grievance and/or appeal process of the agency.

C. The agency provides to all applicants, prior to application, a written schedule of expected itemized total fees and itemized total expenses, along with a written explanation of the conditions under which fees or expenses may be charged, waived, reduced, or refunded, and when and how the fees and expenses must be paid.

1. For intercountry adoptions, the agency must provide, in writing, a detailed listing of the following expenses:

a. Homestudy fee; and,

b. Adoption expenses in the United States; and,

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c. The foreign country program expenses; and,

d. The care for the child in the foreign country expenses; and,

e. Translation and document expenses; and,

f. Contributions to humanitarian or other welfare services programs in the foreign country; and,

g. Post-placement and post-adoption report expenses; and,

h. A written explanation of when the fees may be charged, waived, reduced, or refunded; and,

i. To whom the fees are paid, and when must also be provided to the applicant.

2. For intercountry adoptions, the agency may not customarily charge any additional fees and expenses beyond those disclosed in the adoption services contract and must have a written policy to this effect. In the event that unforeseen additional fees and expenses are incurred in the foreign country, the agency may charge such additional fees and expenses only when it notifies the prospective parents of such. The agency shall obtain specific written consent from the prospective parents prior to expending funds in excess of one thousand dollars (\$1,000) for which the agency will hold the adoptive parents responsible. The agency must provide written receipts to the prospective parents for fees and expenses paid directly by the agency, on behalf of the prospective parents, in the foreign country.

D. The agency returns any funds to which the prospective adoptive parents may be entitled within sixty (60) days of the completion of the delivery of services.

E. For intercountry adoptions, the agency must set up an escrow or other pass-through account for all monies that prospective adoptive applicants are required to pay directly to a foreign country to complete an intercountry adoption. These fees may not be deposited into any agency account or used for any purpose other than the foreign country fees. If the applicants request a refund of the monies to be paid to the foreign county, the agency must refund all monies paid by the applicants into the escrow or pass-through account, but not yet transferred to the foreign country, within thirty days of the applicant(s)' request for refund.

F. For intercountry adoptions, the agency may only collect fees from the applicants for the actual services being rendered. Such fees may not be collected more than thirty (30) days prior to the event date of the service being initiated. All fees, scheduled payments, and anticipated completion dates of service must be in writing and provided to applicants at each time fees are paid.

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G. If the agency requires the prospective adoptive parents to sign a waiver of liability, the waiver shall be limited and specific, based on the risks that have been discussed with and explained in writing to the client in the adoption services contract or other written agreement for adoption services.

#### **7.710.54 Adoption Procedure**

##### A. Adoptions Finalized in Colorado

For all adoptions to be finalized in Colorado in which a child is placed in Colorado with an adoptive applicant(s) residing in Colorado, the agency must:

1. Complete an assessment of each adoptive family in which a child is to be placed for adoption as detailed at Section 7.710.56.
2. Provide training to each adoptive family as detailed at Section 7.710.55.
3. Provide birth or legal parent counseling to any parent prior to a decision regarding whether or not to relinquish a child as detailed at Section 7.710.57.
4. Complete a study of the child for adoption as detailed at Section 7.710.58.
5. Provide all necessary services for the adoptive family while the family is present in the foreign country as detailed at Section 7.710.64.
6. Complete all requirements that must occur at the time of placement of a child for adoption as detailed at Section 7.710.59.
7. Provide post placement services to the adoptive family and child until a decree of adoption is granted as detailed at Section 7.710.6.
8. Receive a completed and signed State-approved foster care application from the adoptive family.
9. Submit a completed State-approved foster care certification form to the Division of Child Care prior to the child being placed in such adoptive home. A completed State-approved closure form must be submitted to the Division of Child Care upon finalization of the adoption.

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B. Adoptions Finalized in a Foreign Country

For all adoptions of foreign nationals that will be finalized in the child's country of origin and jurisdiction, the agency must:

1. Complete an assessment of each adoptive family in which a child is to be placed for adoption as detailed at Section 7.710.56.
2. Provide training to each adoptive family as detailed at Section 7.710.55.
3. Complete a study of the child for adoption as detailed at Section 7.710.58.
4. Complete all requirements for United States Citizen and Immigration Services (USCIS) as detailed at Section 7.710.94.
5. Provide all necessary services related to the adoption while the family is present in the foreign country as detailed at Section 7.710.64.
6. Provide post adoption services to the adoptive family and child, if required by the foreign country, as detailed at Section 7.710.62.
7. Notify the selected agency when the family returns to Colorado with the child adopted in the foreign country.
8. Submit validation documentation to the Colorado court of jurisdiction after completion of intercountry adoption within thirty (30) days of the child arriving in Colorado.

C. United States Children Emigrating to a Foreign Country

For all adoptions in outgoing cases, the agency, if acting as the placing agency, must:

1. Be Hague accredited if the child is emigrating to a convention country.
2. Complete a child background study in compliance with Section 7.710.58 and with Federal Regulation 22 CFR Part 96 Section 96.53.



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3. Ensure that all consents have been obtained in compliance with Federal Regulations 22 CFR Part 96, Section 96.53, and Colorado statutes; and meets all rules pertaining to birth parents and birth parent counseling as found in Section 7.710.57.

4. Except in the case of adoption by relatives or in cases in which the birth parents have identified specific prospective parents, make reasonable efforts to find a timely adoptive placement for the child in the U.S.

5. Take all appropriate measures to determine whether the placement will be in the best interest of the child.

6. Ensure that the home study on the prospective adoptive parent(s) is prepared in accordance with the laws of the receiving country, which includes:

a. Information on the prospective adoptive parent(s)' identity, eligibility, and suitability to adopt; and,

b. Background; and,

c. History; and,

d. Social environment; and,

e. Reasons for adoption; and,

f. Ability to undertake an intercountry adoption; and,

g. The characteristics of the children for whom they would be qualified to care; and,

h. The results of a criminal background check.

**7.710.55 Training**

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

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

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

1. Attachment/bonding issues.
2. Loss and grief issues, as applicable for all parties to the adoption.
3. Adoption as a life long issue as it pertains to all parties to the adoption.
4. Key concepts of child growth and development.
5. Boundary setting and discipline.
6. Parenting a child of a different cultural or racial background infancy through adulthood, if applicable.

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7. Disclosure issues including the accuracy of family history information regarding the child and birth parent(s)' family, discussion with the child and sharing information with others.

8. Understanding adoption laws and procedures, including termination of parental rights and the expedited relinquishment process pursuant to Section 19-5-103.5, C.R.S., and the administrative notice for any other birth parent or possible birth parent pursuant to Section 19-5-103.7, C.R.S., if applicable.

9. On-going contact and/or communication of child and adoptive family with biological family and/or significant individuals, if applicable.

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

11. Medical and health issues including, but not limited to, shaken baby syndrome, parental substance abuse, relevant environmental issues, and genetic risk factors.

