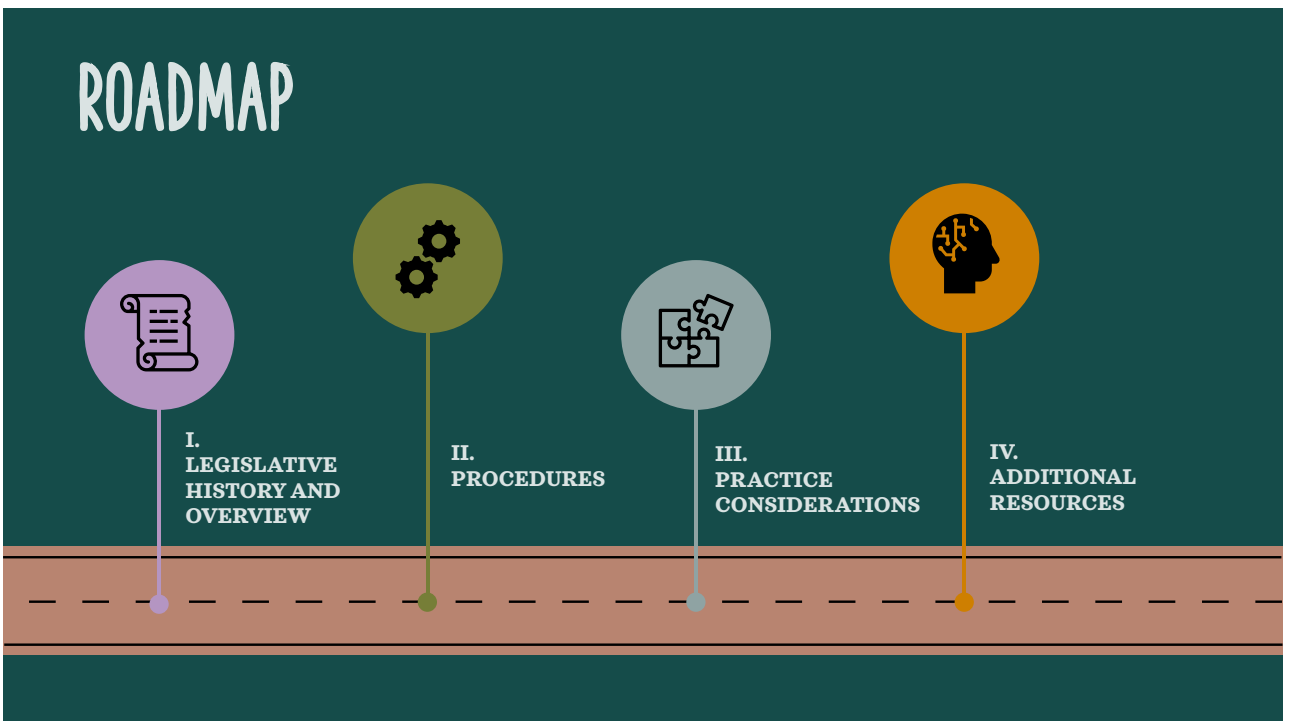


1



2



I. LEGISLATIVE HISTORY AND OVERVIEW

3

History



5/18/18 [HB18-1319](#) Services Successful Adulthood Former Foster Youth

3/2019 Former Foster Care Youth Steering Committee [report](#)

6/25/21 [HB21-1094](#) Foster Youth in Transition Program

8/9/22 [HB22-1245](#) Concerning Clarifications related to the Foster Youth in Transition Program

1/9/23 [HB22-1038](#) Right to Counsel for Youth

8/7/24 [HB24-1017](#) Concerning a Bill of Rights for Youth in Foster Care

4

Purposes

- Create a safety net for young people.
- Create options for young people.
- Provide young people developmentally appropriate services and supports tailored to their individual needs.

