

2017

Regulatory **Agenda**



COLORADO
Department of Human Services

Overview

The Colorado Department of Human Services submits the following 2017 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department's "Regulatory Efficiencies Reviews" during 2017 (which are denoted as such in the "purpose" column). The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department's web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its "SMART Act" hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(III)(A).

The following constitutes Department of Human Services' DRA for 2016-2017 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

DHS #	Off	Div	CCR	Title	Description	New Rule, Revision, or repeal?	Statutory Authority	Stakeholders	Anticipated Schedule
TBD	OBH	CBH	2 CCR 502-1	Criminal Justice (21.230)	Revisions to section 21.230 will provide best practice updates for treatment of this specific population. Revision will also refine unclear language and ensure program requirements align with other state department rules and regulations.	Revision	HB 11-1303; HB 13-1156 17-2-201(5.7), C.R.S. (2016); 17-27.1-101(5)(a), C.R.S. (2016); 18-1.3.204(2)(c); 27-80, C.R.S. (2016)	State Judicial; Correctional Treatment Board; Dept of Public Safety; Dept of Corrections; Approved Treatment Providers	1st Reading January Effective April 2017
TBD	OBH	CBH	2 CCR 502-1	DUI Level II Four Plus	Create new rules for substance use treatment providers concerning the service provisions in treating an individual who has been convicted of four or more separate and distinct episodes of driving under the influence, driving while ability impaired, vehicular homicide, vehicular assault, or any combination thereof.	New	HB 15-1043; HB 11-1303 42-4-1301.3(4)(c)(IV), C.R.S. (2016)	DUI Licensed SUD Providers	1st Reading January Effective April 2017
TBD	OBH	CBH	2 CCR 502-1	Controlled Substances & OMAT (21.300 & 21.320)	Revisions to section 21.300 and 21.320 will refine unclear language to ensure these program requirements are better understood. The revisions will also ensure that individual and public safety is paramount when providing treatment services using controlled substances.	Revision	SB 12-1311 27-80-200, C.R.S. (2016); 18-18, C.R.S.(2016)	Licensed Controlled Substance Providers	1st Reading January Effective April 2017
TBD	OBH	CBH	2 CCR 502-1	Behavioral Health Licensure and Designation (21.120)	Revisions to section 21.120 will streamline and clarify the process of obtaining and maintaining a SUD license or mental health designation from the Department.	Revision	SB 10-175 27-65, C.R.S. (2016); 27-66, C.R.S. (2016); 27-80, C.R.S. (2016); 27-81, C.R.S. (2016); 27-82, C.R.S. (2016)	SUD Licensed and Mental Health Designated Facilities	1st Reading February Effective May 2017
	OBH	CBH	2 CCR 502-1	Controlled Substance License for Researchers	Pursuant to 27-80-200, C.R.S. (2016) and 18-18, C.R.S. (2016), rules are to be promulgated requiring that any person or analytical laboratory planning, conducting, or doing research with a controlled substance, schedule II through V, shall obtain a controlled substance research license from the Department.	New	SB 12-1311 27-80-200, C.R.S. (2016); 18-18, C.R.S. (2016)	Controlled Substance Researchers	1st Reading February Effective May 2017
	OBH	CBH	Pending	Addiction Counselor Training Program	Pursuant to 27-80-111, C.R.S. (2016), the executive director shall establish by rule fees to be charged for addiction counselor training.	New	SB 10-175 27-80-111, C.R.S. (2016)	Addiction Counselor Trainers and Facilities	1st Reading February Effective May 2017
	OCAI	AAS	12 CCR 2518-1	Definitions Related to At-Risk Persons	The bill implements the following recommendations of the at-risk adults with intellectual and developmental disabilities	Revision	HB 16-1394	County Depts of Human Services	1st Reading 10/7/2016 Effective

