

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0645.01 Jane Ritter x4342

HOUSE BILL 21-1094

HOUSE SPONSORSHIP

Daugherty and Van Beber,

SENATE SPONSORSHIP

Zenzinger and Rankin,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE TRANSITION OF YOUTH IN COLORADO'S FOSTER**
102 **CARE SYSTEM TO SUCCESSFUL ~~ADULTHOOD, AND, IN~~**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the foster youth in transition program (transition program) in the state department of human services (state department) to be implemented in county departments of human or social services (county departments) throughout the state. The purpose of the transition program is to allow foster youth who meet eligibility criteria to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
May 11, 2021

voluntarily continue to receive certain child welfare services (services) up until the last day of the month of the youth's twenty-first birthday, or such greater age of foster care eligibility as required by federal law. Services provided through the transition program must be client-directed and developmentally appropriate as set forth in and agreed to through a voluntary services agreement (agreement) developed and entered into between the youth and county department.

The bill sets forth the eligibility criteria a youth must meet in order to voluntarily participate in the transition program. A youth who is no longer under the jurisdiction of the juvenile court and thinks he or she is eligible for the transition program may make a written request to the juvenile court (court) or county department where the youth resides. The county department shall make a determination of eligibility. If the youth is eligible, the county department shall explain the requirements and benefits of the transition program to the youth and, with the youth, develop an agreement that must be provided to the juvenile court together with a petition to renew jurisdiction with the juvenile court.

The bill describes the services and supports that will be made available to a youth through the transition program, including assistance with enrolling in medicaid; assistance with securing appropriate housing; and providing case management services, such as developing a roadmap to success, obtaining employment, obtaining critical documents and records, and accessing information about relatives and siblings, if available and appropriate.

The bill sets forth the form and content required for a petition to bring the youth under the juvenile court's jurisdiction. Upon receipt of informed, written consent of the youth, a person may be named as a special respondent in a case brought pursuant to the transition program.

A youth participating in the transition program must be appointed counsel from a list of attorneys approved by the office of the child's representative. If the youth is 18 years of age or older and, due to diminished capacity, needs a guardian ad litem, one may also be appointed.

Procedures for emancipation discharge and transition hearings (hearing) are described in the bill, including a requirement to have a personalized emancipation transition plan finalized for the youth no more than 90 days prior to a hearing. The county department shall file a report with the court at least 7 days prior to a transition hearing that includes relevant details concerning a youth's status and plans to either emancipate or enter the youth in transition program. With the youth's consent and in certain circumstances, the court may continue a transition hearing for up to 119 days.

The court shall hold periodic reviews of the youth's case at least every 6 months to ensure that the transition program is providing the youth with the necessary services to help the youth move toward

permanency and a successful transition to adulthood. The bill sets forth procedures for the periodic reviews. The bill grants continuing jurisdiction in a youth's case to the juvenile court under certain situations.

The bill creates the foster youth successful transition to adulthood grant program (grant program) and associated advisory board (advisory board). The purpose of the grant program is to support eligible youth to successful transition into adulthood. Youth are eligible for services from recipients of grants from the grant program if they are between the ages of 18 and 23, were in foster care or adjudicated dependent and neglected, and are participating voluntarily. The advisory board shall meet at least 2 times per year, and the bill outlines membership.

The state department is directed to promulgate rules for the implementation of the transition program.

The bill makes conforming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 3 to article

3 7 of title 19 as follows:

PART 3

FOSTER YOUTH IN TRANSITION PROGRAM

19-7-301. Legislative declaration. (1) THE GENERAL ASSEMBLY

7 FINDS AND DECLares THAT:

12 (b) THESE YOUTH TYPICALLY DO NOT HAVE THE SAME SAFETY
13 NETS, SUPPORTIVE ADULTS, AND SUPPORT NETWORKS AS OTHER YOUTH
14 THEIR AGE;

15 (c) MANY OF THESE YOUTH WILL FACE CHALLENGES AS THEY
16 SEARCH FOR AFFORDABLE HOUSING, PURSUE HIGHER EDUCATION OR
17 TRAINING, SEARCH FOR EMPLOYMENT, MANAGE TIGHT BUDGETS, TAKE

1 CARE OF HEALTH NEEDS, AND MORE;

2 (d) YOUTH WHO ARE MAKING THE TRANSITION OUT OF FOSTER
3 CARE INTO INDEPENDENT LIVING FACE NOT ONLY THE TYPICAL
4 DEVELOPMENTAL CHANGES AND NEW EXPERIENCES THAT ARE COMMON TO
5 YOUTH BUT ALSO THE DRAMATIC CHANGE FROM BEING UNDER THE
6 COUNTY'S CARE TO BEING ON THEIR OWN, MANY WITHOUT ANY SUPPORT
7 SYSTEMS TO HELP THEM SUCCEED;

8 (e) ADDITIONALLY, MANY OF THESE YOUTH ARE DEALING WITH
9 THE LONG-TERM CONSEQUENCES OF TRAUMA RELATED TO THEIR
10 EXPERIENCE WITH ABUSE, NEGLECT, REMOVAL, OR OVERALL LACK OF
11 RESOURCES;

12 (f) THE ARRAY OF SERVICES AND SUPPORTS AVAILABLE TO YOUTH
13 WHILE THEY ARE IN THE FOSTER CARE SYSTEM, INCLUDING HOUSING,
14 FOOD, HEALTH CARE, AND CASEWORKER SUPPORT, ~~DIMINISH~~ WHEN THE
15 YOUTH EXIT THE FOSTER CARE SYSTEM; AND

16 (g) AVAILABLE RESEARCH SHOWS THAT EMANCIPATING YOUTH
17 BENEFIT FROM EXTENDED FOSTER CARE SERVICES AND SUPPORTS UNTIL
18 AGE TWENTY-ONE, AND COMMUNITY-BASED SUPPORTS THROUGH EARLY
19 ADULTHOOD, BUT FOR THE BENEFITS OF SUCH SERVICES AND SUPPORTS TO
20 LAST, YOUTH IN FOSTER CARE NEED DEVELOPMENTALLY APPROPRIATE
21 SERVICES, INCLUDING FREEDOM TO TEST THEIR INDEPENDENCE AND TO
22 MAKE MISTAKES WITH PROPORTIONAL CONSEQUENCES AND A REASONABLE
23 SAFETY NET.

24 (2) THEREFORE, THE GENERAL ASSEMBLY DECLares THAT BY
25 ESTABLISHING A VOLUNTARY TRANSITIONAL FOSTER CARE PROGRAM,
26 ALLOWING YOUTH TO REENTER THE STATE'S FOSTER CARE SYSTEM
27 THROUGH A FOSTER YOUTH IN TRANSITION PROGRAM, AND ENSURING

1 EQUITABLE ACCESS TO LESS RESTRICTIVE SUPPORTS IN THE COMMUNITY,
2 THE STATE CAN BETTER MEET THE NEEDS OF THOSE YOUTH WHO ARE
3 MAKING THE TRANSITION FROM FOSTER CARE TO SUCCESSFUL
4 ADULTHOOD.

5 **19-7-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "ADVISORY BOARD" MEANS THE FOSTER YOUTH SUCCESSFUL
8 TRANSITION TO ADULTHOOD GRANT PROGRAM ADVISORY BOARD CREATED
9 IN SECTION 19-7-314.

10 (2) "COUNTY DEPARTMENT" HAS THE SAME MEANING AS SET
11 FORTH IN SECTION 19-1-103.

12 (3) "EMANCIPATION TRANSITION PLAN" MEANS A PLAN DEVELOPED
13 PURSUANT TO SECTION 19-7-310 THAT ADDRESSES HOW THE YOUTH WILL
14 MEET THE YOUTH'S NEEDS UPON THE YOUTH'S IMMINENT EMANCIPATION
15 FROM FOSTER CARE.

