



Colorado Office of the Child's Representative

Foster Youth in Transition Program: Venue Tip Sheet

Initial Venue

- CRS 19-7-307(2), states that FYTP petitions must state the name of the county where the youth self-attests to reside.
- *HB 22-1245* https://leg.colorado.gov/sites/default/files/2022a_1245_signed.pdf, which goes into effect on August 9, 2022, amends CRS 19-7-307 to state that (a) petitions for youth without pending Title 19 cases must be filed in the county where the youth self-attests to reside, while (b) petitions for youth with pending Title 19 cases must be filed in the county where the youth self-attests to reside or the county currently serving the youth.

Litigation/practice tips include the following.

- Speak with youth about venue as soon as possible. Determine where the youth wants their case filed and why. Craft arguments to support the youth's position by exploring where the youth self-attests to reside and why and/or which county or counties are serving the youth.

Change of Venue

- Colorado Revised Statutes do not address change of venue in FYTP cases.
- However, CDHS Regulation 2509-3:7.203.43(A)(4) [https://1.next.westlaw.com/Document/NF5DC5F816C7011EC8CD1A4C97B6F0E9C/View/FullText.html?originationContext=previousnextsection&contextData=\(sc.Document\)&transitionType=StatuteNavigator&needToInjectTerms=False&ppcid=fd5dbc17aa784ecfb9aceaf191890940&transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://1.next.westlaw.com/Document/NF5DC5F816C7011EC8CD1A4C97B6F0E9C/View/FullText.html?originationContext=previousnextsection&contextData=(sc.Document)&transitionType=StatuteNavigator&needToInjectTerms=False&ppcid=fd5dbc17aa784ecfb9aceaf191890940&transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1) requires county departments to work cooperatively to ensure services are provided and petitions are filed in the appropriate county. This regulation also provides a list of unprioritized factors for determining the appropriate county: the county currently working with the youth; the county where the youth self-attests to reside; indications the youth intends to stay in the county where they self-attest to reside; access to services, supports, and/or relationships needed by the youth to successfully transition to adulthood; and the youth's preference.

Litigation/practice tips include the following.

- Early and often, speak with youth about their residence. Ask whether and how long they intend to remain in their residence. Investigate the residence's safety, stability, and appropriateness. Determine whether and when they are considering relocating and where they want their case to proceed. Craft arguments to support the youth's position by exploring where the youth self-attests to reside and why, which county or counties are serving the youth, and the additional factors outlined in Colorado Department of Human Services Regulation 2509-3:7.203.43(A)(4).
- Where multiple counties are involved because the youth resides in one county and/or one/more counties are serving the youth, use Colorado Department of Human Services Regulation 2509-3:7.203.43(A)(4) to argue for cooperation between the counties. If counties are not cooperating, should you confer with them about reasonable efforts, using the FYTP statutes referencing reasonable efforts and Colorado Department of Human Services Regulation 2509-3:7.203.43(A)(4) as authority?