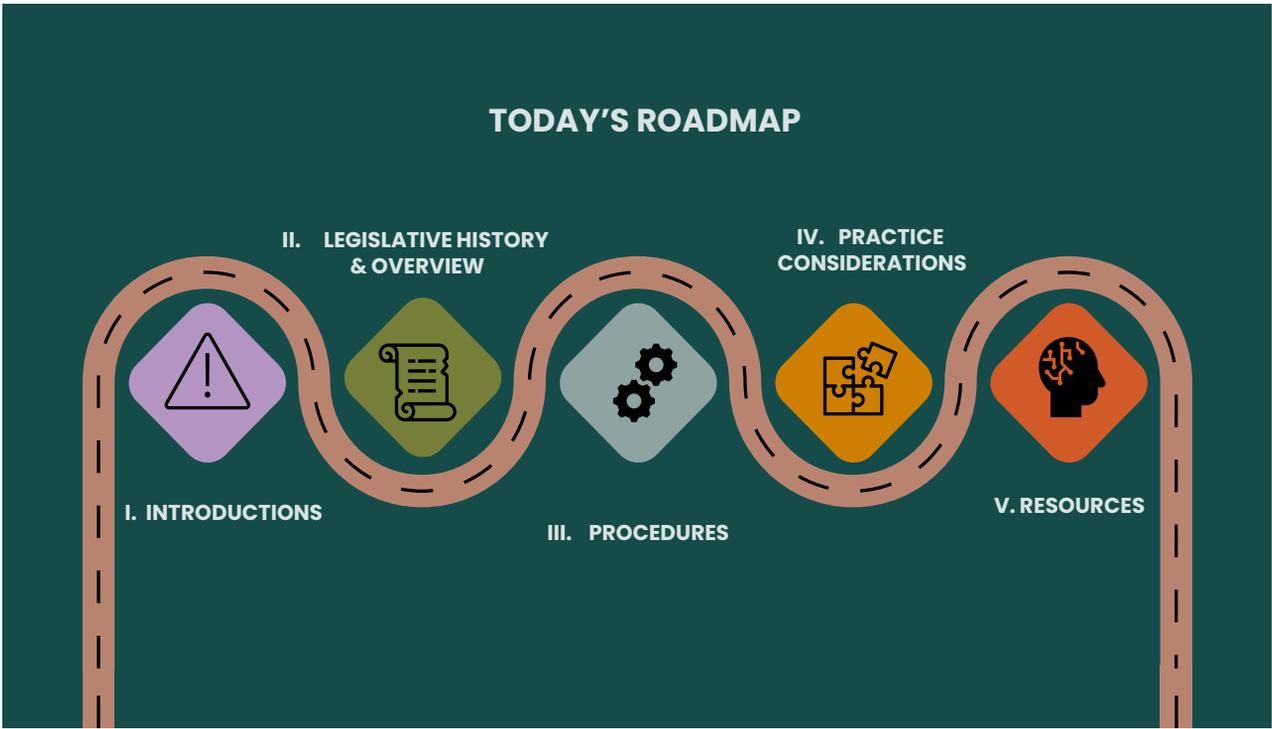


# COLORADO'S FOSTER YOUTH IN TRANSITION PROGRAM

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





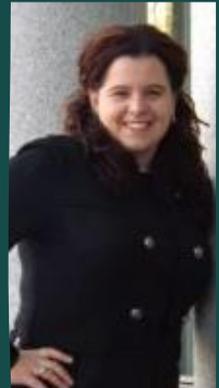


**Sheri Danz**

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## Today's Tour Guides:

Office of the Child's  
Representative  
(OCR)