16 (4) "EVIDENCE-BASED SERVICE" MEANS A SERVICE THAT IS
17 ELIGIBLE FOR REIMBURSEMENT PURSUANT TO THE FEDERAL "FAMILY
18 FIRST PREVENTION SERVICES ACT", 42 U.S.C. SEC. 672, AND THAT IS
19 TRAUMA-INFORMED, PROMISING, SUPPORTED, OR WELL-SUPPORTED.

20 (5) "EXECUTIVE DIRECTOR" HAS THE SAME MEANING AS SET FORTH
21 IN SECTION 19-1-103.

22 (6) "FOSTER CARE" HAS THE SAME MEANING SET FORTH IN SECTION
23 19-1-103 (51.3).

24 (7) "GRANT PROGRAM" MEANS THE FOSTER YOUTH SUCCESSFUL
25 TRANSITION TO ADULTHOOD GRANT PROGRAM CREATED IN SECTION
26 19-7-314.

27 (8) "PARTICIPATING YOUTH" MEANS A YOUTH WHO VOLUNTARILY

1 AGREES TO PARTICIPATE IN THE TRANSITION PROGRAM AND MEETS THE
2 ELIGIBILITY REQUIREMENTS SET FORTH IN SECTION 19-7-304.

3 (9) "REASONABLE EFFORTS" HAS THE SAME MEANING AS SET
4 FORTH IN SECTION 19-1-103 (89).

5 (10) "ROADMAP TO SUCCESS" MEANS A WRITTEN DESCRIPTION OF
6 A YOUTH'S GOALS, PROGRAMS, AND SERVICES PROVIDED DURING AN OPEN
7 CASE THAT WILL ASSIST YOUTH WHO ARE FOURTEEN YEARS OF AGE OR
8 OLDER AND IN FOSTER CARE TO THE YOUTH'S EVENTUAL TRANSITION FROM
9 FOSTER CARE TO SUCCESSFUL ADULTHOOD. THE DOCUMENT IS DEVELOPED
10 COLLABORATIVELY WITH THE YOUTH.

11 (11) "SERVICE PROVIDER" MEANS AN AGENCY THAT APPLIES FOR
12 FUNDING TO PROVIDE SERVICES THROUGH THE GRANT PROGRAM.

13 (12) "STATE DEPARTMENT" HAS THE SAME MEANING AS SET FORTH
14 IN SECTION 19-1-103.

15 (13) "SUPERVISED INDEPENDENT LIVING PLACEMENT" MEANS A
16 SETTING IN WHICH A YOUTH IS LIVING INDEPENDENTLY WITH COUNTY
17 DEPARTMENT SUPERVISION. "SUPERVISED INDEPENDENT LIVING
18 PLACEMENT" IS DESIGNED TO PROMOTE AND LEAD TO A YOUTH'S
19 SUCCESSFUL EMANCIPATION.

20 (14) "TRANSITION PROGRAM" OR "FOSTER YOUTH IN TRANSITION
21 PROGRAM" MEANS THE PROGRAM ESTABLISHED PURSUANT TO SECTION
22 19-7-303 IN WHICH AN ELIGIBLE YOUTH MAY VOLUNTARILY OPT TO
23 CONTINUE OR RESUME RECEIVING CHILD WELFARE SERVICES THAT MAY
24 INCLUDE BUT ARE NOT LIMITED TO FOSTER CARE MAINTENANCE
25 PAYMENTS.

26 (15) "VOLUNTARY SERVICES AGREEMENT" MEANS A
27 STANDARDIZED VOLUNTARY SERVICES AGREEMENT ENTERED INTO BY A

1 PARTICIPATING YOUTH PURSUANT TO SECTION 19-7-306.

2 **19-7-303. Foster youth in transition program - established.**

3 THE FOSTER YOUTH IN TRANSITION PROGRAM IS ESTABLISHED IN THE
4 STATE DEPARTMENT TO BE IMPLEMENTED IN COUNTY DEPARTMENTS
5 THROUGHOUT THE STATE TO PROVIDE EXTENDED CHILD WELFARE
6 SERVICES TO ELIGIBLE YOUTH EIGHTEEN YEARS OF AGE OR OLDER BUT
7 LESS THAN TWENTY-ONE YEARS OF AGE. EACH COUNTY DEPARTMENT
8 SHALL MAKE THE TRANSITION PROGRAM AVAILABLE [REDACTED] TO ELIGIBLE
9 YOUTH ON A VOLUNTARY BASIS. THE CHILD WELFARE SERVICES PROVIDED
10 THROUGH THE TRANSITION PROGRAM MUST BE CLIENT-DIRECTED AND
11 DEVELOPMENTALLY APPROPRIATE, AS SET FORTH IN A VOLUNTARY
12 SERVICES AGREEMENT DEVELOPED AND ENTERED INTO PURSUANT TO
13 SECTION 19-7-306 AND, WHEN REQUIRED, OVERSEEN BY THE JUVENILE
14 COURT IN A YOUTH IN TRANSITION PROCEEDING BROUGHT PURSUANT TO
15 THIS PART 3. THE STATE DEPARTMENT IS ENCOURAGED TO SUBMIT, AS
16 PART OF THE ANNUAL BUDGET PROCESS, A REQUEST FOR INCREASED
17 APPROPRIATIONS TO FUND THE INCREASED CASELOAD FOR THE TRANSITION
18 PROGRAM.

19 **19-7-304. Eligibility and enrollment.** (1) AN ELIGIBLE YOUTH IS
20 AN INDIVIDUAL WHO:

21 (a) IS AT LEAST EIGHTEEN YEARS OF AGE OR OLDER, BUT LESS
22 THAN TWENTY-ONE YEARS OF AGE, OR SUCH GREATER AGE OF FOSTER
23 CARE ELIGIBILITY AS REQUIRED BY FEDERAL LAW;

24 (b) HAS CURRENT OR RECENT PRIOR FOSTER CARE OR KINSHIP CARE
25 INVOLVEMENT IN ONE OF THE FOLLOWING WAYS:

26 (I) THE YOUTH WAS IN FOSTER CARE, AS DEFINED IN SECTION
27 19-1-103 (51.3), ON OR AFTER THE YOUTH'S SIXTEENTH BIRTHDAY; OR

5 (c) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(c)(II) OF THIS
6 SECTION, OR EXCEPT AS SUCH REQUIREMENTS MAY BE WAIVED BY
7 FEDERAL LAW, IS ENGAGED IN, OR INTENDS TO ENGAGE IN, AT LEAST ONE
8 OF THE FOLLOWING:

9 (A) COMPLETING SECONDARY EDUCATION OR AN EDUCATIONAL
10 PROGRAM LEADING TO AN EQUIVALENT CREDENTIAL;

11 (B) ATTENDING AN INSTITUTION THAT PROVIDES POSTSECONDARY
12 OR VOCATIONAL EDUCATION;

13 (C) WORKING PART- OR FULL-TIME FOR AT LEAST EIGHTY HOURS
14 PER MONTH; OR

15 (D) PARTICIPATING IN A PROGRAM OR ACTIVITY DESIGNED TO
16 PROMOTE EMPLOYMENT OR REMOVE BARRIERS TO EMPLOYMENT.