DHS #	Off	Div	CCR	Title	Description	New Rule, Revision, or repeal?	Statutory Authority	Stakeholders	Anticipated Schedule
					<p>mandatory reporting implementation task force:</p> <ul style="list-style-type: none"> Standardizing statutory definitions among the "CO Criminal Code", the Adult Protective Services in CDHS, and the office of Community Living in HCPF; Specifying that enhanced penalties for crimes against an at-risk person apply to all persons 70 years of age or older and to all persons with a disability; and Clarifying and expanding the definitions of persons who are required to report instances of mistreatment of at-risk elders or at-risk adults with an intellectual and developmental disability (adults with IDD). <p>The bill also:</p> <ul style="list-style-type: none"> Reduces the time when a law enforcement agency or county department is required to prepare a written report from 48 hours to 24 hours; Specifies that a county Dept of Human or Social Services is to conduct an investigation of allegations of mistreatment of an at-risk adult; and Clarifies that the human rights committee is responsible for ensuring that an investigation of mistreatment of an adult with IDD occurred. <p>Update definitions and other rules related to implementation of SB13-111, SB15-109, and HB16-1394</p>				January 2017
	OCAI	CCD HH	Pending	12 CCR 2516-1	<p>This rule-making proposal is to update three CCDHH program rules. These include Telecommunications Equipment Distribution Program, Legal Auxiliary Services, and Grant Program.</p>	Revision	26-21-(101-108), C.R.S.	Deaf community, hard-of-hearing community, deaf-blind community, commissioners of CCDHH, state agencies, members of the Advocacy Coalition for Equality	Not yet determined
15-5-8-1	OCAI	AAS	12 CCR 2518-1 30.100 - 830	Adult Protective Services Program Revisions	<p>The purpose of this proposed rule change is to update all Adult Protective Services (APS) rules to:</p> <ul style="list-style-type: none"> Align the rules with changes made to statute as a result of SB15-109 and HB16- 	Revision	SB15-109 and HB16-1394 26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 26-3.1-108, C.R.S.	Policy Advisory Committee; OES Sub-PAC; Child Welfare Sub-PAC; County Depts of Human/Social Services; CO Human Services Directors Assoc; CO Counties, Inc.; CO	1st Reading October Effective January 2017

DHS #	Off	Div	CCR	Title	Description	New Rule, Revision, or repeal?	Statutory Authority	Stakeholders	Anticipated Schedule
					1394, <ul style="list-style-type: none"> Remove redundant rules and requirements, Better align rules with current practice and the Colorado APS data system (CAPS), Better align rules with child protective services rules, as deemed appropriate, Improve APS practices that impact services for at-risk adults, and Make technical corrections. 		(2015)	Commission on Aging; CO Legal Services; CO Senior Lobby; Community Centered Boards; CDPHE, Health Facilities Division; HCPF, Division for Intellectual and Developmental Disabilities; Disability Law CO; Area Agencies on Aging; ARC of CO	
TBD	OCAI	TBI	1 CCR 201-17	Colorado Brain Injury Program Rule Updates FY 16/17	<p>Revise eligibility section 12.530 to align rule with state statute (CRS 26-1-3) by removing the requirement of residency.</p> <p>Revise eligibility section 12.530 to remove lawful presence requirements for the CBIP. The program meets an exception to the requirement that an agency verify an individual's lawful presence in the U.S. before the provision of state or federal benefits.</p> <p>Revise wording to describe that the grievance process shall be an informal (vs. informational) dispute resolution process.</p>	Revision	CRS 26-1-301 (2012), HB 06S-1023, CRS 24-76.5-103 (2016), 8 USC 1611, 8 USC 1621	Individuals and families affected by brain injury via CO Brain Injury Support Groups, Brain Injury Provider Networks, CO TBI Trust Fund Board of Directors, CO Dept of Education, HCPF, CDPHE, Brain injury Alliance of Colorado (BIAC), BIAC Board of Directors, State and Local-Level Judicial Branches	1st Reading January Effective April 2017
	OCYF	DCW	12 CCR 2509-4	Relative Guardianship Assistance Program	<p>"The bill expands the Relative Guardianship Assistance Program (RGAP) to allow legal permanency through Allocation of Parental Responsibilities (APR-Title 14), as well as the guardianship statute (Title 15). The bill revises the definition of relative and allows non-related foster parents with whom a youth who is at least 12 years of age, with a substantial psychological tie to the foster parent(s), and with whom the youth has resided for 12 months, to be guardians and receive post-permanency assistance through RGAP.</p> <p>Youth 12 and older must consent to the guardianship and younger siblings of these youth can also be included in the RGAP assistance agreement. The court must make findings for non-relative foster parents that it would be seriously detrimental to the</p>	Revision	HB 16-1448	County Depts, Judicial, children, youth and families, foster parents, certified kin foster parents	Initial Read 7/8/16 Final Adoption 8/5/16 Document 8