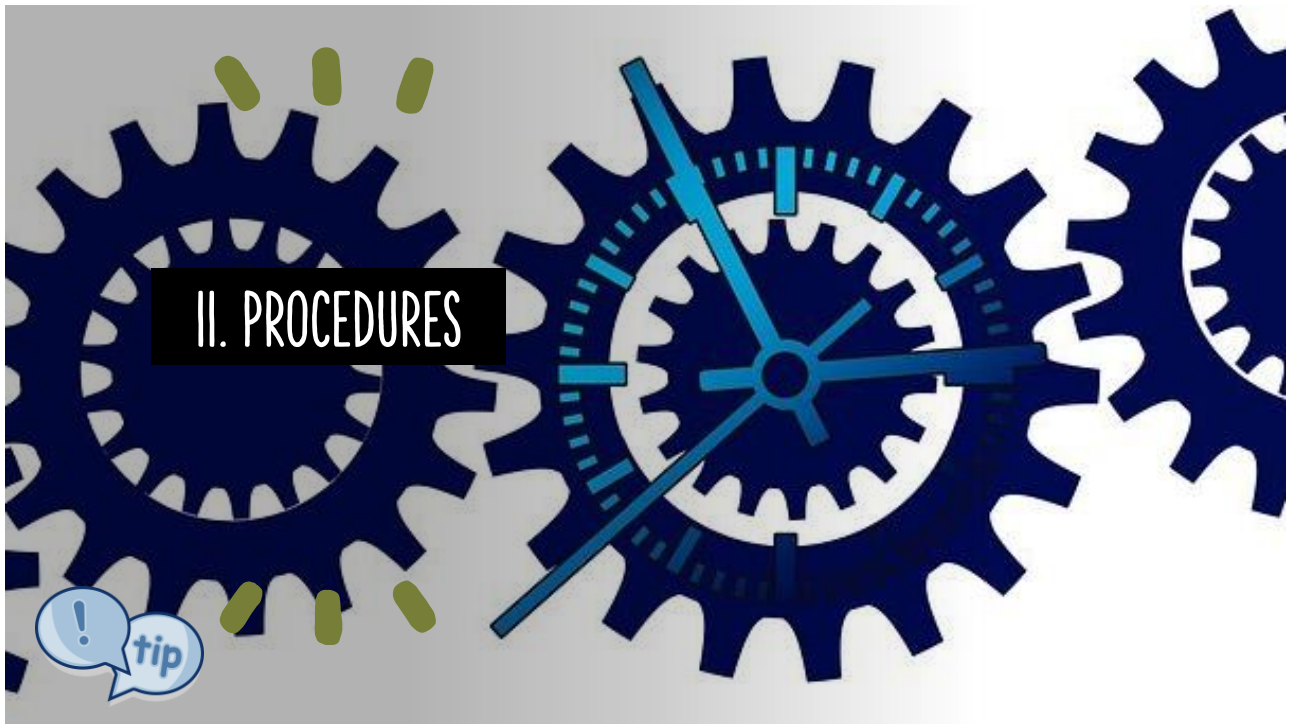
19-7-301.

5

Overview


- Established FYTP in Article 7 of Title 19.
- Gave eligible young people choice to *remain* in system or *reenter* system through FYTP.
- Provided young people client-directed CFY at 18.
- Structured emancipation proceedings.
- Required minimum services and supports tailored to individual needs.
- Added runaway youth provisions.
- Created a grant program.

6



7

Big Picture: 2 FYTP Paths



*Remaining in system
from D&N case to FYTP case*

*Reentering system
through FYTP*



8

Eligibility

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

- Case: has current D&N case OR turned 18 when named child/youth in open D&N case.
- Care: foster care on or after 16th birthday OR 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 following:

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

Exception: Young people incapable of engaging in such activities due to medical condition supported by regularly updated documentation in young person's case plan.