17 (II) THE REQUIREMENT DESCRIBED IN SUBSECTION (1)(c)(I) OF THIS
18 SECTION DOES NOT APPLY TO A YOUTH WHO IS INCAPABLE OF ENGAGING
19 IN ANY OF THE ACTIVITIES DESCRIBED IN SUBSECTION (1)(c)(I) OF THIS
20 SECTION AS A RESULT OF A MEDICAL █ CONDITION THAT IS SUPPORTED BY
21 REGULARLY UPDATED DOCUMENTATION IN THE YOUTH'S CASE PLAN; AND

22 (d) SEEKS TO ENTER INTO OR HAS ENTERED INTO AND IS
23 SUBSTANTIALLY FULFILLING THE YOUTH'S OBLIGATIONS PURSUANT TO A
24 VOLUNTARY SERVICES AGREEMENT WITH THE APPROPRIATE COUNTY
25 DEPARTMENT

26 (2) AN INDIVIDUAL WHO IS NO LONGER UNDER THE
27 JURISDICTION OF THE JUVENILE COURT AND BELIEVES HE OR SHE MAY BE

1 AN ELIGIBLE YOUTH MAY REQUEST TO PARTICIPATE IN THE TRANSITION
2 PROGRAM BY MAKING A REQUEST TO THE COUNTY DEPARTMENT WHERE
3 THE YOUTH SELF-ATTESTS THAT THE YOUTH RESIDES. THE YOUTH SHALL
4 PROVIDE DOCUMENTATION OF THE YOUTH'S LEGAL NAME AND DATE OF
5 BIRTH, IF AVAILABLE. IF THE YOUTH DOES NOT HAVE SUCH
6 DOCUMENTATION, THE YOUTH MAY ATTEST TO THE YOUTH'S LEGAL NAME
7 AND DATE OF BIRTH. THE YOUTH SHALL PROVIDE CURRENT CONTACT
8 INFORMATION. [REDACTED]

9 (3) THE COUNTY DEPARTMENT SHALL DETERMINE WHETHER A
10 YOUTH IS ELIGIBLE [REDACTED] WITHIN THREE BUSINESS DAYS OF THE YOUTH'S
11 REQUEST AND, IF SO, EXPLAIN THE TRANSITION PROGRAM AND THE
12 VOLUNTARY SERVICES AGREEMENT TO THE ELIGIBLE YOUTH. [REDACTED] WITHIN
13 THREE BUSINESS DAYS OF AN ELIGIBLE YOUTH'S DECISION TO ENTER THE
14 PROGRAM, THE COUNTY DEPARTMENT SHALL PREPARE AND EXECUTE, IN
15 COLLABORATION WITH THE ELIGIBLE YOUTH, A VOLUNTARY SERVICES
16 AGREEMENT, AS DESCRIBED IN SECTION 19-7-306; PROVIDE A COPY OF THE
17 VOLUNTARY SERVICES AGREEMENT TO THE ELIGIBLE YOUTH; AND, WITHIN
18 NINETY DAYS OF A VOLUNTARY SERVICES AGREEMENT REMAINING IN
19 EFFECT, FILE A PETITION WITH THE JUVENILE COURT PURSUANT TO SECTION
20 19-7-307 THAT INCLUDES THE VOLUNTARY SERVICES AGREEMENT. IF THE
21 COUNTY DEPARTMENT DETERMINES THAT THE YOUTH IS NOT ELIGIBLE, THE
22 COUNTY DEPARTMENT SHALL NOTIFY THE YOUTH [REDACTED] OF THE COUNTY
23 DEPARTMENT'S DETERMINATION AND THE REASONS FOR SUCH
24 DETERMINATION, AND HOW TO APPEAL A DENIAL OF ELIGIBILITY.

25 (4) AN ELIGIBLE YOUTH MAY VOLUNTARILY PARTICIPATE IN THE
26 TRANSITION PROGRAM FOR ANY LENGTH OF TIME UNTIL THE LAST DAY OF
27 THE MONTH OF THE INDIVIDUAL'S TWENTY-FIRST BIRTHDAY, OR SUCH

1 GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED BY FEDERAL
2 LAW.

3 (5) A PARTICIPATING YOUTH RETAINS ALL THE RIGHTS AND
4 RESPONSIBILITIES THE INDIVIDUAL WOULD NORMALLY HAVE, [REDACTED]
5 INCLUDING BUT NOT LIMITED TO CONSENTING TO THE YOUTH'S OWN
6 MEDICAL CARE; ENTERING INTO CONTRACTS, INCLUDING BUT NOT LIMITED
7 TO LEASING CONTRACTS, EMPLOYMENT CONTRACTS, AND CONTRACTS FOR
8 PURCHASE; AND OBTAINING AND MAINTAINING ACCOUNTS WITH
9 FINANCIAL INSTITUTIONS.

10 **19-7-305. Available services and supports.** (1) EACH COUNTY
11 DEPARTMENT SHALL OFFER, AT A MINIMUM, THE FOLLOWING SERVICES
12 AND SUPPORTS TO PARTICIPATING YOUTH IN THE TRANSITION PROGRAM:

13 (a) ASSISTANCE WITH ENROLLING IN THE APPROPRIATE CATEGORY
14 OF MEDICAID FOR WHICH THE PARTICIPATING YOUTH IS ELIGIBLE;
15 (b) (I) ASSISTANCE WITH SECURING [REDACTED] SAFE, AFFORDABLE, AND
16 STABLE HOUSING. [REDACTED] IF A COUNTY DEPARTMENT HAS LEGAL AUTHORITY FOR
17 PHYSICAL PLACEMENT: [REDACTED]

18 (A) THE PARTICIPATING YOUTH'S HOUSING IS [REDACTED] FULLY OR PARTIALLY
19 FUNDED THROUGH FOSTER CARE MAINTENANCE PAYMENTS, IN ADDITION
20 TO ANY OTHER HOUSING ASSISTANCE THE YOUTH IS ELIGIBLE TO RECEIVE.
21 ANY EXPECTATIONS FOR THE YOUTH TO CONTRIBUTE TO THE YOUTH'S
22 OWN EXPENSES MUST BE BASED UPON THE YOUTH'S ABILITY TO PAY. [REDACTED]

23 (B) WITH THE PARTICIPATING YOUTH'S CONSENT, THE
24 PARTICIPATING YOUTH'S HOUSING MAY BE IN ANY PLACEMENT APPROVED
25 BY THE STATE DEPARTMENT OR THE COURT FOR WHICH THE PARTICIPATING
26 YOUTH IS OTHERWISE ELIGIBLE AND THAT IS THE LEAST RESTRICTIVE
27 OPTION TO MEET THE PARTICIPATING YOUTH'S NEEDS; OR

6 (II) IF A COUNTY DEPARTMENT DOES NOT HAVE LEGAL AUTHORITY
7 FOR PHYSICAL PLACEMENT, THE PARTICIPATING YOUTH MAY:

11 (B) ACCESS ANY FINANCIAL SUPPORT FOR HOUSING THAT THE
12 PARTICIPATING YOUTH IS OTHERWISE ELIGIBLE TO RECEIVE.

13 (c) CASE MANAGEMENT SERVICES, INCLUDING THE DEVELOPMENT
14 OF A CASE PLAN WITH A ROADMAP TO SUCCESS FOR THE PARTICIPATING
15 YOUTH, AS WELL AS ASSISTANCE IN THE FOLLOWING AREAS, AS
16 APPROPRIATE, AND WITH THE AGREEMENT OF THE PARTICIPATING YOUTH:

17 (I) PROVISION OF RESOURCES TO ASSIST THE PARTICIPATING YOUTH
18 IN THE TRANSITION TO ADULTHOOD:

19 (II) OBTAINING EMPLOYMENT OR OTHER FINANCIAL SUPPORT AND
20 ENHANCING FINANCIAL LITERACY:

21 (III) OBTAINING A DRIVER'S LICENSE OR OTHER
22 GOVERNMENT-ISSUED IDENTIFICATION CARD:

23 (IV) OBTAINING APPROPRIATE COMMUNITY RESOURCES AND
24 PUBLIC BENEFITS:

25 (V) UPON REQUEST, AND IF SERVICES ARE AVAILABLE, REFERRAL
26 TO SERVICES SATISFYING ANY JUVENILE OR CRIMINAL JUSTICE SYSTEM
27 REQUIREMENTS AND ASSISTING WITH EXPUNGING THE PARTICIPATING

1 YOUTH'S COURT RECORDS, AS APPROPRIATE, PURSUANT TO SECTION
2 19-1-306;

3 (VI) PURSUING EDUCATIONAL GOALS AND APPLYING FOR
4 FINANCIAL AID, IF NECESSARY;

5 (VII) UPON REQUEST, AND IF SERVICES ARE AVAILABLE, REFERRAL
6 TO OBTAINING THE NECESSARY STATE COURT FINDINGS AND APPLYING FOR
7 SPECIAL IMMIGRANT JUVENILE STATUS PURSUANT TO FEDERAL LAW, AS
8 APPLICABLE, OR APPLYING FOR OTHER IMMIGRATION RELIEF FOR WHICH
9 THE PARTICIPATING YOUTH MAY BE QUALIFIED;

10 (VIII) OBTAINING COPIES OF HEALTH AND EDUCATION RECORDS;

11 (IX) MAINTAINING AND BUILDING RELATIONSHIPS WITH
12 INDIVIDUALS WHO ARE IMPORTANT TO THE PARTICIPATING YOUTH,
13 INCLUDING SEARCHING FOR INDIVIDUALS WITH WHOM THE PARTICIPATING
14 YOUTH HAS LOST CONTACT; AND

15 (X) ACCESSING INFORMATION ABOUT MATERNAL AND PATERNAL
16 RELATIVES, INCLUDING ANY SIBLINGS.