DHS #	Off	Div	CCR	Title	Description	New Rule, Revision, or repeal?	Statutory Authority	Stakeholders	Anticipated Schedule
					<p>youth to remove him/her from the foster parent's care and that the foster parent is unable to adopt because of exceptional circumstances but is willing and capable of providing the youth with a stable and permanent environment.</p> <p>Develop rules increasing options for RGAP eligibility, including the following:</p> <ul style="list-style-type: none"> • APR may be used to establish permanency; • Youth residing in a non-relative foster home (no relationship prior to placement) for at least one year, who are 12 years of age and older, and consent to permanency with the foster parent with whom they have a significant psychological tie; and, • Siblings residing in the same non-relative foster home. Reunification and adoption must be ruled out as appropriate permanency goals. 				
16-4-6-1 to 4	OCYF	DCW	12 CCR 2509-2	Child Abuse Involving Human Trafficking of Minors	<p>Adds to the definition of "abuse" or "child abuse or neglect" to include victims of human trafficking for involuntary servitude or sexual servitude, and requires county Depts to "immediately provide social services" to the child and family when the Dept reasonably believes the child is a victim of human trafficking by a third party.</p> <p>Human Trafficking Task Force will need to submit a rules package to be in compliance with requirements of the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183).</p>	Revision	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 19-1-103, C.R.S.(2015); 26-6-106.5 C.R.S. (2015)	County Depts, Judicial, children, youth and families, local law enforcement	<p>Initial Read 7/8/16 Final Adoption 8/5/16</p> <p>Documents 9, 10, & 11</p>
16-5-27-1	OCYF	DCW	12 CCR 2509-1 7.000	Clarification of Practice for Placement with Kin	<p>To implement new guidance regarding placement with kin in order to promote consistent practice statewide. The current rules are vague and confusing causing multiple interpretations of the rule and inconsistent practice statewide. County departments have requested a rule revision to clarify expectations when placing with kin and the Child Welfare Sub-PAC and PAC approved a Policy Submittal request for revision to the kinship rules.</p>	New and Revision	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 19-1-103, C.R.S.(2015); 26-6-106.5 C.R.S. (2015)	<p>Child Welfare Sub-PAC; Policy Advisory Committee; Colorado Counties, Inc. ; Colorado Association of Family and Children's Agencies; Court Appointed Special Advocates; Colorado Coalition of Adoptive Families; CDPHE; CO Human Services Directors Association; CO State Foster</p>	<p>1st Reading October Effective January 2017</p>

DHS #	Off	Div	CCR	Title	Description	New Rule, Revision, or repeal?	Statutory Authority	Stakeholders	Anticipated Schedule
								Parent Association; CO Trails User Group; Division of Child Welfare Child Protection, Permanency, Placement Services, and Youth Services Teams, Fostering CO; CO Kinship Alliance; Foster and Kinship Care Coordinators; Office of the Child's Representative; Rocky Mountain Children's Law Center; Child Protection Task Group; Pathways to Success Model Youth System Project Steering Committee and Workgroups, Permanency Task Group; Kinship Task Group; and CDHS Administrative Review Division	
16-5-27-2	OCYF	DCW	12 CCR 2509-4 7.304	Clarification of Practice for Placement with Kin	<p>Section 7.000.2 (12 CCR 2509-1), adds definitions for "conviction" and "pattern of misdemeanor" that will provide a common and consistent understanding of the terms. Currently these definitions exist in a different section of rule and are being relocated to definitions for consistency. Children, youth, kinship caregivers, foster care and kinship foster care providers, county departments of human or social services, CPAs, community providers, and other constituents will benefit from definitions being located in a centralized location. County departments of human or social services and CPAs may bear a minimal burden to notify staff and community partners of the location change.</p> <p>Section 7.304 (12 CCR 2509-4), revises and adds rules to clarify a number of pertinent issues involving living arrangements with kin including, legal custody status when a child/youth is placed in a non-certified kinship home (county involved vs. family arrangement); removal requirements; and</p>	New and Revision	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 19-1-103, C.R.S.(2015); 26-6-106.5 C.R.S. (2015)	Child Welfare Sub-PAC; Policy Advisory Committee; CO Counties, Inc.; CO Association of Family and Children's Agencies; Court Appointed Special Advocates; CO Coalition of Adoptive Families; CDPHE; CO Human Services Directors Association; CO State Foster Parent Association; CO Trails User Group; Division of Child Welfare Child Protection, Permanency, Placement Services, and Youth Services Teams, Fostering Colorado; CO Kinship Alliance; Foster and Kinship Care Coordinators; Office of the Child's Representative; Rocky Mountain Children's Law Center; Child Protection Task Group; Pathways to Success Model Youth System Project Steering Committee	1st Reading October Effective January 2017