12. Expectations of adoption and adoptive process.

13. Basic core and supervision appropriate to the age of the child.

#### C. Additional Areas of Training

1. For families that will be adopting a child who is either medically fragile, over twelve (12) months of age or any intercountry adoption, four (4) additional hours from the following topics must be completed as applicable and appropriate for the age(s) of the child(ren) being adopted for a total of twenty (20) hours. These four (4) hours of training may be approved in formats other than face-to-face training at the agency's discretion.

a. Parenting a child that has been abused or neglected.

b. Parenting the physically, mentally, developmentally or emotionally delayed child.

c. The impact of frequent moves and multiple caregivers on the development of a child.

2. For families that are just completing an intercountry adoption, an additional four (4) hours of training on all topic areas listed below must be completed as applicable for a total of twenty-four (24) hours. These four (4) hours of training may be provided in formats other than face-to-face at the discretion of the agency and must be

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- a. U.S. immigration requirements and the laws and procedures of the foreign country, including reporting requirements such as any post-placement or post-adoption reports required by the expected country of origin.
- b. Cultural heritage of the child, including available community resources.
- c. Information on the long term implications for a family that has become multicultural through intercountry adoption, including:
  - 1) The child's history and cultural, racial, religious, ethnic and linguistic background; and,
  - 2) The known health risks in the specific region or country where the child resides. Any general characteristics and needs of children awaiting adoption and the in-country conditions that affect children from the expected country of origin.
- d. Any other medical, social and other data known about the particular child.
- e. The impact of a child leaving familiar surroundings as appropriate to the expected age of child.
- f. The impact of frequent moves and multiple caregivers on the development of a child and data on institutionalized children and the impact of institutionalization on children, including the effect on children depending on the length of time spent in an institution and of the type of care provided in the expected country of origin.

#### **7.710.56 Assessment of the Adoptive Family and Report**

A. Any individual, couple or family who desires to be considered to have a child(ren) placed for the purpose of adoption or second parent adoption must participate in an assessment regarding his/her suitability, appropriateness, and readiness for an adoptive placement.

B. Any individual that is planning a second parent adoption must notify the agency and include the individual involved with the second parent adoption to participate in the home study, if the home study will be used in the next six months for a second parent adoption.

C. An agency must complete the assessment without regard to race, ethnicity, or national origin, except as

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D. The agency must include in the assessment all members of the household.

E. The agency shall not conduct an assessment for any paid or volunteer member of its staff or any member of the board of directors for the agency.

F. As part of the assessment, the agency must conduct a minimum of three face-to-face joint interviews with a couple, one face-to-face individual interview with each adult member in the household, and a face-to-face age/developmentally appropriate interview with all children residing in the home. For single applicants a minimum of three face-to-face interviews will be required.

G. The agency must conduct at least one interview in the applicant's home.

H. Interviews must be spread out over a period of not less than seven (7) consecutive days.

1. Joint interviews must be held on separate days.

2. The SAFE individual interviews with a couple to discuss Questionnaire Two (2) must be completed on the same date.

I. The assessment for a domestic adoption shall be updated annually and the assessment for an international adoption shall be updated as required by USCIS regulations in the form of an addendum. An addendum shall include at least one 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. The update shall be completed using the prescribed format.

J. In each addendum the agency must document any changes in residence, marital status, criminal history, finances, or addition or deletion of family members.

K. As a part of the family assessment the agency must obtain:

1. A completed, dated and signed formal application for adoption, including a signed fee agreement and a disclosure agreement as outlined at Section 7.710.53, A.

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2. A current photograph of all members of the household.

3. A copy of a current marriage license, if applicable.

4. A copy of a divorce decree(s), if applicable.

5. The results of a current fingerprint-based criminal history record check through the Colorado Bureau of Investigation (CBI) and Federal Bureau of Investigation (FBI) on all adult members of the household. The results of the child abuse or neglect records checks from the State Department and appropriate entity in each state in which the adult(s) in the household resided in the five years preceding the date of the application to adopt.

a. For all adoptions where the home is required to be certified as a foster home prior to the finalization of the adoption, the results of a current fingerprint-based criminal history check for all adults eighteen (18) years of age and older through the FBI.

b. For intercountry adoptions where the adoption will be finalized in the foreign country, a copy of the results of a current fingerprint-based criminal history records check through the Colorado Bureau of Investigation (CBI) shall be processed through the current Colorado placing agency and the USCIS clearance.

c. If adoptive applicants transfer from one Colorado agency to another, the new agency must process fingerprints through the applicant's license number prior to any certification or placement of children into a home.

d. The agency shall report to the court any case in which a fingerprint-based criminal history record check reveals that the prospective adoptive parent was convicted at any time of a felony or misdemeanor in one of the following areas:

1) Child abuse or neglect; or,

2) Spousal abuse; or,

3) Any crime against a child, including child pornography; or,

4) Any crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in Section 18-6-800.3, C.R.S.; or,

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5) Violation of a protective order, as described in Section 18-6-803.5, C.R.S.;

6) Any crime involving violence, rape, sexual assault, or homicide;

7) Any felony physical assault or battery conviction or felony drug-related conviction within, at a minimum, the past five years.

e. No person convicted of a felony offense specified in items Section 7.710.56, K, 5, d, a shall be allowed to adopt a child, except a person may be allowed to adopt a child if:

1) The applicant has had no further arrests or convictions subsequent to the original conviction; and,

2) The applicant has not been convicted of a pattern of misdemeanors, as defined by rule of the State Board of Human Services at Section 7.701.33, D, 7, f, 1-3; and,

3) The court enters a finding consistent with Section 19-5-210(2)(d), C.R.S., that the adoption is in the best interest of the child.

6. A minimum of three (3) personal references from individuals, unrelated to the applicant(s), that have knowledge of the applicant(s) character and suitability to parent a child. The references must be obtained in writing using the prescribed SAFE format instrument for the type of adoption the applicant has requested.

7. Verification of current health insurance coverage or a statement of intent that health insurance coverage will be obtained for the child upon placement.

8. A dated physician's statement current within one year from the time of application for adoption for each member of the household, certifying that the applicant(s) and all members of the household are free from communicable disease or a physical condition that would impair his/her/their ability to care for children. Subsequent medical statements shall be required upon the written direction of the physician or within one year of the last dated and signed statement if not specified by a physician.

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 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.

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L. A family assessment using the Structured Analysis Family Evaluation (SAFE) instrument(s) shall be completed using the current and appropriate SAFE format for the type of adoption for which the applicant(s) has requested.

M. If an applicant desires to be considered for another adoption with the same agency:

1. If the period of time since the last family assessment is within three (3) years of the approval of the original family assessment, a subsequent update using the SAFE instrument shall be completed. The assessment update shall include at least one joint interview, coupled with one documented individual interview with each adult member of the household, and an age/developmentally appropriate interview with all children. At least one interview with the family must be conducted in the home. The individual interviews with the adoptive applicants must be completed on the same date.

2. If the period of time since the approval of the original family assessment is longer than three (3) years, a full and complete family assessment using the SAFE instrument shall be completed.