17 **19-7-306. Voluntary services agreement.** (1) A VOLUNTARY
18 SERVICES AGREEMENT ENTERED INTO PURSUANT TO THIS PART 3 IS A
19 BINDING STANDARDIZED AGREEMENT, WRITTEN IN A CLIENT-DRIVEN AND
20 DEVELOPMENTALLY APPROPRIATE MANNER, BETWEEN THE COUNTY
21 DEPARTMENT AND A PARTICIPATING YOUTH. THE AGREEMENT SPECIFIES
22 THE TERMS OF THE YOUTH'S PARTICIPATION IN THE TRANSITION PROGRAM,
23 INCLUDING, AT A MINIMUM:

24 (a) THE PARTICIPATING YOUTH'S STATUS AS A LEGAL ADULT, AS
25 DESCRIBED IN SECTION 19-7-304 (5);

26 (b) THE PARTICIPATING YOUTH'S RIGHTS AND OBLIGATIONS WHILE
27 THE AGREEMENT IS IN EFFECT, INCLUDING THE RIGHT TO COUNSEL. UPON

1 ENTERING INTO A VOLUNTARY EXTENDED FOSTER CARE AGREEMENT WITH
2 AN ELIGIBLE YOUTH, THE COUNTY DEPARTMENT SHALL MAKE A REFERRAL
3 AND PROVIDE THE YOUTH WITH CONTACT INFORMATION AND AN
4 APPLICATION FOR THE OFFICE OF THE CHILD'S REPRESENTATIVE FOR
5 APPOINTMENT OF COUNSEL IF THE YOUTH NEEDS COUNSEL. NOTHING IN
6 THIS SECTION LIMITS THE POWER OF THE COURT TO APPOINT COUNSEL OR
7 THE POWER OF THE OFFICE OF THE CHILD'S REPRESENTATIVE TO ASSIGN
8 COUNSEL PRIOR TO THE FILING OF A PETITION;

9 (c) A STATEMENT CONCERNING THE VOLUNTARY NATURE OF THE
10 TRANSITION PROGRAM AND THE PARTICIPATING YOUTH'S RIGHT TO
11 TERMINATE THE AGREEMENT AT ANY TIME AND THE PROCEDURES FOR
12 SUCH TERMINATION;

13 (d) THE COUNTY DEPARTMENT'S RIGHTS AND OBLIGATIONS WHILE
14 THE AGREEMENT IS IN EFFECT;

15 (e) THE SERVICES THAT WILL BE AVAILABLE TO THE PARTICIPATING
16 YOUTH THROUGH THE TRANSITION PROGRAM, AS SPECIFIED IN THE
17 ROADMAP TO SUCCESS; AND

18 (f) THE CIRCUMSTANCES UNDER WHICH A COUNTY DEPARTMENT
19 MAY REQUEST THAT THE COURT TERMINATE THE AGREEMENT AND THE
20 COURT'S JURISDICTION OVER THE OBJECTION OF THE PARTICIPATING
21 YOUTH.

22 **19-1-307. Petition - form and content.** (1) A YOUTH OR A
23 PARTICIPATING YOUTH MAY FILE A PETITION ON THE YOUTH'S OWN BEHALF
24 AT ANY TIME. OR, IF SUCH A PETITION HAS NOT YET BEEN FILED AND IF NO
25 MORE THAN NINETY DAYS OF A VOLUNTARY SERVICES AGREEMENT
26 REMAINS IN EFFECT AFTER A VOLUNTARY SERVICES AGREEMENT IS
27 EXECUTED PURSUANT TO SECTION 19-7-306, A COUNTY DEPARTMENT

1 SHALL FILE A PETITION WITH THE COURT INITIATING A PROCEEDING
2 PURSUANT TO THIS PART 3 TITLED "THE PEOPLE OF THE STATE OF
3 COLORADO, IN THE MATTER OF _____, A YOUTH IN TRANSITION". THE
4 PETITION MUST BE VERIFIED AND THE STATEMENTS MAY BE MADE UPON
5 INFORMATION AND BELIEF.

6 (2) THE PETITION MUST PLAINLY SET FORTH THE FACTS THAT
7 BRING THE PARTICIPATING YOUTH UNDER THE COURT'S JURISDICTION. THE
8 PETITION MUST ALSO STATE THE PARTICIPATING YOUTH'S NAME, AGE, AND
9 COUNTY WHERE THE PARTICIPATING YOUTH SELF-ATTESTS THE
10 PARTICIPATING YOUTH RESIDES.

11 (3) IN EACH CASE WHERE REMOVAL OF A PARTICIPATING YOUTH
12 FROM THE HOME IS SOUGHT, THE PETITION MUST EITHER STATE THAT
13 REASONABLE EFFORTS WERE MADE TO PREVENT FOSTER CARE, INCLUDING
14 A SUMMARY OF THOSE EFFORTS, OR, IF NO SERVICES TO PREVENT
15 OUT-OF-HOME PLACEMENT WERE PROVIDED, THE PETITION MUST CONTAIN
16 AN EXPLANATION OF WHY SUCH SERVICES WERE NOT PROVIDED OR A
17 DESCRIPTION OF THE EMERGENCY THAT PRECLUDED THE USE OF SERVICES
18 TO PREVENT FOSTER CARE OR OUT-OF-HOME PLACEMENT. ASSIGNMENT OF
19 LEGAL AUTHORITY FOR PHYSICAL PLACEMENT OF A PARTICIPATING YOUTH
20 TO A COUNTY DEPARTMENT FOR PURPOSES OF PLACEMENT IN A
21 SUPERVISED INDEPENDENT LIVING PLACEMENT CONSTITUTES A REMOVAL
22 AND IS FOSTER CARE.

23 (4) EACH PETITION FILED FOR A FOSTER YOUTH IN TRANSITION
24 PURSUANT TO THIS PART 3 MUST INCLUDE THE FOLLOWING STATEMENTS:
25 (a) THAT THE PARTICIPATING YOUTH RETAINS ALL THE ADULT
26 RIGHTS AND RESPONSIBILITIES THAT THE PARTICIPATING YOUTH WOULD
27 OTHERWISE HAVE, AS DESCRIBED IN SECTION 19-7-304 (5); AND

7

17 (6) THE PETITION MUST BE ACCOMPANIED BY A COPY OF THE
18 VOLUNTARY SERVICES AGREEMENT EXECUTED PURSUANT TO SECTION
19 19-7-306 AND, FOR A PARTICIPATING YOUTH ENTERING THE TRANSITION
20 PROGRAM DIRECTLY FROM AN OPEN CASE PURSUANT TO ARTICLE 3 OF THIS
21 TITLE 19, THE PETITION MUST ALSO INCLUDE A CURRENT COPY OF THE
22 PARTICIPATING YOUTH'S ROADMAP TO SUCCESS.

23 19-7-308. Right to counsel - guardian ad litem - representation

24 **of petitioner.** (1) A PARTICIPATING YOUTH HAS A RIGHT TO COUNSEL. IF
25 THE YOUTH ACCEPTS THE PUBLICLY PROVIDED COUNSEL, COUNSEL MUST
26 BE ASSIGNED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE OR
27 APPROVED BY THE COURT FROM A LIST OF ATTORNEYS APPROVED BY THE

1 OFFICE OF THE CHILD'S REPRESENTATIVE. THE OFFICE OF THE CHILD'S
2 REPRESENTATIVE SHALL DEVELOP PRACTICE STANDARDS AND GUIDELINES
3 FOR REPRESENTING PARTICIPATING YOUTH IN PROCEEDINGS BROUGHT
4 PURSUANT TO THIS PART 3.

