



National Association of Public Child Welfare Administrators

an affiliate of the American Public Human Services Association

How States are Implementing the Fostering Connections Act

Colorado’s At-risk Children

In 2007, 10,103 children or 8 percent of those referred for investigation were found to be abused or neglected. This represents 8.3 children per thousand in the state. It is an increase from the 9,153 founded cases in 2004, which represents 7.8 children per thousand. (This is a rate calculated based on Kids count data). Colorado operates a state-supervised, county-administered social service system. Services are provided directly by County Departments of Human/Social Services or by the Colorado Department of Human Services (CDHS), Division of Child Welfare Services (DCWS) through direct contract programs.

In the state fiscal year (SFY) 2008, 41,785 children received services from DCWS. Out of home (OOH) placement services were provided to 12,838 children. Permanency goals for these children were as follows:

Table with 2 columns: Permanency Goal, Children. Rows include Adoption (non-relative), Legal guardianship/permanent (non-relative), Other planned Permanent Living Arrangement/Relative Long Term Foster Care, etc.

There were 7,911 children in Foster/Group homes, 3,415 in residential care and 1,036 left care in finalized adoptions.

The number of children receiving protective services has been decreasing and the number of children in foster care has been decreasing. This is attributed to the number of entries being lower. The length of stay has decreased and an emphasis placed on supporting and sustaining families to secure children safely in their own homes, which includes intensive services for children with behavioral, physical and mental health issues.

Colorado’s Budget Landscape

Colorado is preparing to respond to its current budget shortfall at all levels of government. All state executive departments, including CDHS, must identify ways to meet the reduction targets. A hiring freeze was implemented with restrictions on which positions could be hired and four furlough days are required by December 2009. Based on the most recent economic forecast, CDHS has had to lay off several positions and travel is restricted. Local county governments are also adjusting their spending. This includes staff layoffs, furlough days and rate reductions to providers.

P.L. 110-351 State Options

Guardianship Assistance Program (GAP) will be implemented in Colorado. Colorado has long encouraged kin to become certified foster homes and has used TANF dollars to support these placements, but a Relative Guardianship Program will be new for the state. In the last legislative session, a placeholder was incorporated in Senate Bill 09-245 for a Relative Guardianship Assistance Program but there was no appropriation for implementation. However, a modification to another bill that was passed and signed provided funds to enhance the state automated system and the transition should

occur in 2010.<sup>8</sup> (*Certified* in Colorado is equivalent to *licensed* in other states and the federal safety standards are met.) Colorado has implemented non-safety waivers since 2002 for Kinship Family Foster Care through the Child Care Appeal Panel, which has statutory authority to allow waivers). The primary requests are for space limitations and for sleeping arrangements. No adjustments are necessary to current policies regarding waivers. Rules will be promulgated to allow for implementation of the Relative Guardianship Assistance Program, which will be implemented in early 2010. Initial cost for non-recurring expenses may have a budget impact, however implementation of monthly assistance will be cost neutral.

**Support to eligible young adults aged 19, 20, or 21** option will not be implemented in Colorado at this time due to budget constraints. Youth age out of care at age 18 unless there is a court order to extend a child's stay in care and custody. Court orders to retain custody are generally tied to the continuance of federal programs for the physically, emotionally or mentally disabled.<sup>9</sup> In addition, all former foster youth who meet specific requirements are eligible for Medicaid coverage to age 21. Those included are youth who emancipated foster care at age 18 and youth who had an Adoption Assistance Agreement at age 18. The Orphan Foundation of America is contracted to manage Chafee Education and Training Vouchers (ETVs) for Colorado. Eligible foster youth are those who are 17 to 23 years old; they must apply before their 21<sup>st</sup> birthday. Eligible adoptive youth are those who have been adopted from foster care on or after their 16<sup>th</sup> birthday; are 17 to 23 years old; and apply before their 21<sup>st</sup> birthday. Once determined eligible, the youth/young adults may continue to receive ETV funding as long as they are making continuous progress toward a degree or certificate. Progress is defined as maintaining a minimum 2.0 grade point average and enrolling in a minimum of 9 credit hours for first-semester freshman, and a maximum of 18 hours in any semester. Summer session's minimum is 3 credit hours. The level of funding provided is based upon the student's unmet need up to \$5,000 per academic year, and may be used for tuition and fees, room and board, books, a computer, transportation, health insurance, child care and living expenses. Eligibility is limited to US citizens.

**Support to eligible youth who exit care to guardianship or adoption after age 16** regrettably cannot be operationalized at this time due to economic conditions. Colorado does not distinguish between those that are eligible for IV-E funding and those that are not

### **Colorado Tribes**

There are two federally recognized tribes in Colorado: the Southern Ute and the Mountain Ute. Both tribes have expressed interest in establishing IV-E programs under the act and Colorado is providing technical assistance to them toward that end. Colorado's Statewide Automated Child Welfare Information System (SACWIS) tracks children receiving services who are part of a federally recognized tribe and those with tribal affiliation.<sup>10</sup> The Department has IV-E agreements with both tribes.