DHS #	Off	Div	CCR	Title	Description	New Rule, Revision, or repeal?	Statutory Authority	Stakeholders	Anticipated Schedule
					consistent data entry when a child or youth is residing with kin. The rule establishes a practice framework outlining the possible options when placing with kinship caregivers.			and Workgroups, Permanency Task Group; Kinship Task Group; and CDHS Administrative Review Division	
16-4-8-1a	OCYF	DYC	12 CCR 2509-1	School Stability for Children and Youth in Out-of-Home Placement to Implement Federal Law	Rule changes to 7.300 and 7.000 are required to implement the educational stability provisions of the Fostering Connections and Increasing Adoptions Act of 2008 ("Fostering Connections") and the corresponding provisions in the Every Student Succeeds Act (2015). The following definition in 7.000 clarifies and supports the rules proposed in 7.300.	New and Revision	P.L. 110-351 Fostering connections to Success and Increasing adoptions act of 2008 H.R. 6893 26-1-107, C.R.S. (2016); 26-1-109, C.R.S. (2016); 26-1- 111, C.R.S. (2016); 42 U.S.C. § 675(1)(G) and (4)(A); 20 U.S.C. § 6311(g)(1)(E) and § 6312(c)(5)	Child Welfare Sub-PAC; Policy Advisory Committee; CO Counties, Inc.; CO Association of Family and Children's Agencies; Court Appointed Special Advocates; CO Coalition of Adoptive Families; CDPHE; CO Human Services Directors Assoc; CO Trails User Group; Div of Child Welfare Child Protection, Permanency, Placement Services, and Youth Services Teams, Office of the Child's Representative; Rocky Mountain Children's Law Center; Child Protection Task Group; Pathways to Success Model Youth System Project Steering Committee and Workgroups, Permanency Task Group; Kinship Task Group; CDHS Admin Review Div; and CWELC Educational Outcomes Steering Committee	1st Reading November Effective February 2017
16-4-8-1b	OCYF	DCW	12 CCR 2509-4	School Stability for Children and Youth in Out-of-Home Placement to Implement Federal Law	Rule change is required to implement the educational stability provisions of the Fostering Connections and Increasing Adoptions Act of 2008 ("Fostering Connections") and the corresponding provisions in the Every Student Succeeds Act (2015)	New and Revision	P.L. 110-351 Fostering connections to Success and Increasing adoptions act of 2008 H.R. 6893 26-1-107, C.R.S. (2016); 26-1-109, C.R.S. (2016); 26-1- 111, C.R.S. (2016); 42 U.S.C. § 675(1)(G) and (4)(A); 20 U.S.C. § 6311(g)(1)(E) and §	Child Welfare Sub-PAC; Policy Advisory Committee; CO Counties, Inc.; Colorado Assoc of Family and Children's Agencies; Court Appointed Special Advocates; CO Coalition of Adoptive Families; CDPHE; CO Human Services Directors Assoc; CO Trails User Group; Div of Child Welfare Child Protection, Permanency,	1st Reading November Effective February 2017