5 (2) A PARTICIPATING YOUTH WHO IS EIGHTEEN YEARS OF AGE OR
6 OLDER AND, DUE TO DIMINISHED CAPACITY, NEEDS A GUARDIAN AD LITEM
7 MAY ALSO HAVE A GUARDIAN AD LITEM APPOINTED FROM THE LIST
8 APPROVED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE.

9 (3) IN ALL PROCEEDINGS BROUGHT PURSUANT TO THIS PART 3, THE
10 COUNTY DEPARTMENT MUST BE REPRESENTED BY A COUNTY ATTORNEY,
11 A SPECIAL COUNTY ATTORNEY, OR AN ATTORNEY OF A CITY OR CITY AND
12 COUNTY.

13 **19-7-309. Supervised independent living placements -**
14 **background checks not required.** A COUNTY DEPARTMENT IS NOT
15 REQUIRED TO CONDUCT BACKGROUND CHECKS FOR OTHER RESIDENTS OF
16 A SUPERVISED INDEPENDENT LIVING PLACEMENT AS A CONDITION OF
17 APPROVING A PARTICIPATING YOUTH'S INDEPENDENT LIVING SETTING.

18 **19-7-310. Emancipation discharge hearings - emancipation**
19 **transition plan.** (1) AT THE DIRECTION OF A PARTICIPATING YOUTH, WITH
20 ASSISTANCE AND SUPPORT FROM A COUNTY DEPARTMENT, AN
21 EMANCIPATION TRANSITION PLAN THAT IS PERSONALIZED FOR THE
22 PARTICIPATING YOUTH MUST BE DEVELOPED AND FINALIZED NO MORE
23 THAN NINETY DAYS PRIOR TO THE PARTICIPATING YOUTH'S EMANCIPATION
24 DISCHARGE HEARING. THE EMANCIPATION TRANSITION PLAN INCLUDES
25 SPECIFIC OPTIONS CONCERNING HOUSING, HEALTH INSURANCE,
26 EDUCATION, LOCAL OPPORTUNITIES FOR MENTORS AND CONTINUING
27 SUPPORT SERVICES, AND WORKFORCE SUPPORTS AND EMPLOYMENT

1 SERVICES. THE EMANCIPATION TRANSITION PLAN MUST ALSO INCLUDE
2 INFORMATION CONCERNING THE IMPORTANCE OF DESIGNATING ANOTHER
3 INDIVIDUAL TO MAKE HEALTH CARE TREATMENT DECISIONS ON THE
4 PARTICIPATING YOUTH'S BEHALF IF THE YOUTH BECOMES UNABLE TO
5 PARTICIPATE IN SUCH DECISIONS AND THE PARTICIPATING YOUTH DOES
6 NOT HAVE, OR DOES NOT WANT, A RELATIVE OR LEGAL GUARDIAN WHO
7 WOULD OTHERWISE BE AUTHORIZED TO MAKE SUCH DECISIONS. THE
8 EMANCIPATION TRANSITION PLAN MUST PROVIDE THE PARTICIPATING
9 YOUTH WITH THE OPTION TO EXECUTE A HEALTH CARE POWER OF
10 ATTORNEY AND INCLUDE DETAILS AT THE PARTICIPATING YOUTH'S
11 DISCRETION.

12 (2) IF A PARTICIPATING YOUTH REMAINS IN THE TRANSITION
13 PROGRAM UNTIL THE PARTICIPATING YOUTH TURNS TWENTY-ONE YEARS
14 OF AGE, OR SUCH GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED
15 BY FEDERAL LAW, AT LEAST NINETY DAYS PRIOR TO THE PARTICIPATING
16 YOUTH'S LAST DAY OF ELIGIBILITY FOR THE TRANSITION PROGRAM, THE
17 COUNTY DEPARTMENT SHALL PROVIDE THE PARTICIPATING YOUTH WITH:

18 (a) A CLEAR AND DEVELOPMENTALLY APPROPRIATE WRITTEN
19 NOTICE OF THE DATE THAT THE PARTICIPATING YOUTH'S VOLUNTARY
20 SERVICES AGREEMENT WILL TERMINATE;

21 (b) THE PARTICIPATING YOUTH'S EMANCIPATION TRANSITION PLAN;
22 AND

23 (c) INFORMATION ABOUT AND CONTACT INFORMATION FOR
24 COMMUNITY RESOURCES THAT MAY BENEFIT THE PARTICIPATING YOUTH,
25 SPECIFICALLY INCLUDING INFORMATION REGARDING PROGRAMS THAT
26 HAVE BEEN ESTABLISHED PURSUANT TO SECTION 19-7-314 OR TO FEDERAL
27 LAW THAT PROVIDE TRANSITIONAL FOSTER CARE ASSISTANCE TO YOUNG

1 ADULTS.

2 (3) PRIOR TO A PARTICIPATING YOUTH'S EMANCIPATION, THE
3 COURT SHALL:

4 (a) REVIEW THE PARTICIPATING YOUTH'S EMANCIPATION
5 TRANSITION PLAN AND CONSULT WITH THE PARTICIPATING YOUTH ON THE
6 PARTICIPATING YOUTH'S READINESS;

7 (b) DETERMINE WHETHER THE COUNTY DEPARTMENT HAS MADE
8 REASONABLE EFFORTS TOWARD THE PARTICIPATING YOUTH'S
9 PERMANENCY GOALS AND TO PREPARE THE PARTICIPATING YOUTH FOR A
10 SUCCESSFUL TRANSITION TO ADULTHOOD;

11 (c) DETERMINE WHETHER THE PARTICIPATING YOUTH HAS BEEN
12 PROVIDED WITH ALL NECESSARY RECORDS AND DOCUMENTS AS DESCRIBED
13 IN SUBSECTION (4)(b) OF THIS SECTION;

14 (d) DETERMINE WHETHER THE PARTICIPATING YOUTH HAS BEEN
15 ENROLLED IN MEDICAID AND ADVISE THE PARTICIPATING YOUTH ON THE
16 PARTICIPATING YOUTH'S ELIGIBILITY FOR FORMER FOSTER CARE MEDICAID
17 UP TO THE PARTICIPATING YOUTH'S TWENTY-SIXTH BIRTHDAY PURSUANT
18 TO SECTION 25.5-5-101 (1)(e); AND

19 (e) ADVISE THE PARTICIPATING YOUTH THAT IF THE YOUTH
20 CHOOSES TO EMANCIPATE BUT LATER DECIDES SUPPORT IS NEEDED, THE
21 YOUTH HAS THE RIGHT TO BEGIN RECEIVING CHILD WELFARE SERVICES
22 AGAIN THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM, CREATED
23 IN SECTION 19-7-303, UNTIL THE YOUTH'S TWENTY-FIRST BIRTHDAY, OR
24 SUCH GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED BY
25 FEDERAL LAW; AND ADVISE THE YOUTH OF THE NECESSITY OF KEEPING THE
26 PARTICIPATING YOUTH'S CONTACT INFORMATION UP TO DATE WITH THE
27 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OR THE

1 APPROPRIATE COUNTY DEPARTMENT.

2 (4) AT LEAST SEVEN DAYS PRIOR TO A PARTICIPATING YOUTH'S
3 EMANCIPATION DISCHARGE HEARING, THE COUNTY DEPARTMENT SHALL
4 FILE A REPORT WITH THE COURT THAT INCLUDES:

5 (a) A DESCRIPTION OF THE COUNTY DEPARTMENT'S REASONABLE
6 EFFORTS TOWARD ACHIEVING THE PARTICIPATING YOUTH'S PERMANENCY
7 GOALS AND A SUCCESSFUL TRANSITION TO ADULTHOOD;

8 (b) AN AFFIRMATION THAT THE COUNTY DEPARTMENT HAS
9 PROVIDED THE PARTICIPATING YOUTH WITH ALL NECESSARY RECORDS AND
10 DOCUMENTS, INCLUDING COPIES OF ALL DOCUMENTS LISTED IN SECTION
11 19-3-702 (4)(d), HEALTH RECORDS, EDUCATION RECORDS, AND WRITTEN
12 INFORMATION CONCERNING THE PARTICIPATING YOUTH'S FAMILY HISTORY
13 AND CONTACT INFORMATION FOR SIBLINGS, IF APPROPRIATE; AND

14 (c) A COPY OF THE PARTICIPATING YOUTH'S EMANCIPATION
15 TRANSITION PLAN, FINALIZED NO MORE THAN NINETY DAYS PRIOR TO THE
16 PARTICIPATING YOUTH'S EMANCIPATION DISCHARGE HEARING.