N. The agency must update the previously completed family assessment in order to address significant changes in the time period subsequent to the original family assessment, including, but not limited to:

1. Criminal history charges or convictions; and,

2. Child abuse investigations; and,

3. Marital status; and,

4. Changes in family structure; and,

5. Employment/financial resources; and,

6. Health changes/status; and,

7. Place of residence; and,

8. Other significant changes within the family.



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O. If an applicant desires to be considered for an adoption through a different licensed child placement agency, and the full SAFE assessment received directly from the originating agency and a current update is less than one year old, the new agency may either complete:

1. An update of the original family assessment using the SAFE instrument that addresses all categories as listed in Section 7.710.33, L, 3; or,

2. A full SAFE assessment. If the assessment is more than one year old, a complete assessment using the SAFE instrument must be completed.

P. Following the completion of the family assessment, a narrative report must be completed according to the SAFE instrument and training guidelines.

Q. For families applying for an intercountry adoption, the agency must complete the adoptive family assessment using the international SAFE template and must:

1. Maintain on file at the agency a written copy of the home study requirements for each foreign country for which a child placement agency approves a family.

2. Ensure that the family assessment submitted to the foreign country:

a. Is a reasonable, true, and responsible assessment of the family concerning the requirements of the foreign country; and,

b. Is provided to the foreign country, including any and all information obtained during the assessment process; and,

c. Does not knowingly provide false or inaccurate information or knowingly withhold or exclude information from the foreign country, which is grounds for suspension of the child placement agency's license.

R. At the conclusion of the family assessment process:

1. The family shall be offered the opportunity to review the assessment and submit corrections to the agency of any inaccuracies to the data contained in the assessment.

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2. The agency may provide a copy of the final draft version of the home assessment to the family without the signature of the agency, and marked or water-marked draft on each page, so that the family may review the home study.

3. The applicants must either:

a. Sign a statement that they have been given the opportunity to read and review the final draft of the family assessment, excluding the confidential references, or

b. Sign the SAFE home study assessment section indicating they have read and reviewed the final draft of the home study.

S. If at any time during the adoption process the agency becomes aware that it will not be able to continue to provide services or to recommend the applicant(s) for approval for an adoptive placement, or the adoptive family withdraws from the service provided by the agency, the agency must:

1. Notify the applicant(s) in writing within five business days with the reason(s) for the discontinuation of services or confirmation of the family's request for withdrawal from services.

a. At the time of notification, applicants shall be advised, in writing, of the agency's process for filing a grievance with the adoption process or assessment as required at Section 7.710.71; and,

b. That the agency shall submit a copy of the denial or withdrawal confirmation letter to the Division of Child Care at the same time it is submitted to the applicants.

2. In the case of an intercountry adoption with an approved I600A or I800A, the agency shall notify USCIS, the selected agency and the State Department.

T. The approved SAFE family assessment, signed and notarized by the placement supervisor, and supporting documentation is a part of the official adoption record of the agency and shall be released upon the written authorization by the applicant(s):

1. To another licensed adoption agency, a Colorado county department of social/human services, or any corporation, partnership, association, firm, agency, institution, or person approved to operate in another state; or,

2. When required by a foreign country to complete an intercountry adoption, to the adoptive applicant(s), to

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accompany them when traveling to the foreign country, if each page of the family assessment contains the agency raised seal and the pages are numbered according to the full number of pages in the document; and,

3. Shall be transmitted within thirty (30) calendar days of the written request or of when the original agency receives full payment of all fees for services rendered by the agency.

U. If agency policy allows for prospective adoptive parent(s) to apply for concurrent adoptions within their agency, or through both their agency and another Colorado licensed CPA or county department of social/human services, the following applies:

1. At least one of the concurrent adoptions does not require the adoptive applicant(s) to be certified for foster care; and,

2. If two CPAs are providing services to the adoptive applicant(s), the applicant(s) shall sign a release of information for both CPAs prior to the agencies exchanging any information; and,

3. The family assessment completed for the initial adoption must be updated to address the reason(s) for the concurrent adoption; and,

4. All agencies involved are aware of the concurrent adoptions; and,

5. The assessment or update(s) shall be completed in the correct format for the type of concurrent adoption being pursued; and,

6. The assessment or update(s) completed for the second adoption shall:

a. Address the reason for the concurrent adoption; and,

b. The type of child the adoptive applicant(s) are approved for in the second adoption; and,

c. If more than one agency is involved, that both agencies are aware of the concurrent adoptions; and,

d. That the original assessment/update(s) may be shared with the second agency, with written approval from the adoptive applicants.

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7. Updates to both assessments must be completed within one year of the original assessment if no adoptive placement has occurred.

8. Both assessments must be submitted separately for ICPC or USCIS approval, if applicable.

9. If one agency places a child(ren) for adoption, either foreign or domestic, the second agency shall:

a. Wait a minimum of six (6) months before placing another child(ren) into the home; and,

b. Complete a home study update to assess the appropriateness of placing an additional child(ren) into the home.

10. The agency placing the child(ren) into the home shall also complete a home study update to assess the ability of the family to adopt an additional child(ren).

11. The adoptive applicant(s) must sign a statement for each potential adoption agreeing to notify the other agency of when a placement of a child(ren) occurs.

#### **7.710.57 Birth Parent Counseling and Report**

A. Any person who plans to petition the court for relinquishment of his/her child must obtain counseling about the relinquishment from a licensed Colorado child placement agency or a Colorado county department of social/human services. A court may refer a petitioner to a licensed child placement agency for counseling.

B. An agency must provide counseling regarding possible relinquishment to birth parent(s) residing in Colorado in face to face interviews. In providing counseling services to an expectant parent(s), the agency must provide counseling prior to the birth of a child(ren) and following the birth of the child(ren).

C. An agency must provide counseling to birth or legal parents without regard to age, race, color, national origin, religion, sex, or disability of either birth parent.

D. An agency shall ensure that only pregnancy related expenses are paid on behalf of birth parent(s) by the CPA, the prospective adoptive parents, or agent acting on behalf of the prospective adoptive parents. All expenses paid on behalf of birth parents shall be processed through the agency. An agency cannot require birth parent(s) to repay pregnancy related or cradle care expenses except in the case of criminal fraud.

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E. The agency must conduct a comprehensive and diligent search for the legal father and/or the presumed birth father, or the birth mother if applicable. The agency must take seriously and promptly investigate any claims of paternity prior to the final orders of relinquishment or termination. Efforts to locate the birth father or birth mother must be documented.

F. The agency must include in the counseling the legal, alleged and/or presumed birth father(s) if he can be located and is willing and interested in participating in the counseling.

G. At the beginning of the counseling, the agency must ascertain if the birth parent(s) is receiving counseling from any other agency in Colorado.

H. At the beginning of the counseling, the agency must provide, in writing, to the birth parent(s) a list of birth parents rights as found at Section 7.710.53, B.

