



COLORADO OFFICE OF
**THE CHILD'S
REPRESENTATIVE**

Q&A: FOSTER YOUTH IN TRANSITION PROGRAM (FYTP) AND HOUSING

What are the county's obligations related to housing?

- Offer young people assistance with securing safe, affordable, and stable housing.¹
- Use a housing first strategy² - a strategy that quickly and successfully connects a young person with permanent housing without preconditions or barriers.³
- Locate least restrictive housing options that meet a young person's needs.⁴
- Meet the housing responsibilities outlined in the VSA.⁵
- Make reasonable efforts - the exercise of diligence and care⁶ towards permanency goals and to prepare young people for a successful transition to adulthood;⁷ to implement case plans, including roadmaps to success;⁸ and to find safe and stable permanent homes.⁹

What, if any, rights do young people participating in the FYTP have related to housing? Any housing:

- they consent to,
- approved by the department or court,
- for which they are eligible (including a licensed host family home or a supervised independent living placement), and
- that is the least restrictive option that meets their needs.¹⁰

Practice Tips

If the county is not fulfilling its obligations or honoring a young person's rights...

- Talk with the caseworker and/or county attorney.
- Confer and file a reasonable efforts motion. (See the Litigation Toolkit for a template.)
- Contact Cara Nord to schedule a staffing with CDHS.

Who pays for housing?

- Foster care maintenance payments and other assistance for which the young person is eligible.¹¹
- Any expectations for a young person to contribute must be based on their ability to pay.¹² A HUD regulation defines "total tenant payment" as 30% of monthly adjusted income.¹³

What is a SILP?

- Housing where young people live independently with county supervision.¹⁴
- Designed to promote and lead to a young person's successful emancipation.¹⁵
- Can include college dorms, transitional living programs, apartments or other private housing, and other age or developmentally appropriate placements.¹⁶
- Can be used for young people aged 16 through the last day of the month of their 21st birthday.¹⁷
- Governed by additional department regulations.¹⁸

What is a county SILP policy? A written policy a county must create that generally addresses SILP usage and specifically addresses the following.¹⁹

- Assessment of each young person's readiness to be successful in a SILP, the safety of the SILP, the availability of supportive services and resources, and county-specific policies related to caseworker contact and ongoing review processes.

- SILP funds must be provided to young people, sufficient to meet the needs of young people as identified in certain regs,²⁰ and include access to a working telephone and internet.
- Counties may provide *additional* SILP funds as incentives for progress towards and/or achievement of goals. Decisions to withhold *these funds* must be made according to defined guidelines in the county's SILP policy. Defined appeal and notification processes for young people when *these funds* are withheld.
- Defined process for how and when SILPs may be terminated, including potential termination reasons such as concerns for current or impending danger or court case closure.

What are the county's obligations related to the documentation of SILPs? Counties must:

- provide the young person signed copies of a SILP agreement and a signed expectations/acknowledgement that the young person was provided the county's SILP policy,
- explain these documents to the young person in an age or developmentally appropriate way, and
- include these documents in the young person's case file.²¹

Practice Tips

- Determine whether the county is following the authorities in this document.
- Request the county's SILP policy. Determine whether the county is following its policy and/or whether its policy is consistent with the authorities in this document.
- If concerns arise, speak with the caseworker and/or county attorney. Confer and file necessary motions.
- Contact Cara Nord to schedule a staffing with CDHS.

¹ 19-7-305(1)(a).

² [12 CCR 2509-3:7.203.4.](#)

³ <https://www.hudexchange.info/resource/3892/housing-first-in-permanent-supportive-housing-brief/>.

⁴ See CRS 19-7-305(1)(b)(I)(B).

⁵ https://drive.google.com/drive/folders/1oN7oCHh5DTuUc8W6w6tWXSIXctBs_p0b.

⁶ CRS 19-7-307(9) and 19-1-103(114).

⁷ CRS 19-3-705(4)(b) (transition hearing), 19-7-310(3)(b) (emancipation discharge hearing), and 19-7-311 and 19-3-702(3) (permanency hearings).

⁸ CRS 19-7-312(7)(a) (review hearings).

⁹ CRS 19-7-311 and 19-3-702(3) (permanency hearings).

¹⁰ CRS 19-7-305(1)(b)(II).

¹¹ CRS 19-7-305(1).

¹² *Id.*

¹³ [24 CFR 5.628](#). CDHS has referred to this HUD 30% rule in discussions about young people's "ability to pay."

¹⁴ 19-7-302(13).

¹⁵ *Id.*

¹⁶ [12 CCR 2509-4.7.305.2\(D\)\(2\).](#)

¹⁷ [12 CCR 2509-4.7.305.2\(D\)\(1\).](#)

¹⁸ See [12 CCR 2509-4.7.305.2\(D\)\(3-8\).](#)

¹⁹ [12 CCR 2509-4.7.305.2\(D\)\(7\)\(a-f\).](#)

²⁰ [12 CCR 2509-8:7.708.26](#), [7.708.31](#), [7.708.41-44](#).

²¹ [12 CCR 2509-4.7.305.2\(D\)\(8\).](#)