17 (5) WITH THE PARTICIPATING YOUTH'S CONSENT, THE COURT MAY
18 CONTINUE THE EMANCIPATION DISCHARGE HEARING FOR UP TO ONE
19 HUNDRED NINETEEN DAYS, BUT NOT PAST THE LAST DAY OF THE MONTH
20 IN WHICH THE PARTICIPATING YOUTH TURNS TWENTY-ONE YEARS OF AGE,
21 OR SUCH GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED BY
22 FEDERAL LAW. THE CONTINUANCE MUST BE TO ALLOW TIME TO IMPROVE
23 THE PARTICIPATING YOUTH'S EMANCIPATION TRANSITION PLAN, GATHER
24 NECESSARY DOCUMENTS AND RECORDS FOR THE PARTICIPATING YOUTH,
25 OR ANY OTHER REASON NECESSARY TO ALLOW FOR THE PARTICIPATING
26 YOUTH TO HAVE A SUCCESSFUL TRANSITION TO ADULTHOOD.

27 **19-7-311. Permanency planning hearings.** A PERMANENCY

1 PLANNING HEARING MUST BE HELD FOR A PARTICIPATING YOUTH UNDER
2 THE COURT'S JURISDICTION PURSUANT TO THIS PART 3 IN THE SAME
3 MANNER AS PROVIDED IN SECTION 19-3-702; EXCEPT THAT PERMANENCY
4 HEARINGS NEED ONLY BE HELD AT LEAST EVERY TWELVE MONTHS.

5 **19-7-312. Periodic reviews.** (1) THE COURT SHALL HOLD A
6 PERIODIC REVIEW HEARING FOR EACH PARTICIPATING YOUTH AT LEAST
7 ONCE EVERY SIX MONTHS. A REVIEW HEARING NOT COINCIDING WITH A
8 PERMANENCY HEARING MAY BE HELD ON THE COURT'S ADMINISTRATIVE
9 DOCKET BY WRITTEN REPORT UPON AGREEMENT OF THE PARTIES. THE
10 REVIEW HEARING AND PERMANENCY HEARING MUST BE HELD TOGETHER
11 IN THE SAME HEARING WHEN POSSIBLE.

12 (2) THE PRIMARY PURPOSE OF THE REVIEW HEARING IS TO ENSURE
13 THAT THE TRANSITION PROGRAM IS PROVIDING THE PARTICIPATING YOUTH
14 WITH THE NECESSARY SERVICES AND SUPPORTS TO HELP THE
15 PARTICIPATING YOUTH MOVE TOWARD PERMANENCY AND A SUCCESSFUL
16 TRANSITION TO ADULTHOOD.

17 (3) PRIOR TO A PERIODIC REVIEW HELD PURSUANT TO THIS
18 SECTION, THE COUNTY DEPARTMENT SHALL FILE A REPORT WITH THE
19 COURT THAT INCLUDES:

20 (a) A COPY OF THE PARTICIPATING YOUTH'S ROADMAP TO SUCCESS;
21 (b) A STATEMENT OF THE PARTICIPATING YOUTH'S PROGRESS ON
22 THE PARTICIPATING YOUTH'S GOALS AND WHETHER THE PARTICIPATING
23 YOUTH IS MEETING THE PARTICIPATING YOUTH'S OBLIGATIONS PURSUANT
24 TO THE VOLUNTARY SERVICES AGREEMENT, INCLUDING ANY REQUIRED
25 ACTIVITIES;

26 (c) A STATEMENT OF THE COUNTY DEPARTMENT'S REASONABLE
27 EFFORTS TO SUPPORT THE PARTICIPATING YOUTH IN MEETING THE

1 PARTICIPATING YOUTH'S GOALS; AND

2 (d) A STATEMENT OF ANY BARRIERS TO THE PARTICIPATING YOUTH
3 IN MEETING THE PARTICIPATING YOUTH'S GOALS AND ANY PLANS TO
4 ADDRESS SUCH BARRIERS.

5 (4) THE COURT MAY ORDER THE COUNTY DEPARTMENT TO
6 PROVIDE ADDITIONAL SERVICES AND SUPPORTS TO HELP THE
7 PARTICIPATING YOUTH ACHIEVE THE GOALS OUTLINED ON THE
8 PARTICIPATING YOUTH'S ROADMAP TO SUCCESS OR COMPLY WITH STATE
9 OR FEDERAL LAW.

10 (5) IF THE COURT FINDS THE PARTICIPATING YOUTH IS NOT
11 SUBSTANTIALLY FULFILLING THE PARTICIPATING YOUTH'S OBLIGATIONS
12 PURSUANT TO THE VOLUNTARY SERVICES AGREEMENT, THE COURT MAY
13 ENTER ORDERS FOR THE PARTICIPATING YOUTH TO FOLLOW IN ORDER TO
14 CONTINUE TO BE ELIGIBLE FOR THE TRANSITION PROGRAM.

15 (6) THE COURT SHALL CONDUCT A PERIODIC REVIEW HEARING IN
16 A MANNER THAT SEEKS THE PARTICIPATING YOUTH'S MEANINGFUL
17 PARTICIPATION, INCLUDING OFFERING REMOTE OPTIONS FOR
18 PARTICIPATION TO ACCOMMODATE THE PARTICIPATING YOUTH'S WORK,
19 SCHOOL, OR TREATMENT COMMITMENTS.

20 (7) DURING THE PERIODIC REVIEW HEARING, THE COURT SHALL
21 FIND WHETHER:

22 (a) THE COUNTY DEPARTMENT MADE REASONABLE EFFORTS TO
23 IMPLEMENT THE PARTICIPATING YOUTH'S CASE PLAN, INCLUDING THE
24 PARTICIPATING YOUTH'S ROADMAP TO SUCCESS; AND

25 (b) THE PARTICIPATING YOUTH CONTINUES TO NEED FOSTER CARE
26 AND WHETHER SUCH PLACEMENT IS THE LEAST RESTRICTIVE TO MEET THE
27 PARTICIPATING YOUTH'S NEEDS.

1 **19-7-313. Continuing jurisdiction.** (1) THE COURT HAS
2 CONTINUING JURISDICTION OVER THE PARTICIPATING YOUTH UNTIL ANY OF
3 THE FOLLOWING OCCURS:

4 (a) THE PARTICIPATING YOUTH MOVES THE COURT, AT ANY TIME,
5 TO WITHDRAW THE YOUTH'S PARTICIPATION IN THE TRANSITION PROGRAM
6 AND TO TERMINATE THE COURT'S JURISDICTION. THE COURT SHALL HOLD
7 AN EMANCIPATION DISCHARGE HEARING WITHIN THIRTY-FIVE DAYS AFTER
8 RECEIPT OF THE PARTICIPATING YOUTH'S MOTION TO REVIEW THE
9 PARTICIPATING YOUTH'S EMANCIPATION TRANSITION PLAN AND ADVISE
10 THE PARTICIPATING YOUTH AS PROVIDED IN SECTION 19-7-310.

