

A high-angle, top-down photograph of a diverse group of young people, likely teenagers or young adults, sitting on the floor in a circle. They are all looking upwards with expressions of hope and anticipation. Their hands are raised, and many are reaching towards the center, creating a sense of unity and collective effort. The lighting is warm and natural, highlighting the textures of their clothing and the skin tones. The background is a simple, light-colored floor.

COLORADO'S FOSTER YOUTH IN TRANSITION PROGRAM

*An opportunity for youth
to make important decisions about their
lives and receive services and supports
while transitioning into adulthood.*

TODAY'S ROADMAP

I. INTRODUCTIONS



**II. LEGISLATIVE HISTORY
& OVERVIEW**



III. PROCEDURES



**IV. PRACTICE
CONSIDERATIONS**



V. RESOURCES





Today's Tour Guides:

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How About You?

In the chat, please type your name and briefly describe what involvement you have had in the FYTP.

Example: Susan Smith. I worked with a youth on an FYTP Voluntary Services agreement and made a referral to OCR.

Example: Sam Jones. I have attended a few trainings.



Please use the chat
to ask questions along the way!



II. LEGISLATIVE HISTORY AND OVERVIEW

History



Started in 2018 with HB18-1319: Services for Successful Adulthood for Former Foster Youth.

- Allowed counties to serve youth aged 18-21 who were former foster youth.
- Created the Foster Care Youth Steering Committee.

The Foster Care Youth Steering Committee started meeting in October, 2018, and issued a final report in March 2019.

- One recommendation was to allow youth aged 18-21 who left foster care to return if they decide they need support.

CDHS, county DHS staff, Chaffee workers, OCR, and others worked on legislation throughout 2020 and ultimately created the FYTP, HB21-1094.

HB21-1094 was signed into law on 6/25/21 and went into immediate effect.

HB22-1245, a technical clean-up bill of the FYTP, was signed by the governor on 4/12/22 and will most likely go into effect on 8/9/22.

Purposes

- Create a safety net and options for older youth.
- Provide such youth developmentally appropriate services and supports tailored to their individual needs.
- Emphasize youth choice.

C.R.S. 19-7-301.

Overview

- HB20-1094 established the Foster Youth in Transition Program (FYTP) in Article 7 of Title 19.
- Gave eligible youth the choice to remain in the system or reenter the system through the FYTP.
- Provided client-directed counsel at age of 18.
- Structured emancipation proceedings.
- Required certain minimum services and supports be made available.
- Added runaway youth provisions.
- Created a grant program.

The background features a stylized illustration of several interlocking gears in dark blue. One gear in the center is integrated with a clock face, showing blue hands and a blue tick mark. The gears are set against a light gray background with a few small, olive-green, pill-shaped accents scattered around.

III. PROCEDURES

Big Picture: 2 FYTP Paths



Remaining in the system from a D&N case to a FYTP case

Reentering the system through the FYTP



Eligibility.

CRS 19-7-304(1).

Age: At least 18 BUT younger than 21 (OR greater age of foster care eligibility set by federal government)

Case or Care

- *Has a current D&N case (HB22-1245),*
- In foster care on or after 16th birthday,
- In noncertified kinship care on or after 16th birthday and adjudicated dependent and neglected, or
- *Youth turned 18 when youth was a named child/youth in D&N case (HB22-1245).*

Employment or Education: Engaged or intends to engage in at least one of the following:

- Completing secondary education or an educational program leading to an equivalent credential,
- Attending an institution that provides postsecondary or vocational education,
- Working part- or full- time for at least 80 hours per month, or
- Participating in a program or activity designed to promote employment or remove barriers to employment.

Exception: Youth incapable of engaging in such activities due to a medical condition supported by regularly updated documentation in youth's case plan.

Voluntary Services Agreement:

Youth seeks to enter a VSA OR has entered and is substantially complying with a VSA.