**Cara Nord**

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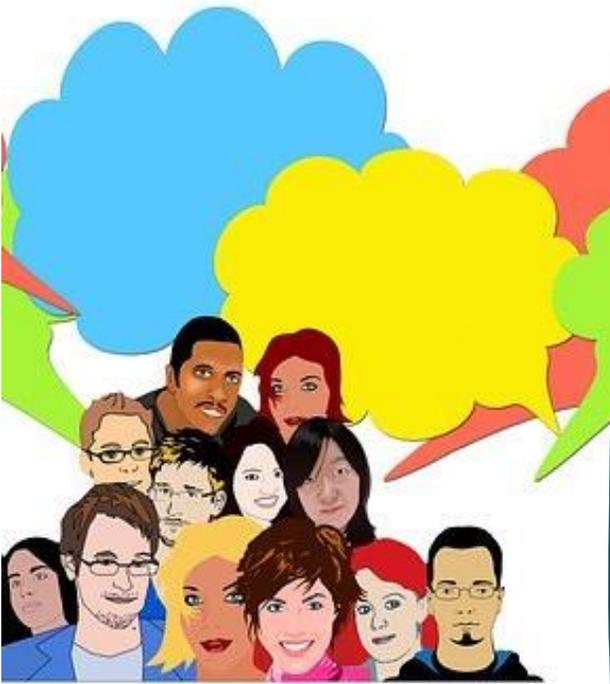


## How About You?

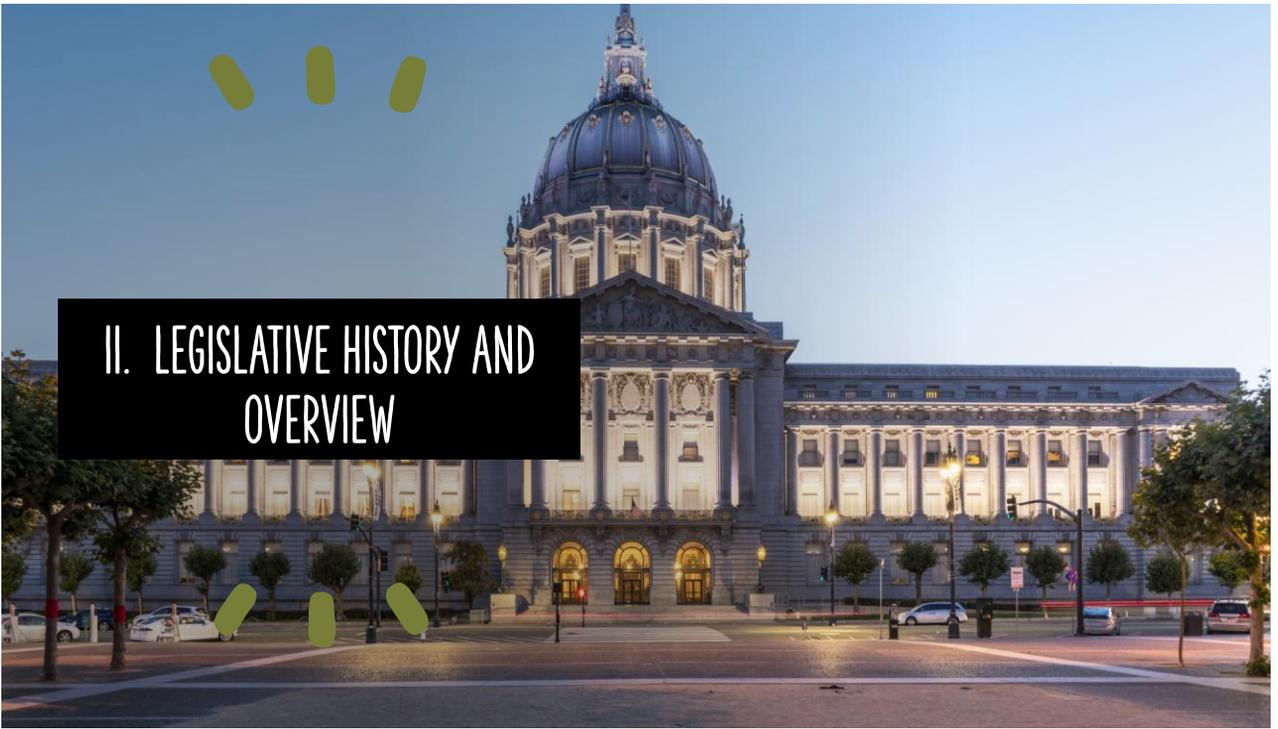
In the chat, please type your name and briefly describe what involvement you have had in the FYTP.

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!