### **P.L. 110-351 Mandatory Provisions**

Colorado has not requested the U.S. Administration for Children and Families (ACF) to delay any of the mandatory provisions. The legal changes needed to meet the relative notification requirements were passed in the last legislative session. Any further changes will be incorporated in the "State Plan".

**Relative Notification** is required by Colorado State statutes, Senate Bill 09-245 and House Bill 05-1174. This legislation stipulates that the court shall order the parents (under penalty of perjury and contempt of court should they fail to comply) to submit an affidavit identifying adult relatives who may be able to provide care for the child. This affidavit must be submitted no later than seven business days after the date of the hearing placing the child in the care of the state or before the next scheduled hearing, whichever occurs first. Further, the court requires County Departments of Human/Social Services to exercise due diligence in contacting all grandparents and other adults relatives within thirty days following the removal of the child, unless the court determines there is good cause not to contact or to delay contacting the child's relatives.<sup>11</sup>

**Education stability** was incorporated into law by the Colorado legislature in 2008. Colorado statute provides compliance with the educational stability provision of P.L. 110-351. In 2008, House Bill 1019 created a child welfare education liaison designated by each school district and state charter school institute.<sup>12</sup> The child welfare education liaisons collaborate with child placement agencies, county departments, the state department, and schools to ensure proper school placement, transfer and enrollment of foster children.<sup>13</sup> The liaisons work with all parties to ensure a foster child remains in an educational situation that promotes stability. The law also requires schools to transfer education records

within five school days and that the receiving school admits these children within five days of receipt of a student's records.

**Sibling Connections** are given high priority by the child welfare system. Colorado statute assumes that the placement of sibling groups together is in the best interest of each child.<sup>14</sup> Therefore, the CDHS has current policies and practice to fulfill the mandatory sibling connections provision of P.L. 110-351. Colorado law also mandates that sibling groups in separate out-of-home placements remain connected.<sup>15</sup> The statute requires that the CDHS honor the mutual request of siblings to visit with sufficient frequency and duration if the request is in the best interest of all the children.<sup>16</sup> The CDSH must facilitate and document these visits. If the CDHS determines visits would not be in the best interest of one or more of the siblings, then it must document reasons for making its decision.<sup>17</sup>

**Health oversight and coordination** is being addressed by the State's DCWS and Medicaid agencies. Colorado is in compliance. Colorado has a mandatory requirement that every child in placement have a health passport. Medicaid-only benefits are available until age 21 to children exiting foster care and those adopted children who have emancipated.

**Transition planning for children aging out of foster care** starts with youth at age 16. For purposes of the Colorado Children's Code and delivery of social services, emancipation is considered to occur when a youth reaches age 18 and is no longer under the jurisdiction of the court, or is married, or enters military service. Colorado conducts an Independent Living assessment while the child is in care. This assessment includes an evaluation of the youth's daily living skills and documents the youth's strengths and needs, as well as capacity and motivation to learn the appropriate skills. Independent Living includes programs and services to prepare youth in out-of-home care for the transition from a structured living environment to living on their own. Services for all children in out-of-home care should include efforts to build life skills competency. An addendum to the case plan includes services designed to promote or enhance a youth's capacity to make a successful transition from out-of-home care to living independently and maintaining self-sufficiency. A rule that addresses the federal 90-day provision for a transitional plan will be in place by December 2009.

Youth between the ages of 18-21 and emancipated from care can receive housing supports from Chafee. Youth 18-22 who are homeless or at risk of becoming homeless may receive housing through 100 percent Section 8 rent vouchers provided through the Colorado Supportive Housing and Homeless Program (SHHP). The county child welfare agency assists both private and public agencies by providing verification of eligibility for Federal Unification Program (FUP) vouchers, based on a youth's age and foster care placement history. State-wide there are Workforce Centers that provide one stop employment services for youth and several have separate youth outreach centers that are youth-friendly and accessible. [www.e-colorado.org](http://www.e-colorado.org) is a noteworthy online resource that lists job fairs, employment tools, the Governor's Summer Job Hunt, peer mentoring/coaching opportunities, and a new Youth Net link that contains resources for youth with disabilities. Chafee provides services and education and training vouchers (ETVs).