Most Appointments

If youth is REMAINING in the system from a D&N Case...	If youth is REENTERING the system through the FYTP...
<p>Upon youth's 18th birthday, D&N GAL shall begin acting as counsel, provide client-directed representation, and continue acting in this role until case is dismissed or new counsel is appointed. CRS 19-3-203(4).</p> <p>“At the first hearing following a youth's [18th] birthday, the court shall advise each youth who has a current [GAL] appointed [...] of the youth's right to counsel and the option to either consent to have the same person continue as counsel, if the lawyer remains available and has no conflict of interest, or to have a new person appointed as counsel. If the youth elects to have a new person appointed as counsel, the court shall appoint an attorney from the list of attorneys approved by the [OCR]” C.R.S. 19-3-203(5).</p>	<p>Youth makes a request to DHS. CRS 19-7-304(2).</p> <p>Within 3 business days, DHS explains FYTP & provides a VSA. CRS 19-7-304(3).</p> <p>Within 3 business days of eligible youth's decision to enter FYTP, DHS prepares and executes VSA with youth and provides copy to youth. <i>Id.</i></p> <p>Upon entering VSA, DHS makes a written referral to OCR. CRS 19-7-306(1)(b). “Nothing in this section limits the power of the court to appoint counsel or the power of [OCR] to assign counsel prior to the filing of a petition.” <i>Id.</i></p> <p>OCR receives referral and assigns counsel or petition is filed in court and court appoints counsel.</p>

Appointments for youth deemed incapacitated persons or having diminished capacity

A party may request that the court determine whether a youth is an incapacitated person as defined in 15-14-102. CRS 19-3-704. Motion must be filed prior to youth's 18th birthday. *Id.*

“Incapacitated person’ means an individual other than a minor, who is unable to effectively receive or evaluate information or both or make or communicate decisions to such an extent that the individual lacks the ability to satisfy essential requirements for physical health, safety, or self-care, even with appropriate and reasonably available technological assistance.” CRS 15-14-102(5).

If a youth is deemed to be an incapacitated person, then:

- jurisdiction continues as set forth in CRS 19-3-205 (i.e., either youth makes a complete transition into adult services AND it is in the youth's best interests to terminate jurisdiction OR the youth reaches 21 years of age or such greater age of foster care eligibility as required by federal law); CRS 19-3-704(2) and
- the GAL must remain GAL and separate counsel for the youth must be appointed. CRS 19-3-203(4).

HB22-1245 amends CRS 19-3-203(4) to state that a GAL in a D&N case must act as client-directed counsel when a youth turn 18 unless the court DETERMINES A GAL IS NECESSARY DUE TO A YOUTH'S DIMINISHED CAPACITY, in which case the GAL shall remain GAL and separate counsel for the youth shall be appointed. It also amends 19-7-308 to state that when a GAL is necessary due to diminished capacity, the court shall appoint a GAL from OCR lists and a GAL is not a substitute for counsel for youth.

Petition and Voluntary Services Agreement (VSA)

Petition is outlined in 19-7-307

- May be filed by the youth. Youth can have pre-petition counsel through OCR.
- Must be filed by the county when youth is transitioning from an article 3 case.
- Must be filed by a county no later than 90 days after youth signs a VSA.
- Petition filed by DHS must be accompanied with VSA signed by youth and DHS. *Petitions filed by youth must be accompanied by VSA signed by youth. HB22-1245 amending 19-7-307(6).*
- If youth transitions from an Article 3 case, a new case under Article 7 is opened and then the Article 3 case is closed or the youth is dismissed from that case.

VSA is outlined in 19-7-306

- Defined in 19-7-302
- Required in order for the youth to participate in the program
- Standardized form
- Allows youth to get or continue services with county DHS.
- Included with Petition when filing
- Rights and Obligations