DHS #	Off	Div	CCR	Title	Description	New Rule, Revision, or repeal?	Statutory Authority	Stakeholders	Anticipated Schedule
							6312(c)(5)	Placement Services, and Youth Services Teams, Office of the Child's Representative; Rocky Mountain Children's Law Center; Child Protection Task Group; Pathways to Success Model Youth System Project Steering Committee and Workgroups, Permanency Task Group; Kinship Task Group; CDHS Admin Review Div; and CWELC Educ Outcomes Steering Committee	
16-4-8-1	OCYF	DCW	12 CCR 2509-8	Modifications to Child Care Facility Licensing	The purpose of this rule packet is to align expectations between CPAs and County Foster Homes and to clarify policy interpretations as requested through SubPAC and identified by DCW and ARD.	New, Revision, and Repeal	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 19-1-103, C.R.S. (2015); 26-6-106.5 C.R.S. (2015)	Child Welfare Sub-PAC; Policy Advisory Committee; CO Counties, Inc.; CO Assoc of Family and Children's Agencies; Court Appointed Special Advocates; CO Coalition of Adoptive Families; CDHPE; CO Human Services Directors Association; CO State Foster Parent Association; CO Trails User Group; Division of Child Welfare Child Protection, Permanency, Placement Services, and Youth Services Teams, Fostering CO; Colorado Kinship Alliance; Foster and Kinship Care Coordinators; Office of the Child's Representative; Rocky Mountain Children's Law Center; Child Protection Task Group; Pathways to Success Model Youth System Project Steering Committee and Workgroups, Permanency Task Group; Kinship Task Group; and CDHS Admin Review Div	1st Reading December Effective March 2017

DHS #	Off	Div	CCR	Title	Description	New Rule, Revision, or repeal?	Statutory Authority	Stakeholders	Anticipated Schedule
TBD	OCYF	DCW	12 CCR 2509-2	Review of Hotline Rules (7.102) AND Reorganize and Enhance Training Rules (7.603.1)	To update the rules for training and minimum qualifications to ensure clear language and intent, as well as a consistent feel throughout the section as part of 7.603 is currently being updated for hotline.	Revision	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 19-1-103, C.R.S.(2015); 26-6-106.5 C.R.S. (2015)	Child Welfare Sub-PAC; Policy Advisory Committee; CO Counties, Inc.; Court Appointed Special Advocates; CO Human Services Directors Assoc; CO Trails User Group; Division of Child Welfare Child Protection, Hotline Teams, Office of the Child's Representative; Rocky Mountain Children's Law Center; Child Protection Task Group; and CDHS Admin Review Div	1st Reading December Effective March 2017
16-5-9-1	OCYF	DCW	12 CCR 2509-2	Assessment of Intrafamilial, Institutional, and Third-Party Abuse and/or Neglect	The purpose of this rule packet is to ensure alignment between rule, the state automated case management system, tools, training, federal legislation, and state statute; and to clarify policy interpretation as requested through SubPAC and identified by DCW and ARD.	Revision	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 19-1-103, C.R.S.(2015); 26-6-106.5 C.R.S. (2015)	Child Welfare Sub-PAC; Policy Advisory Committee; CO Counties, Inc.; Court Appointed Special Advocates; CO Human Services Directors Association; CO Trails User Group; Div of Child Welfare Child Protection, Hotline Teams, Office of the Child's Representative; Rocky Mountain Children's Law Center; Child Protection Task Group; and CDHS Admin Review Div	1st Reading February Effective May 2017
TBD	OEC	DECL	9 CCR 2503-9	Aligning CCCAP with Federal Changes	Federal Rules for CCDBG were passed on September 30, 2016 and go into effect on November 29, 2016. Changes to current CCCAP rules will need to be made to align State rule with Federal Rule.	Revision	Admin for Children and Families; 45 CFR Part 98; RIN 0970-AC67; Child Care and Dev Fund Prog	County Depts of Human Services; Families/Children eligible for CCCAP	Late 2017
TBD	OEC	DECL	12 CCR 2509-8	Immunization Records for Temporary Child Care	<ul style="list-style-type: none"> Clarify the requirement for a licensed child care center to obtain immunization records. This would impact children in attendance for 15 days or less during a three month period of time. 	Revision	HB 16-1425 26-6-106(1)(a), and 26-6-113	Child care facilities licensed as camps	Late 2017

