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.

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TODAY'S ROADMAP

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I. INTRODUCTIONS

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Today's Tour Guides:

Office of the Child's Representative (OCR)

Pre-Convening webinar
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How About You?
Please complete the poll.

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Please use the Q&A
to ask questions along the way!

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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 June 25th, 2021, and went into immediate effect.

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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.

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Overview

- HB20-1094 establishes the Foster Youth in Transition Program (FYTP) in Article 7 of Title 19.
- Gives eligible youth the choice to remain in the system or reenter the system through the FYTP.
- Provides client-directed counsel at age of 18.
- Structures emancipation proceedings.
- Requires certain minimum services and supports be made available.
- Adds runaway youth provisions.
- Creates a grant program.

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But wait, there may be more!

HB22-1245, a technical clean-up bill of the FYTP, was introduced to the Colorado General Assembly on 2/17/22.

- Clarifies and addresses some issues discovered during the last year of implementation.
- Does not make any substantive changes.

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Big Picture: 2 FYTP Paths

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

Reentering the system through the FYTP

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Eligibility.

CRS 19-7-304(1).

Age: At least 18 BUT younger than 21 (OR such greater age of foster care eligibility)

Care: In foster care on or after 16th birthday OR

In noncertified kinship care on or after 16th birthday and adjudicated dependent and neglected.

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.

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Most Appointments

If youth is REMAINING in the system from a D&N Case…	If youth is REENTERING the system through the FYTP…
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). "**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).	**Youth makes a request** to DHS. CRS 19-7-304(2). **Within 3 business days**, DHS explains FYTP & provides a VSA. CRS 19-7-304(3). **Within 3 business days of eligible youth's decision to enter FYTP**, DHS prepares and executes VSA with youth and provides copy to youth. *Id.* **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." *Id.* OCR receives referral and assigns counsel or petition is filed in court and court appoints counsel.

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Appointments for youth deemed incapacitated persons

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 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); and
- the GAL must remain GAL and separate counsel for the youth must be appointed. CRS 19-3-704(2) & 19-3-203(4).

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Petition and Voluntary Services Agreement (VSA)

Petition is outlined in 19-7-307

- May be filed by the 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.
- VSA is filed with the petition
- 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

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Venue

If a youth is **remaining in the system** from a D&N case…	Venue is proper in the county with the current open D&N case. Clarifications in -1245 state that venue can be proper in the county providing services or where the youth self-attests they reside.
If the youth is **re-entering** the system though the FYTP…	Venue is proper where the youth self attests they reside. CRS 19-7-304(2).
(Change in venue)	FYTP is silent. Refer to other venue statutes and Volume 7 rules (12 CCR 2509:3-.203.43(A)(4).

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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

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Resource Slide: Advisement Hearings

Timing	Advisements	Statute
Prior to closing a D&N case after a youth's 16th birthday	Advise the youth of their eligibility for the FYTP.	CRS 19-3-702 (4)(c).
At the first hearing following a youth's 18th 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.
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.

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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).	No more than 90 days prior to the youth's emancipation discharge hearing. 19-7-310(1).

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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.

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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.

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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.

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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.
   - If county has legal authority for placement: Housing paid by foster care maintenance & other assistance; youth contribution based on ability to pay. With youth's consent, housing approved by county or court for which youth is eligible & that is the least restrictive option to meet youth's needs. If QRTP, 19-1-115 requirements apply.
   - If county does not have legal authority for placement: Reside anywhere eligible & access financial support.
3. Case management services including case plan with roadmap for success & assistance in the following areas, as appropriate, & with youth 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.

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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).

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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).
- 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).

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Housing and Placement

- Required service is "assistance with securing safe, affordable and stable housing"
- Youth may be eligible for housing assistance outside of DHS.
- If County 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.
    - Foster homes, independent living situations, with kin, with roommates, in dorms.
    - Can be QRTP (if meet criteria)
- If County DHS does NOT have legal authority for placement:
  - Youth may reside anywhere they are eligible, including host home
- Supervised Independent Living Placement (SILP) means a setting in which a youth is living independently with county department supervision (for e.g. - monthly contacts). A SILP is designed to promote and lead to a youth's successful emancipation.

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FYTP Referrals

Who can refer?

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

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

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
Colorado
Zip Code
Preferred Contact Method(s) *
- Phone
- Text
- Text via Email
- Email

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Immigration

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JD Cases

Are youth with JD cases eligible for the FYTP?

- Yes, if they meet FYTP eligibility requirements. For example, if they were in foster care at or after the age of 16. 19-1-103 (66) ("Foster care" means the placement of a child or youth into the legal custody or legal authority of a county department of human or social services for physical placement of the child or youth in a kinship care placement; supervised independent living placement, as defined in section 19-7-302; or certified or licensed facility, or the physical placement of a juvenile committed to the custody of the state department of human services into a community placement.")

How do they participate in the FYTP?

- Through reentry. They cannot remain in the system and a transition hearing is not required if they do not have a D&N case.

What about youth who are in DYS?

- OCR recommends an individualized approach.

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DHS custody

Can DHS have custody of the youth in a FYTP case?

- DHS cannot have custody of a youth through a FYTP case, but can have "legal authority for physical placement."

However: "Legal authority for physical placement" has many of the same effects as "custody." When DHS has "legal authority for physical placement," the placement must be approved by DHS or the court, must be the least restrictive option to meet the youth's needs, and can be paid for in whole or part with foster care maintenance payments. 19-7-305(b)(II).

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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 provides, 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.

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