I. The content of the counseling must include at least the following:

1. Discussion of the birth parent(s) motivation to consider relinquishment of the child(ren).
2. Discussion as to whether the birth parent(s) have been pressured or coerced to relinquish the child.
3. Discussion as to whether the birth parent(s) have been promised or received money, goods, or services or anything of value to motivate the relinquishment of the child(ren).
4. Discussion of alternatives to relinquishment and the resources available in the community if the birth parent(s) choose to parent the child(ren).
5. Discussion of the permanency of the decision to relinquish a child(ren).
6. Discussion of life long loss and grief issues that include, but are not limited to, helping the birth parent(s) identify and understand the present emotional impact of the relinquishment decision and gain an understanding of possible future grief-related emotions and behaviors.
7. Discussion of the life changing effect of pregnancy and birth of a child.
8. Discussion of the birth parent(s) and birth families social developmental history and medical history,

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9. An assessment of the birth parent(s) ability to understand the consequences of the relinquishment decision and her/his ability to intellectually and emotionally understand the options.

10. Discussion regarding the identification of the presumed birth father(s), the serious ramifications of failing to provide known information and the possible impact to the relinquishment and/or finalization of the adoption.

11. Discussion of whether the birth mother or the presumed birth father is a member of or are eligible to be a member of a Native American Tribe and any applicable ramifications of such information.

12. Discussion that the birth mother may only be reimbursed by the agency for verified and documented pregnancy related expenses.

13. Discussion of the legal relinquishment options available, including being present at the termination or relinquishment hearing or the expedited relinquishment procedure of filing an affidavit with the court without the possible necessity of a court hearing.

14. Discussion of the time frame for withdrawal of the expedited relinquishment petition and affidavit, including that the petition for relinquishment may not be filed with the court until at least four calendar days after the birth of the child.

15. Discussion of the administrative procedure that the birth parent(s) information will be released to a presumed birth father(s) or published in an official publication of the last known address of the presumed birth father(s).

16. Discussion that the filing of the administrative procedure notice to the presumed birth father(s) does not obligate the birth mother to file a petition for relinquishment.

17. Discussion of the right of the birth parent to complete the contact preference form and the right to change the form at any time.

18. Discussion of the right of the birth parent to complete a medical history statement form to be filed with the State Registrar and the right to update this information every three years.

J. The agency must submit an affidavit that includes a thorough written report of the counseling, directly to the court. The report must contain at least the following information:

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1. Identifying information of the birth parent(s) including the legal and/or the alleged or presumed birth father(s), which shall include at least full name, address, and birth date of parent(s).
2. The name, address and qualifications, including the level of education and the number of years of adoption experience, of the individual that provided the counseling.
3. Confirmation that venue is appropriate.
4. The dates and hours on each date that significant face to face counseling occurred, excluding labor and delivery. The agency must document the number of counseling hours provided pre and post delivery.
5. The total number of hours of counseling. If under extenuating circumstances some counseling was done in a manner other than face to face, the agency must specify how the other counseling was provided and the number of hours of the other counseling.
6. An individualized narrative description of the specific content of the counseling covering required topic areas listed at Section 7.710.57, I, that were discussed during the counseling.
7. If the birth parent(s) choose the expedited relinquishment procedure, the counseling report and affidavit must include a statement that all legal options for relinquishment were presented including both the benefits and the detriments of attending the court relinquishment hearing or filing the expedited relinquishment petition with the court, including the time frame for withdrawal of the petition and affidavit if the birth parent(s) changes his/her mind.
8. Summary of social and medical history of the birth parent(s) and the reason for relinquishment.
9. Description of and documentation to support the diligent efforts of the agency to locate the alleged, legal, and/or presumed birth father or birth mother and the cooperation or lack of cooperation of that parent, including the results of the anticipated notice procedure to the presumed birth father(s) pursuant to 19-5-103.7(8), C.R.S.
10. The results of contact and counseling with the alleged, legal, and/or presumed father(s).
11. Whether the Indian Child Welfare Act as stated in Section 7.309 applies to the results of the agency's investigation, including the documentation of efforts made to locate or contact the tribe and the tribe's response.

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12. An itemized account of all expenses, including financial and material aid, the agency paid to the birth parent(s); the agency must also report any financial or material aid if they became aware it was paid to the birth parent(s) by another individual. Documentation must include justification as to how each expense is pregnancy related.

13. The specific recommendation as to whether the relinquishment and/or termination should be granted by the court.

#### **7.710.58 The Child Available for Adoption**

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

A. For domestic adoptions and outgoing adoptions, a report of a physical examination performed within the six months prior to adoptive placement, documenting the current physical condition of the child.

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

1. Physical appearance

2. Emotional, behavioral, and cognitive history

3. Race or ethnic origin

4. Religion

5. Education

6. Interest/hobbies/talents

7. Developmental history

8. Region of origin

9. Personal qualities



10. Placement history

11. Any previous written assessments

12. Health/medical history

C. Statement documenting the chronological history of a child's family background in as much detail as available, including verification of the child's birth date and place and reasons for relinquishment or termination of the parent child legal relationships, as listed on the petition of relinquishment or international equivalent and signed by the birth or legal parent, including a personal description written by the birth parent(s), if available.

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

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

1. Physical appearance

2. Health/medical history

3. Race or ethnic origin

4. Religion

5. Education

6. Occupation

7. Hobbies/interests/talents

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8. Mental health

9. Substance use/abuse

10. Personal qualities

### **7.710.59 Placement**

A. The assessment of the adoptive applicant(s), as required at Section 7.710.56, K, must be completed prior to placement.

B. As permitted under Colorado law, prior to placement as much information as possible shall be obtained and disclosed in writing to the adoptive parent regarding the child(ren) as required at Section 7.710.58, B.

C. An effort shall be made to place siblings with the same adoptive applicant(s). If the county department locates an appropriate, capable, willing, and available joint placement for all of the children in the sibling group, there should be a rebuttable presumption that placement of the entire sibling group in the joint placement is in the best interests of the child(ren). Such presumption may be rebutted by the county by a preponderance of evidence that placement of the entire sibling group in the joint placement is not in the best interest of a child or the children. If this cannot, or should not, be done in the best interests of the children involved, the record shall contain the reasons and supporting evidence for such separate placements.

D. The agency shall not place a child in an adoptive home that would be detrimental to the child's well-being.

E. The agency shall immediately inform the adoptive applicant(s) in writing of the relinquishing parent's decision to discontinue the adoption plan and the plan for returning the child to the birth or legal parent.

F. A written contract between the placement agency and the adoptive applicant(s) shall be executed at the time of placement. The contract must include an agreement that the adoptive applicant(s) will:

1. File an adoption petition in accordance with Colorado law.

2. Participate in supervision by the placement agency of the child(ren) in the adoptive home until such time as a decree of adoption becomes final.

3. Agree to allow the placement agency to complete and submit a report to the court regarding the findings of

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4. Prior to finalization, the adoptive parent(s) must obtain permission of the placement agency or birth parent, as appropriate, prior to removing the child from the state.

5. Agree that the child may be removed from the adoptive placement at the discretion of either the agency or the adoptive parent(s) with good cause before the finalization of the adoption.