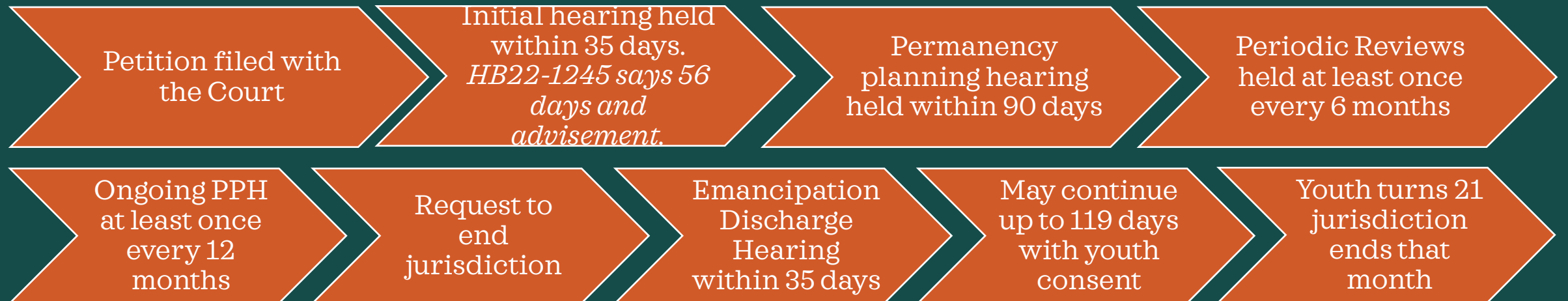
Venue

Initial Venue	<p>For a youth remaining in the system by transitioning from a D&N case to an FYTP case: Initial venue is proper in the county where the youth self-attests to reside. CRS 19-7-307(2).</p> <p><i>HB-1245 clarifies that venue for a remaining youth can be proper in the county where the youth self-attests to reside OR in a county that is currently serving the eligible youth. CRS 19-7-307(1.5).</i></p> <p>For a youth who is reentering the system through an FYTP case: Initial venue is proper where the youth self-attests to reside. CRS 19-7-307(2) <i>and C.R.S. 19-7-307(1.5).</i></p>
(Change in venue)	FYTP is silent. Refer to other venue statutes and Volume 7 rules (12 CCR 2509:3-.203.43(A)(4).

Big Picture Case Timeline: Youth remaining in the system from a D&N case



Big Picture Case Timeline: Youth reentering the system through the FYTP



Resource Slide: Advisement Hearings

Timing	Advisements	Statute
Prior to closing a D&N case after a youth's 16 th birthday	Advise the youth of their eligibility for the FYTP.	CRS 19-3-702 (4)(c).
At the first hearing following a youth's 18 th birthday	Advise the youth about right to counsel and attorney role change.	CRS 19-3-203.
During the transition hearing	Series of advisements set out in statute.	CRS 19-3-705.
<i>Initial hearing after the filing of a petition</i>	<i>Services are voluntary, youth may remain until last day of month until turn 21 (or later age set by federal government) if meeting other eligibility requirements, right to leave and rejoin, and right to counsel.</i>	<i>CRS 19-7-309(2) as amended by HB22-1245</i>
Prior to youth's emancipation	Advise youth about their eligibility for former foster youth Medicaid until age 26, that if they later decide support is needed that they can receive services through the FYTP, and the necessity of keeping contact information up to date with HCPF.	CRS 19-7-310.
<i>Prior to terminating jurisdiction in JD cases where the youth are 16 or older</i>	<i>Advise youth (a) of their FYTP eligibility at 18, (b) that FYTP provides access to financial support for housing and other services, and (c) of their right to counsel through OCR.</i>	<i>CRS 19-2.5-613 as amended by HB22-1245</i>

Resource Slide: Plans and roadmaps

	Voluntary Services Plan	Roadmap to Success	Emancipation Transition Plan
Definition	Standardized voluntary services entered into by a participating youth pursuant to 19-7-306. 19-7-302(15).	Written description of a youth's goals, programs, and services provided during an open case that will assist youth who are 14 or older and in foster care to the youth's eventual transition from foster care to successful adulthood. Developed collaboratively with the youth. 19-7-302(10).	Plan developed pursuant to 19-7-310 that addresses how the youth will meet the youth's needs upon the youth's imminent emancipation from foster care.
Primary statute	19-7-306..	Scattered throughout HB21-1094.	19-7-310.
Timing	Can be executed before filing the petition and must be filed with a petition. 19-7-307(3) & 19-1-307(6).	Must be attached to the petition for youth with Article 3 D&N cases who are remaining in the system through an Article 7 FYTP case. 19-1-307(6). Must be filed along with DHS reports for review hearings. 19-7-312(5)(a).	Created with youth no more than 90 days prior to the youth's emancipation discharge hearing. 19-7-310(1).

Note: Runaway Youth Provisions in CRS 19-3-205 (4)

Youth that are 16 and 17 years of age who are in the custody of the department:

- If whereabouts unknown for more than 90 days, then county may file a motion to terminate jurisdiction.
- Hearing must be set within 35 days of the motion (unless waived by all parties).
- Purpose of the hearing is to determine whether the county has made reasonable efforts to locate the youth prior to terminating jurisdiction.
- Motion may be withdrawn and the hearing vacated or converted to a review if the youth returns.





IV. PRACTICE CONSIDERATIONS



Holistic approach

A holistic approach looks at the whole youth...seeks out and advocates for the services and supports necessary for each youth's overall well-being...which includes mental, physical, emotional, educational, and social wellbeing.

