



# HB21-1094 – Procedures

## When a youth has an open case and turns 18 (aka remaining in the system):

- On the date youth turns 18, the GAL switches to client-directed representation.
  - There is a provision for remaining on as GAL and appointing new counsel if youth is deemed incapacitated pursuant to 19-3-704.
- Counsel is addressed at the first hearing after youth turns 18.
  - Youth is advised regarding client-directed representation.
  - Youth may choose to continue with representation by the same attorney (so long as the attorney remains available and does not have a conflict of interest) or may request new counsel.
  - If youth elects to have a new person appointed as counsel, the Court shall appoint an attorney from the list of attorneys approved by OCR.
- A transition hearing must be held within 35 days of youth turning 18 to determine whether youth will opt into the transition program or choose to emancipate<sup>1</sup>
  - At the transition hearing, youth decides to emancipate, ask for a continuance, or opt-in to the transition program:

### EMANCIPATION

Requires an emancipation discharge hearing.

Personalized emancipation transition plan must be developed and finalized no more than 90 days prior to the hearing (requirements listed below).

Follow hearing requirements and case closure procedures set forth below.

### CONTINUANCE

May occur for up to 119 days (but not past the last day of the month youth turns the maximum age allowed).

Youth may request if they need additional time to decide or to prepare for emancipation.

Court may also order, with the youth's consent, to allow time to improve the plan, gather necessary documents and records or other reasons necessary to allow for successful transition to adulthood.

### OPT-IN

Petition, Voluntary Services Agreement and Roadmap to Success filed with the Court.

D&N case closes as to this youth and a new case is opened.

Follow procedures for Transition Program in Article 7.

<sup>1</sup> The county department must file a report at least 7 days prior to the transition hearing.

## When a youth is 18 or older, does not have a current case and wants to get services (aka reentering the system):

- The youth must contact the county where the youth self-attests they reside to request services or may contact the OCR to request counsel who can help request services.
  - Youth must provide documentation of legal name and date of birth. If youth does not have such documentation youth may attest to legal name and DOB.

<u>COUNTY</u>	<u>OCR</u>
Explains the program and determines whether youth is eligible within 3 business days of youth's request.	Assigns youth an attorney when referral is received.
If eligible, makes a referral to the OCR.	Attorney may help youth with issues related to the Article 7 case, such as request services, understand the youth's options, pursue an appeal of denial, etc.
If determined not to be eligible, youth is notified and given reasons for such determination, how to appeal the denial and contact information for the OCR.	Youth may file a petition for court oversight at any time.

- Youth files a petition with the Court (if desired) and/or executes a voluntary services agreement which is a standardized form specifying the terms of youth's participation in the program.
- The county department aids youth in developing a Roadmap to Success.
- Voluntary services agreement may stay in effect for up to 90 days. After 90 days a Petition must be filed with the Court.
- Enter billing activities on the Foster Youth in Transition Program (FYTP) paper billing form <https://coloradochildrep.org/attorney-center/billing/>. See the Second Addendum to OCR's Billing Policies and Procedures Manual <https://coloradochildrep.org/wp-content/uploads/2021/07/Billing-Policies-and-Procedures.pdf> for additional information related to this form and other FYTP billing requirements.

## Reviews and Permanency Planning Hearings in Article 7 cases

- Periodic reviews at least once every six months to ensure that the transition program is providing youth with necessary services and supports.
  - With the agreement of the parties, a review hearing not coinciding with a permanency hearing may be on the Court's administrative docket.
- The Court will conduct a periodic review hearing in a way that seeks youth's meaningful participation, including offering remote options for participation to accommodate the participating youth's work, school, or treatment commitments.

- If the Court finds youth is not substantially fulfilling their obligations pursuant to the voluntary services agreement, the Court can enter orders for the county to provide additional services and supports and orders for the youth to follow in order for continued eligibility.
- The Court must make findings regarding reasonable efforts to implement the youth's case plan/Roadmap to Success, continued need for foster care, and whether the placement is the least restrictive setting to meet the youth's needs.
- Permanency planning hearings follow 19-3-702 but are required only every 12 months.

## Case closure

- May occur upon the youth's request or from a county department's motion to determine if the youth still meets eligibility requirements.
- Case closure must occur prior to the last day of the month the youth turns the maximum age.
  - At least 90 days prior the county must provide the participating youth with written notice of the date the voluntary services agreement will end, youth's transition plan, information about community resources that may benefit the youth.
- An emancipation discharge hearing is required prior to case closure.
  - The Court may continue emancipation discharge hearing up to 119 days with youth's consent but not past the last day of the month in which youth turns 21 (or greater age as required by federal law).
  - The county must finalize the emancipation transition plan no more than 90 days prior to emancipation discharge hearing.
- At least 7 days prior to hearing, the county must file a report with the Court that includes:
  - a reasonable efforts description,
  - an affirmation that the youth has been provided with necessary records, documents, and contacts,
  - a copy of the youth's emancipation transition plan.
- Emancipation Transition Plan Includes:
  - Specific options concerning housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services.
  - Must also include information concerning the importance of designating another individual to make health care treatment decisions on the participating youth's behalf if the youth becomes unable to participate in such decisions and the participating youth does not have, or does not want, a relative or legal guardian who would otherwise be authorized to make such decisions. The emancipation transition plan must page provide the participating youth with the option to

execute a health care power of attorney and include details at the participating youth's discretion.

- Hearing requirements—the Court must:
  - Review the emancipation transition plan.
  - Determine if the county has made reasonable efforts toward the youth's permanency goals and preparing the youth for a successful transition to adulthood.
  - Determine whether the youth has been provided with all necessary records/documents required.
  - Determine if the youth has been enrolled in Medicaid advise the youth about eligibility for former foster care Medicaid.
  - Advise the youth about the right to re-enter up to the maximum age allowed.

#### REQUIRED DOCUMENTS

- All documents listed in 19-3-702 (4)(d).
- Health records.
- Education records.
- Written information concerning the youth's family history.
- Contact information for siblings, if available and appropriate.