**12 CCR 2509-8:7.710.6**

**12 Colo. Code Regs. 2509-8:7.710.6** Alternatively cited as **12 CO ADC 2509-8**

**2509-8:7.710.6. RESPONSIBILITY OF THE AGENCY AFTER PLACEMENT**

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

1. Assume financial and planning responsibility for the child in the event that a child's adoptive placement is disrupted.

2. Assume financial and planning responsibility for the child where a court refuses to grant a decree of adoption.

3. Maintain a copy of the final decree of adoption from the court in the agency file on each child.

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

1. The physical and emotional well-being of the child(ren); and,

2. Successful attachment between the child and parents; and,

3. Positive adjustment of all family members; and,

4. Adoption related issues are resolved as necessary.

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

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

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

D. During the period of supervision the placement agency shall maintain records that include:

1. Legible, well organized case/contact notes of all contacts. These must be placed in the adoptive applicant's case file in a timely manner and must be available for review by the State Department.

2. Two (2) formal post placement reports shall be completed for the court, one (1) at three (3) months after placement and the second (2<sup>nd</sup>) at the time of finalization, or more frequently if required by the court, and must include information regarding:

a. The physical health and emotional well-being of the child.

b. Adjustments of the family and child to the adoption.

c. Financial changes.

d. Changes in family composition.

e. Other adoption issues that have arisen.

f. Recommendation on the continued placement of the child.

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g. Recommendation on the finalization of the adoption.

E. The agency may obtain a progress report, if appropriate or as necessary, from a school official or child care provider for each adoptive child that is attending child care or school.

F. The placement supervisor of the Colorado CPA (Child Placement Agency) shall be responsible for removing the child from the home, at the request of the adoptive family, or in accordance with state law, if the placement is not in the best interests of the child.

#### **7.710.61 Finalization [Rev. eff. 5/1/10]**

A. The agency that has custody of the child(ren) must provide written consent to the court for the adoption if it is in the best interest of the child.

B. A certified copy of the final decree must be placed in the adoptive applicant's file at the placement agency.

C. Send written notification of the final decree of adoption to the court in which relinquishment took place. Such notification shall not disclose the name or address of the adopting parents.

#### **7.710.62 Post Adoption [Rev. eff. 5/1/10]**

A. If the agency does not provide post adoption services, the agency must provide resource and referral information regarding post adoption services available to the birth parent(s), adoptive family, and child, if appropriate.

B. Post adoption services may include, but not be limited to:

1. Consultation.

2. On-going support and education.

3. Resources for counseling or medical needs.

4. Search or reunification resources.

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5. Networking with other adoptive families.

6. Adoption education and support groups.

7. Providing to the adoptive family additional social and/or medical background information obtained after placement that could significantly impact the child.

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

### **7.710.63 Interstate Adoptions [Rev. eff. 5/1/10]**

A. An agency may participate in an Interstate adoption under at least one (1) of the following conditions:

1. The adoptive placement is arranged and carried out by a child placement agency licensed by the state of residence of the child in accordance with Section 7.710.1, A, 1.

2. The adoptive services are performed pursuant to an order of the court of jurisdiction of the child.

3. The adoptive services for public adoptions are performed at the request of the State Department through the ICPC of children located at the State Department.

4. The adoptive services for non-public adoptions are performed at the request of non-public agencies through the ICPC at the non-public agency selected and monitored by the State Department.

B. An agency which participates in an interstate adoption shall perform at least the following:

1. Send all studies or reports for public adoptions through the ICPC at the State Department unless otherwise authorized.

2. Send all studies or reports for non-public adoptions through the ICPC at the non-public agency selected and monitored by the State Department (see Interstate Non-Public Adoptions, Section 7.710.93).

3. Comply with all rules and laws of the Interstate Compact on Placement of Children, as found at Section 24-

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C. Any agency which participates in an interstate adoption must have direct knowledge of and comply with all applicable laws and procedures of the other state in which they are working at all times.

#### **7.710.64 Intercountry Adoptions [Rev. eff. 5/1/10]**

A. An agency that wants to provide intercountry adoption services must apply for, and be approved by the State Department, to provide intercountry adoptions prior to initiating such service with adoptive applicants.

B. Agencies approved for intercountry adoptions must have a current, dated, written policy detailing:

1. What services will be provided to or coordinated for the adoptive family while in the foreign country.
2. Whether the adoptive family will owe additional fees to be paid in country for services.
3. Whether the services will be provided or coordinated by the agency or by another United States licensed placement agency pursuant to an interagency contract.

C. For each foreign country, agencies approved for intercountry adoptions must either:

1. Have direct knowledge of and be able to comply with all applicable laws and procedures of the foreign national child's country of origin, and be able to provide services listed in Section 7.710.54, B; or,
2. Have an interagency contract in writing with another United States licensed placement agency that:
  - a. States that the other agency is licensed as a placement agency in accordance with the laws of the state of their principle place of business, and attaches a copy of the license.
  - b. States that the other agency has direct knowledge of and is able to comply with all applicable laws and/or procedures of the child's country of origin.
  - c. States that the other agency is authorized to conduct adoptions in the foreign country and, if applicable, attaches a copy of any license or accreditation issued by the foreign country.

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d. Lists in detail what services will be provided or coordinated by the other agency to the adoptive families while in the foreign country.

e. Lists what projected fees and expenses the adoptive family will owe for services provided to them while in the foreign country.

D. For each country in which the agency is directly providing or coordinating all adoption services, the agency shall keep on file:

1. An English language translation of any agreements entered into with the foreign government.

2. An English language translation of any document that evidences approval, accreditation or certification by the foreign government to conduct adoptions, if required by the laws of the foreign country.

E. For each country in which the agency is providing or coordinating services through an interagency agreement with a foreign provider, the agency shall keep on file the original signed interagency agreement and applicable attachments. The interagency agreement must include:

1. If the foreign provider is providing adoption services, it states that the foreign provider is authorized to provide adoption services in the foreign country, and, if applicable, attaches a copy of documents to verify authorization.

2. List in detail what services will be provided or coordinated by the foreign provider.

3. List what projected fees and expenses the adoptive family will owe for services provided to them by the foreign provider.

F. Each agency that provides intercountry adoption services must have a separate pass-through or escrow account for which required foreign country fees paid by parents are maintained and available for refund if fees are not paid in the foreign country on behalf of the adoptive parents. Foreign country fees may not be co-mingled or otherwise used by the agency for any purpose other than direct payment to the foreign entities on behalf of the adoptive parents.

G. Agencies providing adoption services for intercountry adoptions in Hague Convention countries, in either incoming or outgoing cases, must meet the federal regulations pertaining to intercountry adoptions with Hague countries.



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12 CCR 2509-8:7.710.7

12 Colo. Code Regs. 2509-8:7.710.7Alternatively cited as 12 CO ADC 2509-8

2509-8:7.710.7. GRIEVANCE PROCESS, CONFIDENTIALITY, RECORDS AND REPORTS

**7.710.71 Grievance Process [Rev. eff. 5/1/10]**

A. Each agency must have a written grievance and appeal process for adoptive applicants and for birth parents that provides adequate due process. This information must be provided as required in the Disclosure and Fee Information found at Section 7.710.53, A-B.