### **Family Connections Grants**

Colorado has applied for three of the Family Connection Grants. They include a navigator system, intensive family finding, and family engagement incorporating decision-making models. The three grants build upon each other and will assist the state to build capacity to best serve children, youth, and families. The Kinship Navigator Program will assist kinship caregivers to learn about, find, and use programs and services to meet the needs of children they are raising, their own needs, and to promote effective partnerships between public and private agencies to assure that kinship families are served. Intensive Family Finding will allow county departments to use search technology to locate family members for children and youth who are at risk of out-of-home placement, in order to identify possible caregivers that will assure safety and prevent out-of-home care. For children who are already in out-of-home care, the search technology will be used to explore ways to find permanent family placements more quickly. Family Engagement Through Decision-Making Models will be consistently established using models such as team decision making (TDM), family unity meetings (FUM), family group decision-making (FGDM), and family group conferencing (FGC, etc. for children/youth in the child welfare system to enable families actively to participate in decision-making, and to develop plans that nurture children/youth and keep them safe. In addition, as appropriate, these highly participatory meetings are used to address issues regarding domestic violence and to connect children/youth who have been exposed to domestic violence to services and to reconnect them with the abused parent when appropriate.

### **Opportunities & Challenges**

The national economic climate has created barriers to the safe reduction of the number of children in foster care. It is increasingly difficult to help families find appropriate housing and care that will allow their children to return home.

Budget limitations also make it difficult to find appropriate treatment options to help families cope with mental health and substance abuse problems.

Colorado does an excellent job of involving the public and private community (e.g. faith-based organizations, mental health, corrections, etc) in serving children and families. In 2004, the Colorado Legislature passed House Bill 1451 (Cross System Reform), which provides for local-level interagency memoranda of understanding to coordinate services. The statute encourages agency providers of social services, including the local judicial districts, health departments, school districts, and community mental health services, to collaborate with key stakeholders in the private and nonprofit sectors, including child welfare advocacy organizations.<sup>18</sup> A memorandum of understanding must identify available services and funding sources; a defined population; an oversight group to review the adequacy of services provided; an established collaborative management process; authorization to create individual service and support teams; authorization to contribute resources and funding; reinvestment of moneys saved into child maltreatment preventive programming; performance-based measures of impact; and confidentiality compliance.<sup>19</sup> These collaboratives work at the community level to respond to social services needs and have funded projects in the arenas of substance abuse, education, and mental health.<sup>20</sup>

## Conclusion

Colorado advocates for a comprehensive integrated approach to child welfare that would unify funding streams, eligibility requirements and monitoring. De-linking foster care from the 1996 AFDC requirements would make more children eligible for IV-E and provide a new infusion of federal funds, freeing up more of the state's general revenues to support older youth and enable Colorado to implement the optional provisions of the Act. In Colorado, the Taxpayers Bill of Rights (TABOR) does not allow the use of these funds for non-mandatory federal provisions. TABOR is a way of limiting government growth. Increases in overall tax revenue are tied to inflation and population increases unless larger increases are approved by referendum.

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<sup>1</sup> *Colorado Child Welfare Child Maltreatment Victims*. Retrieved July 31, 2009 from [http://www.cdhs.state.co.us/childwelfare/PDFs/Maltreatment\\_Report\\_Revisted!\\_02-25-09.pdf](http://www.cdhs.state.co.us/childwelfare/PDFs/Maltreatment_Report_Revisted!_02-25-09.pdf)

<sup>2</sup> KidsCount Retrieved August 1, 2009 from <http://datacenter.kidscount.org/data/bystate/stateprofile.aspx?state=CO&group=grantee+loc=7&dt=1%2c3%2c2%2c4>.

<sup>3</sup> State of Colorado Annual Progress Services Report, June 30, 2008: FY 2007-2008 retrieved July 22, 2009 from <http://www.cdhs.co.us/childwelfare/formsandreports.htm>.

<sup>4</sup> Colorado Child Welfare Data, Forms, and Reports. *2008 Fact Sheet (07/01/2007 to 06/30/2008)*

<sup>5</sup> State Fiscal Year (SFY) 2008 Out of home placement data, final revision, Sean McCaw, Child Welfare Data unit, 8/12/2009

<sup>6</sup> Colorado Child Welfare Data, Forms, and Reports. Child Welfare Data, Forms, and Reports. *SFY 2008 Fact Sheet (07/-1/2007 to 06/30/2008)*. Retrieved July 31, 2009 from [http://www.cdhs.co.us/childwelfare/Documents/2008\\_FACT\\_Sheet\\_for\\_the-Division\\_of\\_Child\\_Welfare\\_11-04-2008\\_Final.doc](http://www.cdhs.co.us/childwelfare/Documents/2008_FACT_Sheet_for_the-Division_of_Child_Welfare_11-04-2008_Final.doc).

<sup>7</sup> Conference call with Sharon Ford, Permanency Services Manager, Division of Child Welfare Services on July 20, 2009.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Colorado Senate Bill 09-245

<sup>12</sup> Colorado House Bill 08-1019.

<sup>13</sup> Ibid.

<sup>14</sup> Colorado House Bill 05-1174.

<sup>15</sup> Colorado House Bill 08-1006.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Colorado House Bill 04-1451.

<sup>19</sup> Ibid.

<sup>20</sup> Conference call with Sharen Ford. Colorado Department of Human Services, Division of Child Welfare, July 20, 2009.