# 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 through 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 went into effect on 8/9/22. (Changes from HB22-1245 are in italics throughout this PowerPoint.)*

**HB22-1038**

- *was signed by the governor on 4/12/22 and goes into effect on 1/9/23,*
- *provides children/youth aged 12 and older direct-interests Counsel for Youth (CFY),*
- *makes all children/youth parties to their D&N cases,*
- *provides all children/youth the right to attend and fully participate in court, and*
- *amends parts of the FYTP.*

*(Changes from HB22-1245 are in italics throughout this PowerPoint.)*

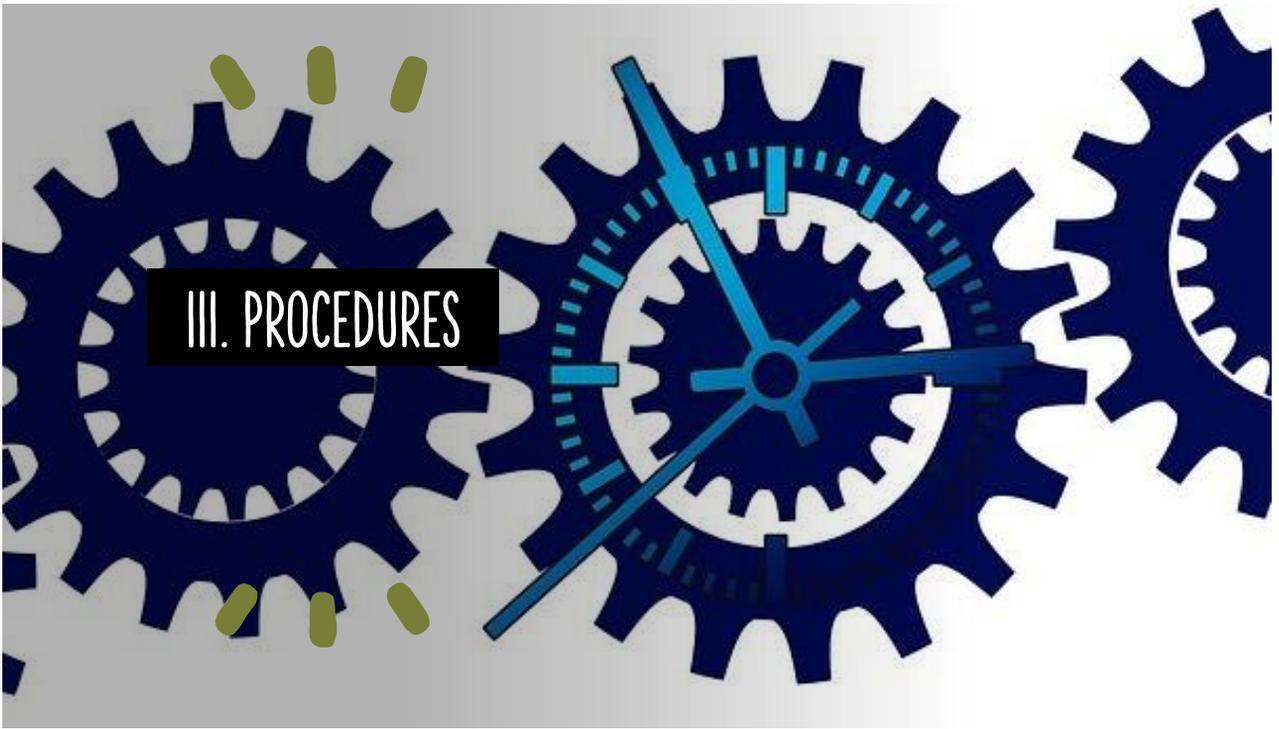
# Purposes

- 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. *Laid the groundwork for HB22-1038, which provides client-directed counsel at the age of 12.*
- Structured emancipation proceedings.
- Required certain minimum services and supports.
- Added runaway youth provisions.
- Created a grant program.



## Big Picture: 2 FYTP Paths



## Eligibility.

CRS 19-7-304(1), as  
amended by  
HB22-1245.

**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,
- Was in foster care on or after 16th birthday,
- Was in noncertified kinship care on or after 16th birthday and adjudicated dependent and neglected, or
- Turned 18 when a named child/youth in an open D&N case.