B. Reports of grievances filed and the outcome must be available to the State Department for review upon request.

C. The agency must follow the grievance procedure without alteration, interference, or unreasonable delay.

D. If a grievance is filed with the agency, the grievance shall be recorded in the adoptive family or birth parent file with the investigation findings and resulting action taken by the agency.

**7.710.72 Confidentiality and Disposition of Adoptive Records [Rev. eff. 5/1/10]**

A. All records required by the foregoing sections shall be treated as confidential and shall be protected from unauthorized examination. They shall be immediately available to the staff of the State Department, and for non-public adoptions, they shall be available to the appropriate staff of the selected non-public agency upon request.

B. When a child is legally free for adoption, legal documents and records must be maintained in accordance with Title 19, Article 5, C.R.S., "Relinquishment and Adoption".

C. The records and papers in relinquishment and adoption proceedings are open for inspection only upon order of the court for good cause shown. The court and the agency are required to act in a manner so as to preserve the anonymity of birth parents, child, and adoptive parents except in the case of a designated adoption.

D. An agency engaged in adoption placement of children shall not be licensed unless they possess adequate, secure storage facilities for records. Records shall be maintained in a locked, secured room.

E. The agency shall develop and implement a written policy and procedure which assures that records are

Colorado Administrative Code \_Title 2500. Department of Human Services\_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)\_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing\_7.710. Rules Governing Child Placement Agencies protected from destruction, loss and unauthorized removal or access.

F. The agency shall develop and implement a written plan to ensure annual scanning of their adoption records, including birth parent, adoptive applicant, and children's records. The plan must address scanning any closed files already in storage. Scanned records must be maintained in a current State Department approved technological format for the purpose of transferring those records to the State Department upon closure of the agency.

G. The agency record for any Colorado adoptive family shall contain as a minimum: the signed formal application for adoption; signed fee and disclosure agreement; medical examinations for all household members; a copy of a current marriage license; a copy of a divorce decree where applicable; the results of the State Department's automated abuse and neglect background system check for all adults residing in the household; the original home study assessment with updates as appropriate; any subsequent family assessments; and, all signed and dated adoption agreements or contracts.

1. For adoptions finalized in the United States, the agency record shall also contain: signed petition for domestic adoption; post placement supervisory reports; post adoption correspondence, including any correspondence from the birth parent(s); the type of adoption and communication agreed upon at time of finalization; final decree of adoption; post-adoption reports if applicable; and, validation of foreign adoption if applicable.

2. For adoptions finalized in a foreign country, the agency record shall also contain: all legal documents; all medical and social history information; all foreign documents; all post adoption reports; arrival notification to state-selected agency; consent of termination of parental rights; notification to central authority; USCIS Forms I800, I600, I600A, and I171H, as applicable; and, validation of foreign adoption if applicable.

3. For all adoptions, the results of the CBI and FBI background checks for all adults, eighteen (18) years of age and older residing in the household. For intercountry adoptions finalized in the foreign country, a copy of the approval issued by USCIS may substitute for the FBI background check.

4. The agency record for an adoptee shall contain at a minimum: social and medical histories; birth record; certified birth certificate; birth parent consent for placement; ICPC files; record of admission or intake summary of the child to be adopted.

5. The agency record for a parent(s) relinquishing a child(ren) shall contain at a minimum: signed disclosure agreement and birth parent rights; intake forms; birth parent counseling report and/or counseling affidavit; case notes; the type of adoption completed and the communication agreed upon at time of finalization between the birth parents and adoptive parents, and a copy of such contract if available, including the preference form completed by the birth parent at the time of relinquishment; and, all legal documents related to the relinquishment.

6. For Colorado child placement agencies that provide Intercountry adoption services for families who reside outside of Colorado, the agency must maintain a record that contains, at a minimum: the name, address, and

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phone number of the adoptive family; the name, address, phone number, and copy of the license of the agency or agencies used to complete the adoption; a copy of the USCIS form granting approval of the home study; a copy of the final decree of adoption; the birth name, adoptive name and the date of birth of the adopted child.

7. Files must be indexed and cross referenced in the following sections:

a. Adoptive parent name; and,

b. Adoptive child name; and,

c. Adoptive child birth name; and,

d. Birth parent name; and,

e. Child's date of birth; and,

f. Year adoption is finalized.

H. In the event that a child placement agency ceases operations, two (2) copies of all adoption records shall be forwarded to the State Department in a current State Department approved technological format of not less than 100 years storage capability.

I. The records of birth parents, adoptive applicants and children, that do not result in an adoptive placement shall be maintained for a period of at least three (3) years.

J. The agency shall have an appropriate secure procedure for confidential record destruction.

K. The Colorado agency shall be responsible for maintaining a case record for each approved adoptive family, each parent who relinquishes a child for adoption, and each adoptee. The record for each client must be kept current from the point of intake to termination of completion of services. All correspondence and written communications including, but not limited to, e-mails, memos, and letters must be maintained in the file.

L. The entire case file, including all worker notes or other documents, is the property of the agency and the entire case must be maintained in secure storage at the main office. Any and all duplicate files maintained by contract or staff worker(s) during the completion of an adoption must be maintained in locked secured storage at all times

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**7.710.74 Required Reports [Rev. eff. 5/1/10]**

An annual report shall be made to the State Department regarding the adoption services provided by the agency. The report shall be submitted on the State prescribed form within sixty (60) days following the end of the calendar year and shall provide the following information:

A. The types of adoptions, as defined at Section 7.710.52, in which the agency was involved, including the total number of:

1. Agency adoptions:

- a. Domestic (non-relative) adoptions finalized in Colorado.
- b. Domestic adoptions finalized outside of Colorado.
- c. Foreign national finalized outside United States and placed in Colorado.
- d. Foreign nationals finalized in Colorado.
- e. Foreign nationals finalized outside United States and placed outside Colorado.
- f. U.S. national finalized outside United States and placed outside United States.
- g. Total number of adoptions involving Hague countries, incoming and outgoing.
- h. Number of boys in domestic adoption.
- i. Number of boys in foreign national adoption.
- j. Number of girls in domestic adoption.

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k. Number of girls in foreign national adoption.

2. Non-agency adoptions as required by the courts.

3. Domestic relative adoptions.

B. The number of children whose domestic adoption was finalized within the previous calendar year as delineated by (do not duplicate numbers):

1. White, not-Hispanic or Latino children.

2. Hispanic or Latino children.

3. Black/African American children, not Hispanic or Latino.

4. Asian children.

5. Native Hawaiian/Pacific Islander children.

6. Alaskan/Native American children.

7. Children that were of two (2) or more races.

C. The total number of birth parent counseling cases completed by the agency in a calendar year delineated by:

1. The total number of birth mothers counseled.

2. The total number of presumed birth fathers counseled.

D. The total number of birth mother counseling cases completed by the agency that resulted in relinquishment of a child(ren).