11 (b) A COUNTY DEPARTMENT MOVES THE COURT AT LEAST NINETY
12 DAYS PRIOR TO A PARTICIPATING YOUTH'S TWENTY-FIRST BIRTHDAY, OR
13 SUCH GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED BY
14 FEDERAL LAW, TO REQUEST AN EMANCIPATION DISCHARGE HEARING BE
15 HELD PRIOR TO THE LAST DAY OF THE MONTH IN WHICH THE
16 PARTICIPATING YOUTH TURNS TWENTY-ONE YEARS OF AGE. THE COURT
17 SHALL HOLD AN EMANCIPATION DISCHARGE HEARING TO REVIEW THE
18 PARTICIPATING YOUTH'S EMANCIPATION TRANSITION PLAN AND ADVISE
19 THE PARTICIPATING YOUTH AS PROVIDED IN SECTION 19-7-310.

20 (c) A COUNTY DEPARTMENT MOVES THE COURT TO TERMINATE A
21 PARTICIPATING YOUTH'S VOLUNTARY SERVICES AGREEMENT AND THE
22 COURT'S JURISDICTION BECAUSE THE PARTICIPATING YOUTH NO LONGER
23 MEETS THE ELIGIBILITY REQUIREMENTS DESCRIBED IN SECTION 19-7-304
24 FOR THE TRANSITION PROGRAM. THE COUNTY DEPARTMENT SHALL
25 INCLUDE IN THE MOTION ITS EFFORTS TO REENGAGE THE PARTICIPATING
26 YOUTH, INCLUDING:

27 (I) THE PROVISION OF WRITTEN NOTICE TO THE PARTICIPATING

1 YOUTH IN A CLEAR AND DEVELOPMENTALLY APPROPRIATE MANNER THAT
2 INFORMS THE PARTICIPATING YOUTH OF THE COUNTY DEPARTMENT'S
3 INTENT TO REQUEST THAT THE COURT TERMINATE THE PARTICIPATING
4 YOUTH'S VOLUNTARY SERVICES AGREEMENT WITH AN EXPLANATION OF
5 THE REASONS; AND

6 (II) DOCUMENTATION OF THE COUNTY DEPARTMENT'S
7 REASONABLE EFFORTS TO MEET IN PERSON WITH THE PARTICIPATING
8 YOUTH TO EXPLAIN THE INFORMATION IN THE WRITTEN TERMINATION
9 NOTICE AND TO ASSIST THE PARTICIPATING YOUTH IN REESTABLISHING
10 ELIGIBILITY IF THE PARTICIPATING YOUTH WISHES TO CONTINUE TO
11 PARTICIPATE IN THE TRANSITION PROGRAM.

12 (2) THE COURT SHALL HOLD THE EMANCIPATION DISCHARGE
13 HEARING PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION AT LEAST
14 THIRTY-FIVE DAYS AFTER RECEIPT OF THE COUNTY DEPARTMENT'S MOTION
15 TO DETERMINE WHETHER THE PARTICIPATING YOUTH STILL MEETS THE
16 ELIGIBILITY REQUIREMENTS FOR THE TRANSITION PROGRAM, INCLUDING
17 SUBSTANTIALLY FULFILLING THE PARTICIPATING YOUTH'S OBLIGATIONS
18 SET FORTH IN THE PARTICIPATING YOUTH'S VOLUNTARY SERVICES
19 AGREEMENT. IF THE PARTICIPATING YOUTH NO LONGER MEETS THE
20 REQUIREMENTS OF THE TRANSITION PROGRAM AND THE COUNTY
21 DEPARTMENT HAS MADE REASONABLE BUT UNSUCCESSFUL EFFORTS TO
22 REENGAGE THE PARTICIPATING YOUTH, THEN THE COURT SHALL HOLD AN
23 EMANCIPATION DISCHARGE HEARING TO REVIEW THE PARTICIPATING
24 YOUTH'S EMANCIPATION TRANSITION PLAN AND ADVISE THE
25 PARTICIPATING YOUTH AS PROVIDED IN SECTION 19-7-310. THE COURT
26 MAY ACCOMPLISH ALL OF THESE ELEMENTS IN THE SAME EMANCIPATION
27 DISCHARGE HEARING IF ALL OF THE NECESSARY INFORMATION HAS BEEN

1 FILED IN A TIMELY FASHION.

2 **19-7-314. Foster youth successful transition to adulthood**
3 **grant program - creation - standards - application - fund - advisory**

4 **board - duties.** (1) (a) THE FOSTER YOUTH SUCCESSFUL TRANSITION TO
5 ADULTHOOD GRANT PROGRAM IS CREATED WITHIN THE STATE
6 DEPARTMENT. THE PURPOSE OF THE GRANT PROGRAM IS TO CREATE AND
7 ADMINISTER PROGRAMS THAT SUPPORT ELIGIBLE YOUTH IN MAKING A
8 SUCCESSFUL TRANSITION TO ADULTHOOD.

9 (b) THE STATE DEPARTMENT SHALL ENSURE THAT SERVICES ARE
10 AVAILABLE TO ELIGIBLE YOUTH THROUGHOUT COLORADO AND, IN ORDER
11 TO DO SO, ADMINISTER A MERIT-BASED APPLICATION PROCESS TO SELECT
12 SERVICE PROVIDERS AS FOLLOWS:

13 (I) AN APPLICATION FROM A COUNTY DEPARTMENT MUST RECEIVE
14 PREFERENCE OVER APPLICATIONS FROM OTHER TYPES OF ENTITIES; AND
15 (II) AN APPLICATION FOR A PROPOSED PROGRAM MUST RECEIVE
16 PREFERENCE IF IT INCLUDES THE PROVISION OF EVIDENCE-BASED SERVICES.

17 (c) YOUTH WHO MEET THE FOLLOWING CRITERIA ARE ELIGIBLE FOR
18 SERVICES FROM A PROGRAM THAT HAS RECEIVED A GRANT FROM THE
19 GRANT PROGRAM:

20 (I) THE YOUTH IS EIGHTEEN YEARS OF AGE OR OLDER BUT LESS
21 THAN TWENTY-THREE YEARS OF AGE, OR THE UPPER AGE LIMIT
22 ESTABLISHED IN THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC.
23 677 (a), WHICHEVER IS GREATER;

24 (II) THE YOUTH WAS IN FOSTER CARE OR ADJUDICATED DEPENDENT
25 AND NEGLECTED ON OR AFTER THE YOUTH'S FOURTEENTH BIRTHDAY; AND

26 (III) THE YOUTH VOLUNTARILY AGREES TO PARTICIPATE IN THE
27 PROGRAM THAT IS RECEIVING A GRANT FROM THE GRANT PROGRAM.

21 (I) IMPLEMENTATION OF THE GRANT PROGRAM;
22 (II) FUNDING MODELS AND ALLOCATION METHODOLOGIES,
23 INCLUDING CONSULTATION WITH THE ADVISORY BOARD BEFORE THE
24 STATE DEPARTMENT ALLOCATES FUNDING RECEIVED THROUGH THE
25 FEDERAL "JOHN H. CHAFEE FOSTER CARE PROGRAM FOR SUCCESSFUL
26 TRANSITION TO ADULTHOOD", 42 U.S.C. SEC. 677, FOR THE GRANT
27 PROGRAM;

- 1 (III) CONTENT FOR GRANT PROGRAM APPLICATIONS; AND
- 2 (IV) SCORING METHODOLOGY FOR GRANT PROGRAM APPLICATION
- 3 REVIEW.