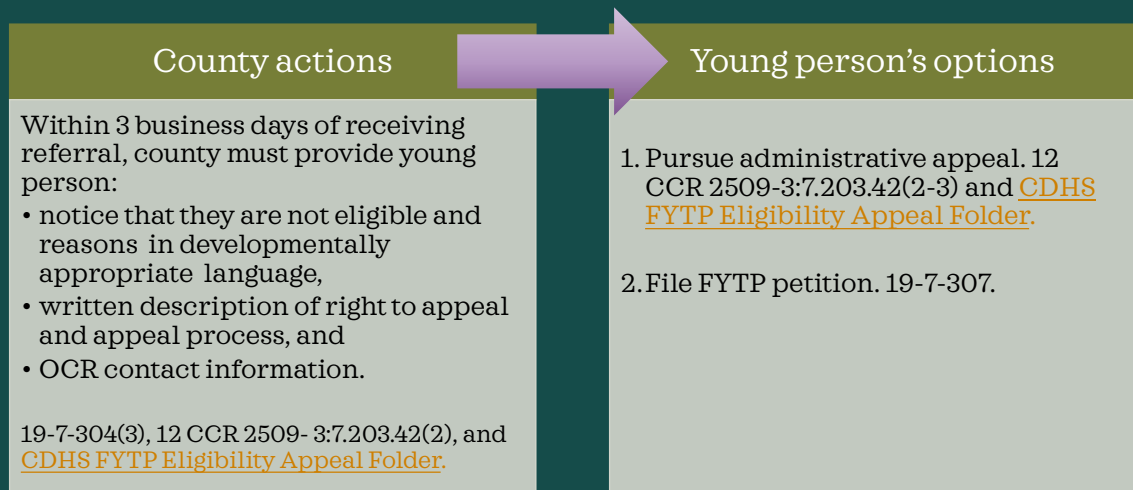


Voluntary Services Agreement:

Young person seeks to enter VSA OR has entered and is substantially complying with VSA.

9

If county finds young person is not eligible



10

Most CFY appointments

19-7-305, 19-7-304(2-3), and 19-7-307

| If young person is <i>remaining in system from open D&N Case</i> | If young person is <i>reentering system through FYTP</i> |
|---|---|
| <p>Court must hold transition hearing within 35 days after 18th birthday.</p> <ul style="list-style-type: none"> Purpose: determine whether young person will opt into FYTP or emancipate. Advisement: must address info in 19-3-705(3). Continuance: <i>with young person's consent</i>, transition hearing can be continued up to 119 days to improve young person's emancipation transition plan, gather necessary documents and records, or for <i>another reason necessary for young person's successful transition into adulthood</i>. Report: 7 days before hearing, county must file report containing info listed in 19-3-705(2). <p>If young person chooses to emancipate, court must take steps in 19-3-705(4).</p> | <p>Young person asks county where young person resides.</p> <p>Within 3 business days, county explains FYTP and provides VSA.</p> <p>Within 3 business days of eligible young person's decision to enter FYTP, county prepares and executes VSA with young person and provides copy to young person.</p> <p>Upon entering VSA, county makes written referral to OCR.</p> <p>OCR receives referral and assigns CFY.</p> <p><i>Note:</i> OCR can assign CFY earlier in 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." 19-7-306(1)(b).</p> |

11

Counsel appointments for young people who are incapacitated or have diminished capacity

| Incapacitated 19-3-704 | Diminished Capacity 19-1-111(2) and 19-3-203(3) |
|--|--|
| <p>Any party may request that a court determine whether a young person is incapacitated - "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."</p> | <p>Court <i>may</i> appoint GAL for young person aged 12 or older if court determines GAL is necessary due to young person's diminished capacity - 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." 19-1-103(55.5).</p> |
| <ul style="list-style-type: none"> D&N jurisdiction continues until young person transitions into adult services and it is in young person's best interests to terminate jurisdiction OR young person turns 21 or such greater age of foster care eligibility required by federal law. GAL <i>must</i> remain GAL and separate CFY must be appointed. | <p>If GAL is appointed, former GAL must remain GAL and separate CFY must be appointed.</p> |

12

Petition and Voluntary Services Agreement (VSA)

Petition: 19-7-307.

- May be filed by the young person.
- Must be filed by county no later than 90 days after young person who reenters system through FYTP signs VSA.
- Petition filed by county must be accompanied with VSA signed by young person and county.
- Petitions filed by young person must be accompanied by VSA signed by young person.
- If young person transitions from D&N, new case under Article 7 is opened and D&N is closed or young person is dismissed from D&N.

VSA: 19-7-302 and CRS 19-7-306.

- Standard form.
- Allows young people to get or continue services and supports with county.
- Outlines county and young person rights and obligations.

For both, see [CDHS FYTP Court and Legal Documents Folder](#).

13

Venue

Initial
19-7-307

If young person is remaining in system through FYTP: county where young person self-attests to reside OR county currently serving young person. the youth.