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E. The total number of approved SAFE home study assessments completed by the agency within the calendar year, including those completed for (do not duplicate number of applicants):

1. White, not Hispanic or Latino applicant(s).
2. Applicant(s) of Hispanic or Latino ethnicity.
3. Black/African American, not Hispanic or Latino applicant(s).
4. Native Hawaiian/Pacific Islander applicant(s).
5. Asian applicants
6. Alaskan/Native American applicant(s).
7. Applicants of tow (2) or more races (please specify races).

F. The total number of adoptive placements made by the Colorado agency within a calendar year which resulted in:

1. Disruption of the placement.
2. Dissolution of the adoption.

**12 CCR 2509-8:7.710.8**  
**12 Colo. Code Regs. 2509-8:7.710.8**Alternatively cited as **12 CO ADC 2509-8**  
**2509-8:7.710.8. IDENTIFYING AND NON-IDENTIFYING INFORMATION**

Release of identifying information may occur only as listed in current statute or by court order.

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A. Non-identifying information is defined as information which does not disclose the name, address, place of employment or any other material information which would lead to the identification of the birth parents. Non-identifying information includes only the following:

1. The physical description of the birth parents.
2. The educational level achieved by the birth parents.
3. The occupation of the birth parents at the time of the child's birth.
4. Genetic information about the birth families.
5. Medical information about the adult adoptee's birth.

B. Child placement agencies authorized by the Colorado Department of Human Services, Division of Child Welfare, to release information shall be qualified as follows:

1. Any agency selected shall be a non-profit agency which has been licensed for at least five years by the State Department to provide adoptive services and is in good standing with the State Department.
2. The agency will submit a written policy which includes the following:
  - a. A written statement, signed by the Executive Director of the agency, stating the agency shall maintain all information which identifies members of the birth family strictly confidential. In addition, the agency shall identify by name all staff involved in the provision of this service and shall furnish copies of statements agreeing to preserve confidentiality signed by members of the staff who will be handling the material.
  - b. Agreements for the physical security of any material.
  - c. Fees to be charged and a sliding fee schedule for low income persons.
  - d. Policy for releasing the information and type of material that is to be included. Information must be released in written form by placement workers on approval of the placement supervisor.

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e. Time frame for response to requests.

f. Development of written information to be given to the persons seeking non-identifying information prior to providing the service which outlines the agency's procedures and fees for these services.

C. The agencies selected shall agree to participate in any training provided by the State Department.

D. The agencies selected will return to the State Department the record and a copy of the material released within thirty (30) calendar days of release of the information.

#### 12 CCR 2509-8:7.710.9

12 Colo. Code Regs. 2509-8:7.710.9 Alternatively cited as 12 CO ADC 2509-8

#### 2509-8:7.710.9. NON-PUBLIC INTERSTATE AND INTERCOUNTRY ADOPTIONS

##### **7.710.91 Non-Public Agency**

Pursuant to Section 19-5-205.5, C.R.S., the State Department shall select a non-public agency to perform the administrative review and approval or denial functions required by the Interstate Compact on the Placement of Children (ICPC) and statutes governing foreign adoptions. Agencies selected by the State Department to provide these functions shall hereafter be referred to as "selected agencies".

Agencies that perform or assist in obtaining adoptive placements shall hereafter be referred to as "placing agencies." The Interstate Compact defines the persons and agencies who, when they place a child from one state into another state, shall follow ICPC procedures. These persons and agencies are referred to as "sending agencies" (per Section 7.307.2, 12 CCR 2509-4)

##### **7.710.92 Qualifying Criteria for Selection of a Non-Public Agency**

A. The agency selected to perform this administrative function shall be either a licensed child placement agency designated to facilitate adoptions or a non-public agency that meets the criteria to be a licensed child placement agency that facilitate adoptions.

B. A designated placement supervisor or an individual who meets the criteria to be a designated placement supervisor shall sign documents related to interstate or foreign adoptions (see Section 7.710.22, A, 6).

C. Supervision of the position(s) responsible for performing this administrative function shall be provided from within the selected agency by a position(s) that is a designated placement supervisor or meets the criteria to be a designated placement supervisor.



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D. The selected agency shall have been a licensed child placement agency in good standing with the State Department or have met the criteria to be a licensed child placement agency for at least five (5) years.

E. Selected agencies shall not perform this administrative function regarding cases in which they are the placing agencies or have any other vested interest in the outcome of the administrative review since such action would constitute a conflict of interest.

The selected agency shall submit such cases to a non-public agency with which it subcontracts to perform the administrative function. The agency with which the selected agency subcontracts must meet the same qualifying criteria as a selected agency pursuant to this section.

### **7.710.93 Interstate Non-Public Adoptions**

#### **A. Where and How to Send Adoptive Placement Request Packets**

Adoptive placement request packets shall be sent in triplicate by the sending agency to the selected agency. The name and address of such agency shall be distributed by the State Department.

#### **B. Time Frame for Processing Adoptive Placement Request Packets**

1. Upon receipt of a co [FN1] for the administrative services of the selected agency, the selected agency shall review the request packets and shall grant or deny permission for the placement to occur within three business days, excluding weekends and holidays.

2. Upon receipt of a complete set of request packets from a Colorado local agency for an adoptive placement into another state, including the fee for the administrative services of the selected agency, the selected agency shall review the request packets for compliance with Colorado laws and procedures, and the packets, including the accompanying 100-A, signed and dated by the authorized signer or the designee of that authorized signer, shall be sent on to the receiving state ICPC office within three business days, excluding weekends and holidays.

3. Permission for the placement to occur or denial of the placement request shall be signified by the dated signature of the authorized signer or the designee of that authorized signer on the Form 100-A that accompanied the request packets. If verbal permission for placement of the child who is the subject of the placement request is initially given to the sending state ICPC office, it shall only be considered a valid form of permission for placement if such verbal permission is immediately followed by the properly signed 100-A being sent by facsimile process to the sending state ICPC office. Within twenty-four (24) hours of such facsimile being sent, copies of the original 100-A and an accompanying memo from the authorized signer of the 100-A that is written on the letterhead stationery of the selected agency shall be mailed to the sending state ICPC office and its local agency.

4. The authorized staff in the selected agency shall work with the sending state ICPC office, and/or with

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Colorado's local sending agency, and with other parties involved with a requested adoptive placement to assist the sending party in bringing the request packets into compliance with applicable statutes and/or rules and regulations. As soon as possible, while such compliance issues are being clarified and potentially resolved, it shall be one option of the selected agency to return incomplete packets to the sending state ICPC office.

C. Materials Required in Adoptive Request Packets for Children for Whom an Adoptive Placement into Another State is Requested

1. Court documents showing the child is free for adoption. All birth parents who are residents of Colorado shall relinquish in a Colorado court and fulfill all Colorado statutory requirements for relinquishment. Adoption consent forms from other states signed by Colorado residents shall not be considered legal in Colorado.

2. Birth and discharge medical information on the child from the hospital where the child was born.

3. Birth Parent counseling report and affidavit from a licensed child placement agency in Colorado regarding the birth parents.