**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 <b>REMAINING</b> in the system from a D&N Case	If youth is <b>REENTERING</b> the system through the FYTP
<p>The court must hold a transition hearing within 35 days after the 18<sup>th</sup> birthday of a youth named in an open D&amp;N case. CRS 19-3-705(1).</p> <ul style="list-style-type: none"> <li>• Purpose of the hearing is to determine whether the youth will opt into the FYTP or emancipate. <i>Id.</i></li> <li>• <i>Court must advise the youth as outlined in CRS 19-3-705(3).</i></li> <li>• With the youth's consent, the transition hearing can be continued for up to 119 days to improve the youth's emancipation transition plan, gather necessary documents and records, or for another reason necessary for the youth's successful transition into adulthood. <i>Id.</i></li> </ul> <p>7 days before the transition hearing, the county department must file a report containing the information listed in CRS 19-3-705(2).</p> <p>Before the youth emancipates, the court must complete the steps in CRS 19-3-705(4).</p>	<p>Youth asks the county department where the youth resides if the youth can enter the FYTP. CRS 19-7-304(2).</p> <p>Within 3 business days, the county department explains the FYTP &amp; provides a VSA. CRS 19-7-304(3).</p> <p>Within 3 business days of an eligible youth's decision to enter the FYTP, the county department prepares and executes a VSA with the youth and provides a copy to the youth. <i>Id.</i></p> <p>Upon entering the VSA, the county department makes a written referral to OCR. CRS 19-7-306(1)(b).</p> <p>OCR receives referral and assigns counsel or an FYTP petition is filed in court and the court appoints counsel.</p> <p><i>Note:</i> OCR can assign counsel earlier in the process. "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." CRS 19-7-306(1)(b).</p>

# Appointments for youth deemed an incapacitated person or found to have diminished capacity

## Incapacitated Person

A party may request that the court determine whether a youth is an incapacitated person. CRS 19-3-704.

An “incapacitated person” is a person “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 an incapacitated person, then:

- jurisdiction continues as set forth in CRS 19-3-205 (i.e., either the youth transitions into adult services and it is in the youth’s best interests to terminate jurisdiction, or the youth turns 21 or such greater age of foster care eligibility as required by federal law); and
- the GAL must remain GAL and a separate CFY must be appointed. CRS 19-3-704(2) & 19-3-203(3).

## Diminished Capacity

A court may appoint a GAL for a child/youth aged 12 or older if the court determines a GAL is necessary due to the youth’s diminished capacity. CRS 19-1-111(2)(e) & 19-3-203(3). The child’s/youth’s GAL must remain the child’s/youth’s GAL and a separate CFY must be appointed. CRS 19-3-203(3).

*Diminished capacity means lacking “sufficient capacity to communicate or make considered decisions adequately in connection with the child’s or youth’s legal representation. Age or developmental maturity must not be the sole basis for a determination of diminished capacity.” CRS 19-1-103(55.5).*

## Petition and Voluntary Services Agreement (VSA)

Petition: CRS 19-7-307.

- May be filed by the youth.
- Must be filed by the county department when youth is remaining in the system from an Article 3 case.
- Must be filed by a county department no later than 90 days after youth who reenters the system through the FYTP 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. CRS 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: CRS 19-7-302 and CRS 19-7-306.

- Required for the youth to participate in FYTP.
- Standardized form.
- Allows youth to get or continue services with a county department.
- Included with petition.
- Outlines rights and obligations.