Legislative support for a holistic approach

“Available research shows that emancipating youth benefit from extended foster care services and supports until age twenty-one, and community-based supports through early adulthood, but for the benefits of such services and supports to last, youth in foster care need developmentally appropriate services, including freedom to test their independence and to make mistakes with proportional consequences and a reasonable safety net.” 19-7-301(1)(g).

“The child welfare services provided through the transition program must be client-directed and developmentally appropriate...” 19-7-303.



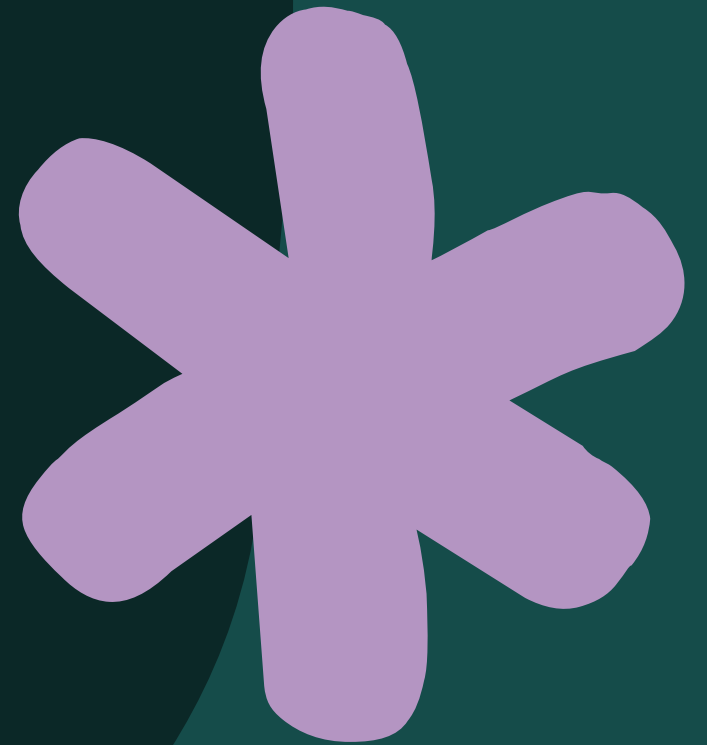
Minimum services and supports: 19-7-305

Each county department shall offer, **at a minimum**, the following services & supports.

1. Assistance enrolling in **Medicaid**.
2. Assistance securing **safe, affordable, & stable housing**.
3. **Case management services** including case plan with roadmap for success & assistance in the following areas, as appropriate, & with youth's agreement:
 - Resources to assist youth in transition to adulthood;
 - Obtaining employment or other financial support & enhancing financial literacy;
 - Obtaining driver's license or other government-issued ID card;
 - Obtaining appropriate community resources & public benefits;
 - Upon request, & if services are available, referral to services satisfying any juvenile/criminal system requirement & assisting with expunging court records, as appropriate;
 - Pursuing educational goals & applying for financial aid, if necessary;
 - Upon request, & if services are available, referral to services for obtaining necessary court findings & applying for SIJS, as applicable, or applying for other immigration relief for which the youth may be qualified;
 - Obtaining copies of health & education records;
 - Maintaining & building relationships with people important to youth, including searching for people youth lost contact with; &
 - Accessing info about relatives, including siblings.

More legislative support for holistic approach: services and supports throughout the case

“The court may order the county department to provide additional services and supports to help the participating youth achieve the goals outlined on the participating youth's roadmap to success or comply with state or federal law.” 19-7-312(4).



More support for holistic approach: reasonable efforts

Where removal of a youth from the home is sought, the FYTP petition must either state that reasonable efforts were made to prevent foster care or an explanation why such services were not provided, or a description of the emergency that precluded the use of such services to prevent foster care or out-of-home placement. 19-1-307(3).

- *1245 amends 19-7-307 to state that (a) youth was removed prior to 18th birthday pursuant to judicial determination that it was contrary to youth's welfare to remain in the home, reasonable efforts were made to keep the youth in their home, and that because the youth has remained in foster care continuously, a new court-ordered removal is not required; OR (b) reasonable efforts are not required because a youth aged 18 or older may voluntarily enter into a VSA.*

During periodic review hearings, courts must find whether DHS made reasonable efforts to implement the youth's case plan, including the youth's roadmap to success. 19-7-312(7)(a).

