



## Colorado Office of the Child's Representative

*This document is a guide for attorney conversations with youth who do not have diminished capacity or are not incapacitated persons. If you are working with a youth who may have diminished capacity or who may be considered an incapacitated person, please review Colorado Revised Statutes:*

- 19-3-203(4) ([HB 21-1094](#) version that will be in effect until 8/9/2022 or [HB 22-1245](#) version that goes into effect on 8/9/2022),
- 19-3-205(1)(a) ([2021](#)),
- 19-3-704(1-2) ([2021](#)), and
- 19-7-308(2) ([HB 21-1094](#) version that will be in effect until 8/9/2022 or [HB 22-1245](#) version that goes into effect on 8/9/2022).

### TALKING POINTS ABOUT A YOUTH'S DECISION WHETHER TO PARTICIPATE IN THE FOSTER YOUTH IN TRANSITION PROGRAM

The Foster Youth in Transition Program (Program) empowers youth like you to make many important decisions about your life. To help you make those decisions, let's talk about the Program.

Let's talk about some choices and rights you could have in the Program.

The Program is voluntary, meaning you decide whether to participate in the Program and when to stop participating in the Program.

If you decide not to participate in the Program:

- you can get \_\_\_\_\_ (a service or support) through \_\_\_\_\_ (the name of the provider). To access \_\_\_\_\_ (the service or support), you will have to \_\_\_\_\_ (necessary steps), and
- you can choose to participate in the Program before you reach age 21 (and possibly even after you reach age 21 due to some special COVID laws).

You have a say in the many services and supports you may receive through the Program.

The services and supports provided through the Program:

- must be based on what you want and need;
- must fit your developmental level;
- must be listed in a Voluntary Services Agreement (VSA) created by you and the department and agreed to by you and the department; and
- can include help with enrolling in Medicaid and getting other public benefits,

getting and paying for safe housing, getting a job, getting important documents and records, getting a driver's license, getting information about relatives and siblings (if such information is available and appropriate), pursuing your educational goals and applying for financial aid, and planning for your future. The program may also help if you have juvenile or criminal records that may be expunged or if you qualify for Special Immigrant Juvenile Status (SIJS).

If you participate in the Program, you keep all your adult rights and responsibilities.

The rights you keep include your rights to:

- decide whether to agree to medical care;
- enter into contracts such as leases, employment contracts, and contracts to buy something; and
- getting and keeping accounts with financial institutions like banks.

Let's talk about how the Program is different from a dependency and neglect (D&N) case.

While only a county department of human services can file a D&N case, you can ask to participate in the Program and even file a written request to participate in the Program. That written request is called a petition.

While your parents were important parties in your D&N case, your parents are not parties in the Program.

You may have had a GAL at one point in your D&N case who decided and advocated for what was best for you. In your Program case, you will have counsel who will advocate for what you want to happen in your Program case.

While your D&N case was driven by what others thought is best for you and/or your family, the Program is much more driven by you and your choices. As examples, you decide whether to participate in the Program and when to stop participating in the Program.

While you were allowed to live in few places during your D&N case due to strict state laws and/or rules, you can live in more places during the Program due to more flexible state laws and/or rules.

Let's talk about Program requirements.

You can participate in the Program if:

- You are at least 18 years old but not yet 21 years old; **AND**
- You have a current D&N case (*this language goes into effect on 8/9/2022*); **OR**
- You were living:
  - in foster care on or after your 16<sup>th</sup> birthday or
  - with unlicensed care providers like relatives on or after your 16<sup>th</sup> birthday and a court made a finding that you are dependent and neglected; **AND**
- You:
  - would like to enter into a voluntarily services agreement (VSA) with a county department of human services or
  - have already entered into a voluntary services agreement (VSA) with a department of human services and you are complying with most of it; **AND**
- You are:
  - completing high school or an educational program that will lead to a qualification like a high school diploma;
  - attending a college, a university, or an educational program related to employment;
  - working part-time or full-time for at least 80 hours a month;
  - participating in a program or activity that helps you get employment; or
  - unable to participate in the above because of a medical condition.

Again, the Program is voluntary, meaning that you decide whether to participate in the Program and when to stop participating in the Program.

If you chose not to participate in the Program now, you can change your mind later and choose to participate in the Program before you reach age 21.

Do you have any questions about the Program?

What other information would help you decide whether you would like to participate in the Program?