



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.<sup>1</sup>
- Use a housing first strategy<sup>2</sup> - a strategy that quickly and successfully connects a young person with permanent housing without preconditions or barriers.<sup>3</sup>
- Locate least restrictive housing options that meet a young person's needs.<sup>4</sup>
- Meet the housing responsibilities outlined in the VSA.<sup>5</sup>
- Make reasonable efforts - the exercise of diligence and care<sup>6</sup> towards permanency goals and to prepare young people for a successful transition to adulthood;<sup>7</sup> to implement case plans, including roadmaps to success;<sup>8</sup> and to find safe and stable permanent homes.<sup>9</sup>

### **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.<sup>10</sup>

#### 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.<sup>11</sup>
- Any expectations for a young person to contribute must be based on their ability to pay.<sup>12</sup> A HUD regulation defines "total tenant payment" as 30% of monthly adjusted income.<sup>13</sup>

### **What is a SILP?**

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

### **What is a county SILP policy?** A written policy a county must create that generally addresses SILP usage and specifically addresses the following.<sup>19</sup>

- 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,<sup>20</sup> 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.<sup>21</sup>

**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.

<sup>1</sup> 19-7-305(1)(a).

<sup>2</sup> [12 CCR 2509-3:7.203.4.](#)

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

<sup>4</sup> See CRS 19-7-305(1)(b)(I)(B).

<sup>5</sup> [https://drive.google.com/drive/folders/1oN7oCHh5DTuUc8W6w6tWXSIXctBs\\_p0b](https://drive.google.com/drive/folders/1oN7oCHh5DTuUc8W6w6tWXSIXctBs_p0b).

<sup>6</sup> CRS 19-7-307(9) and 19-1-103(114).

<sup>7</sup> 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).

<sup>8</sup> CRS 19-7-312(7)(a) (review hearings).

<sup>9</sup> CRS 19-7-311 and 19-3-702(3) (permanency hearings).

<sup>10</sup> CRS 19-7-305(1)(b)(II).

<sup>11</sup> CRS 19-7-305(1).

<sup>12</sup> *Id.*

<sup>13</sup> [24 CFR 5.628](#). CDHS has referred to this HUD 30% rule in discussions about young people’s “ability to pay.”

<sup>14</sup> 19-7-302(13).

<sup>15</sup> *Id.*

<sup>16</sup> [12 CCR 2509-4.7.305.2\(D\)\(2\).](#)

<sup>17</sup> [12 CCR 2509-4.7.305.2\(D\)\(1\).](#)

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

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

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

<sup>21</sup> [12 CCR 2509-4.7.305.2\(D\)\(8\).](#)