Prior to a youth's emancipation, the court must determine whether DHS made reasonable efforts toward the youth's permanency goals and to prepare the youth for a successful transition not adulthood. 19-7-310(3)(b).



Immigration

HB22-1245...

- *Adds 19-1-103 (53.5), stating, “DEPENDENT ON THE COURT” MEANS A YOUTH IS UNDER THE JUVENILE COURT’S JURISDICTION; THE YOUTH WAS AT ANY TIME ADJUDICATED DEPENDENT OR NEGLECTED, AS DESCRIBED IN SECTION 19-3-102, OR THAT THE COURT HAS FOUND SUFFICIENT EVIDENCE THAT THE YOUTH HAS BEEN SUBJECTED TO CHILD ABUSE OR NEGLECT, AS DEFINED IN SUBSECTION (1) OF THIS SECTION; AND THE YOUTH IS IN NEED OF OVERSIGHT AND SUPPORTIVE SERVICES AS DETERMINED BY THE COURT.”*
- *Adds 19-7-309.5(5) stating, “WHEN A YOUTH HAS BEEN ADJUDICATED DEPENDENT AND NEGLECTED PURSUANT TO SECTION 19-3-102, OR WHEN THERE IS SUFFICIENT EVIDENCE THAT THE YOUTH HAS BEEN SUBJECTED TO CHILD ABUSE OR NEGLECT, AS DEFINED IN SECTION 19-1-103 (1), THE COURT SHALL ENTER A FINDING THAT THE YOUTH IS DEPENDENT ON THE COURT, AS DEFINED IN SECTION 19-1-103 (54). THE COURT MAY ENTER SPECIAL FINDINGS ESTABLISHING THE YOUTH’S ELIGIBILITY FOR DESIGNATION AS A SPECIAL IMMIGRANT JUVENILE PURSUANT TO FEDERAL LAW. THESE FINDINGS MAY BE MADE AT THE INITIAL HEARING OR ANY TIME THEREAFTER.”*

Housing and Placement

Required service is “assistance with securing safe, affordable and stable housing.” CRS 19-7-305.

Current law states:

- *If DHS has legal authority for placement:* Housing may be fully or partially funded through foster care maintenance payments. 19-7-305 (1)(b). Any expectation for youth contribution must be passed on ability to pay. Placement may be in any placement approved by the county or the court for which the youth is eligible and that is the least restrictive. Examples include foster homes, independent living situations, with kin, with roommates, in dorms, and QRTP (if meet criteria).
- *If DHS does NOT have legal authority for placement:* youth may reside anywhere they are eligible, including host home.

HB22-1245 strikes the above and states that DHS must offer assistance with securing safe affordable, and stable housing through:

- I. LIVING EXPENSES paid by foster care maintenance payments, other housing assistance youth is eligible to receive, and expectations for youth contributions must be based on youth’s ability to pay;*
- II. With youth’s consent, housing may be anywhere approved by DHS or the court for which the youth is eligible INCLUDING LICENSED FAMILY HOST HOMES OR SILPs that are the least restrictive option meeting the youth’s needs; and*
- III. If youth needs QRTP, requirements in CRS 19-1-115 must be met.*


FYTP Referrals

<https://coloradochildrep.org/youth-center/transition-program/>

Who can refer?

- County,
- Chafee,
- Court,
- GALs,
- Community providers,
- Youth,
- Anyone!!

Youth Information

Youth's First Name * Youth's Last Name * Youth's Date of Birth  Youth's Age

Youth's Preferred Pronouns Youth's County of Residence

Youth's Street Address City

State Zip Code Preferred Contact Method(s) *

Phone
 Text
 Text via Email
 Email

V. RESOURCES



Resources

- HB21-1094 <https://leg.colorado.gov/bills/hb21-1094>.
- HB22-1245 <https://leg.colorado.gov/bills/hb22-1245>.
- OCR FYTP webpage <https://coloradochildrep.org/youth-center/transition-program/> which contains a referral form; separate FAQ geared to youth and professionals; introductory letters geared to service providers, court personnel, and departments; a bench card; a procedures resource; and more.
- CDHS FYTP File https://drive.google.com/drive/folders/1ZYQTqCPR9U8HWycZW51gCeG8oJOcy_rL which contains the form FSA, form petitions, sample court orders, and more.

Handwritten neon sign reading "Taco Grande" and "Taco Grande" in a stylized, cursive font.