DHS #	Off	Div	CCR	Title	Description	New Rule, Revision, or repeal?	Statutory Authority	Stakeholders	Anticipated Schedule
					Update language regarding immunization requirements for child care immunization for children's camps.				
TBD	OEC	DECL	12 CCR 2509-8	Revisions to Rules Regulating School-Aged Child Care Centers	Mandatory periodic review of rules and procedures. Update rules to reflect current best practice standards and stakeholder requests.	New, revision, and repeal	26-6-106(1)(a), and 26-6-113	School-Aged child Care providers, Health Dept. , Nurse Consultants	Fall 2017
TBD	OEC	DECL	12 CCR 2509-8	Revisions to Rules Regulating Children's Resident Camps	Mandatory periodic review of rules and procedures. Update rules to reflect current best practice standards and stakeholder requests.	New, revision, and repeal	26-6-106(1)(a), and 26-6-113	Children's Resident Camp providers, Health Dept. , Nurse Consultants, licensing advisory committee	Fall 2017
TBD	OEC	DCFS	12 CCR 2509-10	Revisions to Rules Regarding Procedural Safeguards and Dispute Resolution	Alignment of rules with current federal regulations. Federal references to rule where missing. Moving anything that was previous a procedure into rules for clarity.	Revision	34 C.F.R. Sections 303.430 - 303.434 and 303.435 - 303.438	Community Centered Boards, providers, families of children eligible for EI	Mid 2017
TBD	OEC	DCFS	12 CCR 2509-10	Revisions to Rules Regarding Consistency in Language and Other Technical Changes	Review and change of rules for consistent terminology where needed. Movement of procedures to rule where appropriate for clarity.	Revisions	12 CCR 2509-10	Community Centered Boards, providers	Mid 2017
TBD	OEC		12 CCR 2509-8	Early Childhood Council	The Early Childhood Council statutes create a statewide system of local councils intended to coordinate community-level, public and private stakeholders in the delivery of accessible, quality child care services. See §§ 26-6.5-101 et seq., C.R.S. (2014). Article 6.5 provides the State Department of Human Services shall ""govern"" the Councils and adopt rules that define a procedure for the organizations to apply to become Councils and the criteria applicants must satisfy before their applications are accepted. The statutes also require rule making by the State Board of Human Services. This rule package addresses the following requirements for Early Childhood Councils: Creation and Reconfiguration, Service Area, Governance, Duties and Deliverables, State Department Funding Requirements	New	26-6.5-103.3, § 26-6.5-104(2)(a), C.R.S. (2007), §§ 26-6.5-103(1), 103.3(5), C.R.S. (2007)	Early Childhood Councils, Early Childhood Council Leadership Alliance, Early Childhood Council Leadership Alliance Board Members, Early Childhood Leadership Commission, OEC Sub-PAC	1st Reading December Effective March 2017

DHS #	Off	Div	CCR	Title	Description	New Rule, Revision, or repeal?	Statutory Authority	Stakeholders	Anticipated Schedule
16-6-1-1	OES	CS	9 CCR 2504-1 6.240.2, 6.904 (New)	Implementing HB16-1165 Child Support Commission Bill	<p>To implement HB 16-1165 that changed the threshold income requirement under which parents are required to provide medical insurance for their children subject to a child support order. The legislation also authorizes the Division of Child Support Services to administratively attach proceeds from insurance settlements due to obligors that owe past-due child support.</p> <p>Pursuant to 45 CFR 303.31, and 14-10-115, C.R.S., parents are obligated to provide medical support for the children that are subject to a child support order. An exception to this requirement is made where the cost of the child's share of the medical insurance premium is not reasonable, which is now defined as 5% or more of the parent's gross income. This is a change from the 20% of a parent's gross income threshold that was previously used to define reasonable cost. Therefore, the rule that included the 20% provision now needs to be changed to 5% in order to comply with the legislation.</p> <p>A new section of rules is being created to implement the admin attachment of insurance claim payments, awards, and settlements through the Child Support Lien Network or a similar program. An obligor will qualify for the admin enforcement remedy when there is an arrears balance of \$500.00 or more, totaled across all of the obligor's orders. Any fees assessed will be recovered from the monies collected. A notice will be generated to the obligor when a case is matched with the remedy, that notice will include information as to the admin review process. An obligor will have 30 days from issuance of the notice to request an admin review of the case.</p>		<p>HB 16-1165 26-1-107, C.R.S. (2015) ; 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 26-13-122.7, C.R.S.; 14-10-115, C.R.S; 26-13-121.5, C.R.S; 42 U.S.C. 666; 45 CFR 303.31</p>	<p>County directors, County child support administrators, Federal Office of Child Support Enforcement, Child Support Lien Network, HCPF, Judicial Department, CO Legal Services, Center on Fathering</p>	<p>1st Reading October Effective January 2017</p>