4. Genetic/medical/social background information regarding the birth parents

5. Written study regarding the adoptive parent(s) that has been completed and approved by a Colorado licensed child placement agency or individual legally approved by the receiving state to perform such studies. Adoptive studies or their updates shall be no more than one year old.

6. Itemized list of monies paid to attorneys, agencies and birth parents, including a statement that no money has been paid to locate for adoption the child who is the subject of the 100-A. This list shall separately specify all fees and costs charged for services associated with the review and approval of interstate adoptions.

7. Documentation of compliance with the Indian Child Welfare Act.

8. The name of any Colorado and/or out-of-state attorney involved in the requested placement.

9. If legal rights have not been terminated or legally relinquished by both birth parents, a legal risk statement shall be signed by the adoptive parents, accompanied by documentation certifying the initiation of relinquishment or termination court procedures.

D. Materials Required in Request Packets for Children to be Placed into Colorado from Another State The materials required in request packets for children to be placed into Colorado from another state are identical to the

Colorado Administrative Code \_Title 2500. Department of Human Services\_2509. Social Services Rules (Volume 7; At-Risk Adults, Child Welfare, Child Care Facilities)\_12 CCR 2509-8. Rule Manual Volume 7 Child Care Facility Licensing\_7.710. Rules Governing Child Placement Agencies materials described in Section 7.710.93, C, with the following exceptions. If the sending state does not require proof of relinquishment counseling, Colorado shall not require this in order to approve an adoptive placement into this state. The fulfillment of the sending state's requirements regarding consent forms shall satisfy Colorado's requirements for purposes of approval of the adoptive placement.

#### **7.710.94 Non-Public Foreign Adoptions**

##### **A. Requests for Approval of USCIS Recommendation**

For each adoptive family assessed for placement of a foreign national, the agency shall submit the following information to the selected agency:

1. Three (3) copies of the USCIS recommendation form with Section I completed, signed and dated.
2. Applicable fees.
3. An adoptive family assessment completed in accordance with Section 7.710.56.
4. Medical and/or legal documents of the foreign national, if available.
5. A statement of affirmation signed by the Executive Director that the Colorado licensed child placement agency has documentation as required in Section 7.710.64, C, 2.
6. Copies of any and all agreements that the Colorado licensed child placement agency has to verify compliance with Section 7.710.64, C and D.
7. A copy of the foreign country's adoption eligibility requirements.

##### **B. Time Frames and Procedures for Processing Requests for Recommendations**

The following case materials with the appropriate fees shall be forwarded to the selected agency for review. The name and address of the agency shall be distributed by the State Department.

1. Upon receipt of a properly completed recommendation form and attachments in accordance with Section 7.710.94, A, the selected agency shall review and grant or deny the approval within twenty-four (24) hours of receipt, excluding weekends and holidays.

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2. In the event of an unresolved concern or dispute between the sending Colorado agency and the selected agency regarding the role of the selected agency, the selected agency may refer the case to the Colorado State Department for review and resolution after reasonable attempts to obtain needed clarifications or additional information have been unsuccessful.

3. After approving the recommendation, the original plus one copy shall be returned to the Colorado agency.

#### C. Notice of Arrival

1. As soon as possible, but no later than six (6) months after arrival in the U.S., the Colorado agency shall send to the selected agency a notice of arrival which contains the following information:

a. The adoptive parent(s)' names and addresses.

b. The child's birth name, adoptive name, sex and date of birth.

c. If at any time in the process the licensed agency or prospective adoptive family becomes aware that the child's adoption will not be finalized in the foreign country, the family and agency are to notify the state in writing of the changes with an explanation as to the reasons for the change in status. If the child returns to the state and was not legally adopted in the foreign country, all documents concerning the child's legal status and the type of visa which was issued allowing entrance into the United States shall be submitted to the Colorado Department of Human Services, Division of Child Care, for review by appropriate entities. The licensed adoption agency shall ensure that the home is certified as a foster home.

d. The name of the county in which the adoption will be either finalized or validated.

2. The agency shall send the selected agency the following documents with the notice of arrival:

a. An English translation copy of the child's original birth certificate with child's birth name.

b. An English translation copy of the foreign adoption decree or, if the adoption was not finalized in the foreign country, translated documents transferring guardianship to the agency and/or prospective adoptive parents.

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3. Pursuant to Colorado statute, the selected agency shall generate a letter to the appropriate District Court and return the letter to the licensed agency for submission to the court.

#### **7.710.95 Confidential Case Files and Data System**

The selected agency shall maintain confidential case files and a data system for all interstate and intercountry adoptive placement requests it processes. Such files and data must be available at all times to representatives of the State Department.

#### **7.710.96 Conflict of Interest**

Selected agencies and the agencies with which they subcontract are prohibited from engaging in conflict of interest in the manner in which they conduct the administrative function associated with non-public interstate or intercountry adoptions and authorized by statute and rules. Conflict of interest is defined in Section EE of the Administrative Information that accompanies the contract between the Colorado Department of Human Services and the selected agency.

#### **7.710.97 Guidelines for Fees Charged by the Selected Agency to Provide the Administrative Function Associated with Non-Public Interstate or Foreign Adoptions**

A. The selected agency shall not charge in excess of a \$250 flat fee to provide the administrative function associated with non-public interstate and intercountry adoptions as authorized by statute and rules.

1. For interstate placement requests, the fiat fee shall include the processing of all required materials and providing procedures necessary to process the request.

2. For foreign adoptive requests the flat fee shall include authorization review, INS recommendation, processing the arrival notice and the court letter, if an approved family changes to another country requiring a new INS form there may be an additional charge not to exceed fifty dollars.

B. The fee charged for this service shall reflect the cost to the selected agency of direct and indirect expenses associated with the provision of administrative services required by statute and rules for the review and approval of interstate and intercountry adoptive requests.

C. The fee covers indirect costs associated with initial inquiries prior to the establishment of an adoptive placement request or other inquiries about interstate or intercountry requests.

#### **7.710.98 Standards by which the Colorado Department of Human Services Shall Evaluate the Delivery of Services by the Selected Non-Public Agency**

The Colorado Department of Human Services shall monitor the selected agency to determine compliance with Sections 7.710.91 - 7.710.97, in accordance with Section 19-5-205.5(2)(b), (I-X), C.R.S.

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A. The State Department shall conduct a site visit to the selected agency(ies) and review interstate and foreign adoption files that are a representative sample of pending, open and closed files.

B. The State Department shall conduct a site visit on at least a semi-annual basis.

1. Within thirty (30) calendar days following each site visit, the State Department will provide the selected agency(ies) with a written evaluation that indicates the following:

a. Whether or not the agency is in compliance with rules.

b. What corrections, if any, are necessary in order to be in compliance.

c. If there are corrections to be made, the time frame within which these corrections are to be made.

2. Failure by the selected agency(ies) to make corrections that have been indicated in the written evaluation of the site visit shall be grounds for the Colorado Department of Human Services to terminate the contract between it and the selected agency(ies).