If young person is reentering system through FYTP: county where young person self-attests to reside.

Change

- Statutes are silent.
- See 12 CCR 2509:3-7.203.43(A)(5).

14

Hearings after FYTP Petition and before closure

Initial Hearing

- 19-7-309.5.
- W/in 56 days of filing of petition.

Permanency Planning Hearings

- 19-7-302, 19-7-307, 19-7-311, and 19-7-312.
- Within 90 days of initial hearing, then every 12 months.
- Combine with review whenever possible.

Review Hearings

- 19-7-712.
- Every 6 months.

15

Case Closure CRS 19-7-313(1)

Motion filed by young person

Any time due to voluntary nature of FYTP

Hearing w/in 35 days of filing of motion

Motion filed by county because young person aging out

County must file motion at least 90 days before young person's 21st birthday

Hearing before last day of month in which young person turns 21

Motion filed by county because young person no longer meets eligibility requirements

Motion must include county efforts to reengage young person and more.

Hearing w/in 35 days of filing of motion

16

Resource Slide: Advisement Hearings

| Timing | Statute |
|--|-----------------|
| Prior to closing D&N case and after young person's 16 th birthday | 19-3-702(4)(c). |
| During transition hearing | 19-3-705(3). |
| Initial hearing (after filing of petition) | 19-7-309.5(2). |
| Prior to young person's emancipation | 19-7-310(3)(e). |
| Prior to terminating jurisdiction in JD cases if young person is 16 or older | 19-2.5-613(1). |



17

Resource Slide: Plans and roadmaps

| | Voluntary Services Plan | Roadmap to Success | Emancipation Transition Plan |
|--------------------|--|--|--|
| Definition | Standardized agreement by county and young person. | Written description of goals, programs, and services. Aims to assist young people aged 14 and older with transition from foster care to successful adulthood. Developed with young person. | Addresses how young person will meet their own needs upon their imminent emancipation from foster care. Developed with young person. |
| Primary statute(s) | 19-7-302(15), 19-7-306, and 19-7-307. | 19-7-302, 19-7-307, and 19-7-312. | 19-7-310. |
| Timing | Can be executed before filing petition. Must be filed with petition. | Must be attached to petition if young person is remaining in system through FYTP. Must be filed along with county reports for review hearings. | No more than 90 days prior to young person's emancipation discharge hearing. |

18

Runaway Youth 19-3-205(4)

If whereabouts of young person aged 16-17 in county custody are unknown for more than 90 days, county may file motion to terminate jurisdiction.

- Timing: hearing within 35 days of filing of motion (unless waived by all parties).
- Purpose of hearing: determine whether county made reasonable efforts to locate young person prior to terminating jurisdiction.
- Withdrawal: if young person returns, motion may be withdrawn and hearing vacated or converted to review.



19

CASA 19-1-208

With young person's consent, CASA may be appointed.

CASA may support young person with *planning* for young person's future and *accessing* necessary services, supports, and assistance, *consistent with young person's expressed interests and FYTP goals*.

Appointed CASA volunteer *shall not make best interest recommendations and must not have access to or share confidential info* about the young person *without the young person's express consent*.



20



Immigration 19-1-103

HB22-1245 (the cleanup FYTP bill) added

- a definition of “dependent on the court” for FYTP cases and
- Language indicating that at any time, an FYTP court may make findings necessary for Special Immigrant Juvenile (SIJS) status.

21



III. PRACTICE CONSIDERATIONS

22

Holistic approach

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

23

Services and supports

“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). Emphasis added.

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



24

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

25

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). Emphasis added.



26

Reasonable efforts

Review hearings: courts must find whether DHS made reasonable efforts to implement *the young person's case plan, including young person's roadmap to success*. 19-7-312(7)(a).

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



27

Housing and Placement

DHS must offer living expenses paid by foster care maintenance payments, other housing assistance young person is eligible to receive, and *expectations for young person's contributions must be based on young person's ability to pay*. 19-7-305(1)(b)(I).

With young person's consent, housing may be anywhere approved by county or court for which young person is eligible, including licensed family host homes or SILPS that are the *least restrictive option meeting young person's needs*. 19-7-305(1)(b)(II).

28



29



30