DHS #	Off	Div	CCR	Title	Description	New Rule, Revision, or repeal?	Statutory Authority	Stakeholders	Anticipated Schedule
16-7-12-1	OES	CS	9 CCR 2504-1	Revisions to the Child Support Rules for SB15-012 Pass Through Project	Implementation of Pass Through legislation requires changes to the rules so IV-A current support collections would distribute and disburse to families and would no longer be retained. Definitions will be changed to define Pass Through terms used in the allocation, distribution, and disbursement of child support payments. Distribution rule changes will allow IV-A current support collections to apply to unfunded disbursements according to the agreement with the obligee then be paid to the family when the State's Pass Through legislation is funded. Disbursement rule changes will require IV-A current support collections to be disbursed to the family within two business days when the State's Pass Through legislation is funded.	Revision	SB15-012	County Human Services Directors Association, The Legal Center, All Families Deserve a Chance Coalition, OES Sub-PAC, County Child Support Services Administrators, County CO Works Administrators, Regional Partners—Federal Office of Child Support Enforcement, HCPF, CDHS Food and Energy Assistance Div, CO Center on Law & Policy, CO Legal Services, and Fatherhood Program.	1st Reading December Effective March 2017
16-4-25-2	OES	FA	10 CCR 2506-1	Permanent from Emergency Food Assistance FFY17 Standard Utility Allowance Update and Cost of Living Adjustment	Purpose is to revise five Food Assistance Program rules at 10 CCR 2506-1 to outline the Federal Fiscal Year) 2017 income eligibility standards and deductions that are adjusted annually and made effective each October 1st. Also to revise Food Assistance Program rule 4.407.31(A-D), "Four-Tiered Mandatory Standard Utility Allowance," to incorporate the FFY 2017 standard utility allowances.	Revision	26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); - 26-2-301 (2016), C.R.S.; 26-2-302 (2016), C.R.S.; Agricultural Act of 2014 (Public Law 113-79); 7 CFR 273.9(a); 7 CFR 273.9(d)(1)(i); 7 CFR [273.9] (d)(6)(iii); 7 CFR 273.10(e)(4)(i); 7 CFR 273.10(e)(2)(ii)(c); 7 CFR 273.12(e); 7 CFR 273.9(D)(6)(ii)	Office of Economic Security Sub-Pac; Food Assistance Performance Improvement Plan monthly meeting which consists of representatives from the ten largest counties	1st Reading August Effective January 2017
16-6-28-1	OES	CO Works	9 CCR 2506-1	Revisions to Colorado Works Rules for SB15-012 Pass Through Project	The half sibling rule would be eliminated since current support will be passed through to the assistance unit without detriment and will also be less confusing for the technician's workflow. The change for assignment of current child support would allow it to be passed to the assistance unit instead of retained following the legislation changes. At intake, Child Support received will continue to be treated as it is today and compared against the Need Standard to determine eligibility. If the	Revision	SB15-012	County Human Services Dirs Association, The Legal Center, All Families Deserve a Chance Coalition, Office of Economic Security Sub-PAC, County Child Support Services Admin, County CO Works Admin, Regional Partners—Federal Office of Child Support Enforcement, HCPF, CDHS Food and Energy Assistance Division, CO	1st Reading December Effective March 2017

DHS #	Off	Div	CCR	Title	Description	New Rule, Revision, or repeal?	Statutory Authority	Stakeholders	Anticipated Schedule
					assistance unit is under the need standard, Child Support income will not be used in determining the grant amount. For ongoing cases (during the certification period), all Child Support income will not be counted. It will not be used in determining the grant amount and will not be compared to the need standard. Change agency name to Child Support Services.			Center on Law & Policy, CO Legal Services, and the Fatherhood Program	
TBD	OPSO	ARD	12 CCR 2509-2	State Review of an Incident of Egregious Abuse or Neglect, Near Fatality or Fatality of a Child	The requirement would mandate that the county department(s) participate in the review in person, by telephone, or through other emerging technology.	Revision	C.R.S. 26-1-139	County Departments	Early 2017
16-10-17-1	OPSO	Audit	11 CCR 2508-1	Revisions to Finance and Accounting Rules (Volume 5)	Minor revisions to the fiscal rules for county departments of social/human services to remove outdated references and other minor edits.	Revision	2 C.F.R. Part 200	County Departments	First reading in December 2016 Effective in March 2017