Colorado Office of the
Child's Representative

HB21-1094 – **FAQ**

# Foster Youth in Transition Program

Questions & Answers from the Pre-Convening Webinar | March 15, 2022

More information about the program: https://coloradochildrep.org/youth-center/transition-program/

***Does this apply to a PRNP case?***

If the youth was in foster care on or after their 16the birthday, then they could be eligible for the program.

***If a child is already in foster care and turns 18, can they continue in care without transitioning to Article 7?***

They must transition to the FYTP case, the Article 3 case jurisdiction ends at 18.5 with an exception for those youth going to adult services which we will touch on.

***Are non-citizen youth eligible?***

The eligibility requirements in 19-7-304 do not have citizen requirements. DHS may have their own arguments.

***Can youth request to opt-in with their GAL?***

Yes, they can choose to keep their same attorney, that attorney would become the counsel for youth.

***If a child wants to re-enter into YIT, who do they reach out to specifically?***

They can reach out to their local department or contact OCR/make a referral to OCR. Anyone (including the youth) can make a referral to OCR for FYTP-related counsel.

***What provisions are made for youth that want to re-enter that have impending issues (i.e. homelessness, etc.)? Is there immediate assistance available to those youth?***

The VSA should address these impending issues.

***Can youth who are deemed to be incapacitated participate in FYTP if they and their GAL agree? If yes, will they have two attorneys?***

Yes, youth who are found incapacitated persons will have a GAL to represent their best interests and counsel to represent their direct interests.

***Can parents access records of services provided to youth when a case is transitioned from an article 3 to 7 case?***

Parents are not parties to FYTP cases. The young person is 18+. The OCR counsel for the youth would argue for the youth's position regarding access to records.

***Can you clarify about the GAL appointment on a reenter case? If DHS has 90 days to file the petition, then the GAL can be appointed without court involvement?***

The statute permits OCR to make appointments BEFORE the filing of a FYTP petition. C.R.S 19-7-306(1) ("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.")

***Where does the "clean up" bill show a permanency plan within 90 days?***

It doesn't, the permanency plan within 90 days is in the PPH statute in Article 3 which is referenced in Article 7 currently. The initial hearing timelines will be clarified in HB22-1245 (the "clean up" bill).

***If a child is a YIT case and leaves at age 19 but wants to re-enter foster care later but before their 21st birthday, would they have to start over or would they already have the process going from their previous YIT involvement?***

To re-enter they can sign the VSA and restart. They may need a new Roadmap to Success (tailored to the youth's current situation and goals).

***What happens to a CASA once a case transitions to Foster Youth in Transition?***

The FYTP legislation does not reference CASAs. Some CASA-related statutes (19-2-201 et seq) mention CASAs for children and 19-1-103(18) defines child as a person under 18.

***What if a youth contacts us from out of state? How do we move forward before/until the youth returns to Colorado to determine which county to file in?***

Very interesting question. The FYTP eligibility statutes do not contain a residency requirement. Perhaps there is an argument that youth who meet the eligibility requirements due to foster care placement in CO could qualify.