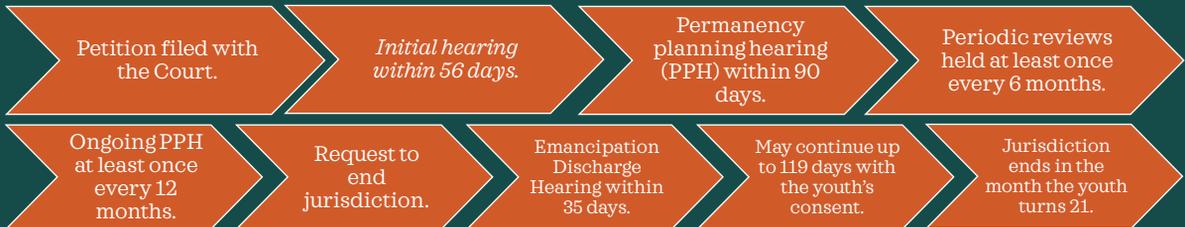
## Venue

Initial Venue	<p><i>For a youth who is remaining in the system through the FYTP: County where the youth self-attests to reside OR in the county that is currently serving the youth. CRS 19-7-307(1.5).</i></p> <p>For a youth who is reentering the system through the FYTP: County where the youth self-attests to reside. CRS 19-7-307(2).</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 <sup>th</sup> birthday	Advise the youth of their eligibility for the FYTP, in case the youth later decides to reenter the system through the FYTP.	CRS 19-3-702(4)(c).
<i>During the transition hearing</i>	<i>Series of advisements set out in statute.</i>	<i>CRS 19-3-705(3).</i>
<i>Initial hearing after the filing of a petition</i>	<i>Series of advisements set out in statute.</i>	<i>CRS 19-7-309.5(2).</i>
Prior to youth's emancipation	Eligibility for former foster youth Medicaid until youth turns 26, availability of FYTP until youth turns 21, and necessity of keeping contact information up to date with HCPF.	CRS 19-7-310(3)(e).
<i>Prior to terminating jurisdiction in JD cases where youth are 16 or older</i>	<i>FYTP eligibility at age 18 until age 21, FYTP provides access to financial support for housing and other services, and right to FYTP counsel.</i>	<i>CRS 19-2.5-613(1).</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 CRS 19-7-306. CRS 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. CRS 19-7-302(10).	Plan developed pursuant to CRS 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.	CRS 19-7-310.
Timing	Can be executed before filing the petition and must be filed with a petition. CRS 19-7-307(3) and 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. CRS 19-1-307(6). Must be filed along with DHS reports for review hearings. CRS 19-7-312(5)(a).	Created with youth no more than 90 days prior to the youth's emancipation discharge hearing. CRS 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.







## 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.



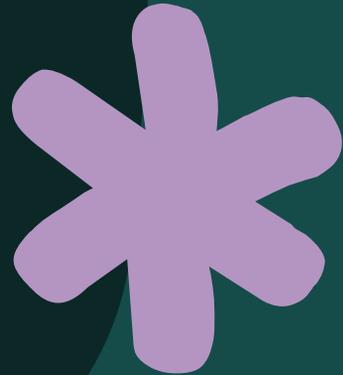
## Minimum services and supports: 19-7-305

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

*The petition must state that the youth is voluntarily entering foster care and*

- the youth was removed prior to their 18<sup>th</sup> birthday pursuant to judicial determination that it was contrary to the 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*
- reasonable efforts are not required because a youth aged 18 or older may voluntarily enter into a VSA.*

*CRS 19-7-307.*

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

*A required service is “assistance with securing safe, affordable and stable housing.” CRS 19-7-305(1)(b).*

*DHS must offer **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. CRS 19-7-305(1)(b)(I).*

*With youth’s consent, **housing** may be anywhere approved by the county department 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. CRS 19-7-305(1)(b)(II).*

*If youth needs QRTP, requirements in CRS 19-1-115 must be met. CRS 19-7-305(1)(b)(III).*

# 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  Zip Code  Preferred Contact Method(s) \*

Phone  
 Text  
 Text via Email  
 Email



## Resources

- HB21-1094 <https://leg.colorado.gov/bills/hb21-1094>.
- HB22-1245 <https://leg.colorado.gov/bills/hb22-1245>.
- *HB22-1038* [https://leg.colorado.gov/sites/default/files/2022a\\_1038\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2022a_1038_signed.pdf).
- OCR Youth page <https://coloradochildrep.org/youth/> which contains a referral form; FAQ geared to youth and professionals; a procedures resource; and more.
- CDHS FYTP File [https://drive.google.com/drive/folders/1ZYQTqCPR9U8HWycZW51gCeG8oJOcy\\_rL](https://drive.google.com/drive/folders/1ZYQTqCPR9U8HWycZW51gCeG8oJOcy_rL) which contains the form FSA, form petitions, sample court orders, and more.

