

## Finding and Fighting For the Best Placements for Kids

Jennifer Lundin, Esq.  
Shirley Gien, Esq.

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## Caselaw and Statutes

- Statutes and cases addressing placement – see materials
  - New CRS sec 19-3-703
  - Applicable caselaw summary
- OCR Caselaw Archive -  
<http://www.coloradochildrep.org/attorney-center/case-law-archive/>

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## Advocacy for the Right Placement and the Right Level of Care



1. Exploring Family
2. Evaluating Levels of Care
3. Meeting the Child's Specific Needs

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## 1. Exploring Family

- Have all family options been explored? Is it time for a new Diligent Search?
- Ask the child about kin placement options – Neighbors? Teachers? Coaches? Mentors?
- Are siblings' placements an option? Are siblings themselves a placement option?
- Start ICPC process EARLY for potential out of state placement – obtain court orders for home studies!

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## 1. Exploring Family (cont.)

- Volume 7 “Shall Nots”: What are the circumstances? Can the concerns be remediated?
  - Courts and GALs are not bound by Volume 7 – file a motion!
- Is the family appropriate, safe, able to meet the child's needs, and committed to the child?
  - Meet the family, see the home, and ask questions.
  - Can they keep boundaries with parents? Or is it a *de facto* return home?

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## 2. Evaluating Levels of Care (If not family, what level of care is right for the child?)

- The “Placement Packet” – review it – is it accurate? Is it fair to the child?
- Call CPAs and/or foster homes that you have a relationship with and make suggestions to the department.
- Return to court quickly and hold DHS accountable – question “reasonable efforts” and ask for details.
- Families First – will limit congregate care options.



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Families First

- Implementation early 2020 in Colorado.
- Federal legislation specifying that federal funds are only available for certain qualifying non-kin placements –
  - QRTP's (Qualified Residential Treatment Facilities), or
  - Family foster homes, or
  - Other qualifying placements.
- Focus on services to prevent out of home placement or maintain kinship placements.
- Don't just accept a "no" – find out what the family needs to take a child in and then make the department deliver!

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2. Evaluating Levels of Care  
(If not family, what level of care is right for the child?) (cont.)

- Foster care options – DHS's "Rate Negotiation Policy" (see materials)

**Rate Negotiation** - Per SB 18-254, subject to rules promulgated by the state department and the rate methodology developed through PCG, for each child or youth placed in an out-of-home placement setting, a county is authorized to negotiate rates related to services and outcomes with licensed out-of-home placement providers. Counties are encouraged to negotiate rates for older youth, for mutual care placements, and any other circumstances in which additional services are being provided on behalf of children and youth in out of home care and in a county's custody.

It's important to note that current rule (12.CCR 2509-5; 7.406.1.1) already allows for a county to negotiate rates. In accordance with requirements outlined in SB 18-254, the Department will utilize the existing rule-making process to review existing rule and make revisions as necessary to ensure alignment with SB 18-254. SB 18-254 further states that if a county chooses to negotiate rates, the negotiated rate cannot fall below the base anchor rates established by the State Department.

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2. Evaluating Levels of Care  
(If not family, what level of care is right for the child?)  
(cont.)

- RCCF/congregate care –
  - Challenge the bases for who qualifies and why! (see materials)
  - Request congregate care reduction hearings when appropriate to hold DHS accountable.

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## 2. Evaluating Levels of Care (If not family, what level of care is right for the child?) (cont.)

- Find adoptive homes – obtain a court order so you can review home studies.
- Take an active role in placement – don't let DHS decide alone.
- Conduct pre-placement interviews – visit the home, meet the prospective placement, discuss the needs and behaviors of the child - without violating confidentiality.
- Set the child up for success with accurate information.
- File Motions and come back to court if needed.

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## 3. Meeting the Child's Specific Needs



Will the child need to change schools or school districts?  
Is an IEP transfer meeting needed?



Can the family meet the child's therapeutic needs?  
Does the child have special needs?



Does the family know how to access services?



Which services will be in place before placement?  
Are wrap-around or in-home services available?



Community safety concerns - ankle monitors, GPS, in-home or at-school therapy, mentors, YAP, CASA?

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## Meeting the Child's Specific Needs (cont.)

- What are the child's needs as to family and does the placement support it?
  - Sibling visits?
  - Parent visits?
  - Family therapy?
- Is adoption vs. RGAP appropriate?
  - Check in with the CHILD - They don't decide, but they have a voice.
  - Will family relationships be maintained?
- OPPLA – when is it appropriate?

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Questions?

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Examples of placement challenges and how you overcame them?

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