4 (b) THE EXECUTIVE DIRECTOR SHALL APPOINT MEMBERS OF THE
5 ADVISORY BOARD FOR TWO-YEAR TERMS. THE BOARD MUST INCLUDE:

6 (I) TWO DIRECTORS OF COUNTY DEPARTMENTS OF HUMAN OR
7 SOCIAL SERVICES, OR THEIR DESIGNEES:

8 (II) TWO DIRECTORS OF RUNAWAY HOMELESS YOUTH PROVIDERS,
9 OR THEIR DESIGNEES:

14 (IV) THE MANAGING DIRECTOR OF THE COLORADO WORKFORCE
15 DEVELOPMENT COUNCIL, OR THE DIRECTOR'S DESIGNEE;

16 (V) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER
17 EDUCATION OR THE DIRECTOR'S DESIGNEE; AND

18 (VI) TWO YOUTH WHO HAVE PREVIOUSLY PARTICIPATED IN THE
19 TRANSITION PROGRAM OR THE FEDERAL "JOHN H. CHAFEE FOSTER CARE
20 PROGRAM FOR SUCCESSFUL TRANSITION TO ADULTHOOD", 42 U.S.C. SEC.
21 677.

22 (c) THE ADVISORY BOARD SHALL HAVE ITS FIRST MEETING ON OR
23 BEFORE OCTOBER 1, 2022.

24 **19-7-315. Rules.** THE STATE DEPARTMENT SHALL PROMULGATE
25 RULES FOR THE IMPLEMENTATION OF THIS PART 3, INCLUDING BUT NOT
26 LIMITED TO RULES CONCERNING ELIGIBILITY DETERMINATIONS,
27 ADMINISTRATIVE APPEALS OF ELIGIBILITY DETERMINATIONS, ENROLLMENT

1 INTO THE TRANSITION PROGRAM, EMANCIPATION TRANSITION PLANS AND
2 ROADMAPS TO SUCCESS, AND EXPEDITED PROCEDURES FOR SECURING
3 TEMPORARY SHELTER FOR YOUTH WHO ARE CURRENTLY HOMELESS OR AT
4 IMMINENT RISK OF HOMELESSNESS.

5 **SECTION 2.** In Colorado Revised Statutes, 19-1-103, **amend**
6 (32)(a), (47.5), (51.3), (89), and (103) as follows:

7 **19-1-103. Definitions.** As used in this title 19 or in the specified
8 portion of this title 19, unless the context otherwise requires:

9 (32)(a) "County department", as used in this ~~article; and ARTICLE~~
10 ~~1; part 2, part 3, and part 7 of article 3 of this title; and TITLE 19; part 2 of~~
11 ~~article 5 OF THIS TITLE 19; AND PART 3 OF ARTICLE 7 OF THIS TITLE TITLE 19,~~
12 means the county or district department of human or social services.

13 (47.5) "Executive director", as used in article 3.3 of this ~~title TITLE~~
14 ~~19 AND PART 3 OF ARTICLE 7 OF THIS TITLE 19, means the executive~~
15 director of the department of human services.

16 (51.3) "Foster care" means the placement of a child OR YOUTH
17 into the legal custody or legal authority of a county department of human
18 or social services for physical placement of the child OR YOUTH in a
19 kinship care placement; SUPERVISED INDEPENDENT LIVING PLACEMENT,
20 AS DEFINED IN SECTION 19-7-302; or certified or licensed facility or the
21 physical placement of a juvenile committed to the custody of the state
22 department of human services into a community placement.

23 (89) "Reasonable efforts", as used in articles 1, 2, ~~and 3, AND 7 of~~
24 this ~~title TITLE~~ 19, means the exercise of diligence and care throughout the
25 state of Colorado for children AND YOUTH who are in FOSTER CARE OR
26 out-of-home placement, or are at imminent risk of FOSTER CARE OR
27 out-of-home placement. In determining whether it is appropriate to

1 provide, purchase, or develop the supportive and rehabilitative services
2 that are required to prevent unnecessary placement of a child OR YOUTH
3 outside of a child's OR YOUTH'S home or to foster the safe reunification of
4 a child OR YOUTH with a child's OR YOUTH'S family, as described in
5 section 19-3-208, or whether it is appropriate to find and finalize an
6 alternative permanent plan for a child OR YOUTH, and in making
7 reasonable efforts, the child's OR YOUTH'S health and safety ~~shall be~~ IS the
8 paramount concern. Services provided by a county or city and county in
9 accordance with section 19-3-208 are deemed to meet the reasonable
10 effort standard described in this subsection (89). Nothing in this
11 subsection (89) shall be construed to conflict with federal law.

12 (103) "State department", as used in section 19-3-211, part 3 of
13 ~~article 3 of this title, and TITLE 19, article 3.3 of this title~~ ~~TITLE 19, AND~~
14 ~~PART 3 OF ARTICLE 7 OF THIS TITLE 19,~~ means the department of human
15 services created by section 24-1-120. ~~C.R.S.~~

16 **SECTION 3.** In Colorado Revised Statutes, 19-1-104, **amend** (7);
17 and **add** (1)(n) as follows:

18 **19-1-104. Jurisdiction.** (1) Except as otherwise provided by law,
19 the juvenile court has exclusive original jurisdiction in proceedings:

20 (n) CONCERNING ANY YOUTH WHO IS VOLUNTARILY
21 PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM
22 ESTABLISHED IN SECTION 19-7-303.

23 (7) Upon motion of the city or county attorney, guardian ad litem,
24 COUNSEL FOR YOUTH, or respondent parent counsel, the district or the
25 juvenile court has jurisdiction to enter a civil protection order pursuant to
26 article 14 of title 13 in actions brought pursuant to article 3 of this title 19
27 OR PART 3 OF ARTICLE 7 OF THIS TITLE 19. The court shall use the

1 standardized forms developed by the judicial department pursuant to
2 section 13-1-136 and shall follow the standards and procedures for the
3 issuance of civil protection orders set forth in article 14 of title 13,
4 including but not limited to personal service upon the restrained person.
5 Once issued, the clerk of the issuing court shall enter the civil protection
6 order into the computerized central registry of protection orders created
7 pursuant to section 18-6-803.7. If the person who is the subject of the
8 civil protection order has not been personally served pursuant to section
9 13-14-107 (3), a peace officer responding to a call for assistance shall
10 serve a copy of the civil protection order on the person who is subject to
11 the order. If the civil protection order is made permanent pursuant to the
12 provisions of section 13-14-106, the civil protection order remains in
13 effect upon termination of the juvenile court action. The clerk of the court
14 issuing the order shall file a certified copy of the permanent civil
15 protection order into an existing case in the district court, if applicable,
16 or with the county court in the county where the protected party resides.
17 Civil protection orders issued by the district or the juvenile court pursuant
18 to article 14 of title 13 have the same force and effect as protection orders
19 issued pursuant to article 14 of title 13 by a court with concurrent
20 jurisdiction.

21 **SECTION 4.** In Colorado Revised Statutes, 19-3-203, **add (4)**
22 and (5) as follows:

23 **19-3-203. Guardian ad litem.** (4) A GUARDIAN AD LITEM
24 ALREADY APPOINTED TO REPRESENT A YOUTH'S BEST INTERESTS
25 PURSUANT TO THIS ARTICLE 3 SHALL BEGIN ACTING AS COUNSEL AND
26 PROVIDING CLIENT-DIRECTED REPRESENTATION IMMEDIATELY UPON THE
27 YOUTH'S EIGHTEENTH BIRTHDAY AND SHALL ACT IN THIS ROLE UNTIL

1 EITHER THE CASE IS DISMISSED OR NEW COUNSEL IS APPOINTED.

2 (5) AT THE FIRST HEARING FOLLOWING A YOUTH'S EIGHTEENTH
3 BIRTHDAY, THE COURT SHALL ADVISE EACH YOUTH WHO HAS A CURRENT
4 GUARDIAN AD LITEM APPOINTED PURSUANT TO THIS SECTION OF THE
5 YOUTH'S ~~RIGHT TO COUNSEL AND THE OPTION TO EITHER CONSENT TO~~
6 HAVE THE SAME PERSON CONTINUE AS ~~COUNSEL, IF THE LAWYER REMAINS~~
7 ~~AVAILABLE AND HAS NO CONFLICT OF INTEREST, OR TO HAVE A NEW~~
8 PERSON APPOINTED AS COUNSEL. IF THE YOUTH ELECTS TO HAVE A NEW
9 PERSON APPOINTED AS COUNSEL, THE COURT SHALL APPOINT AN
10 ATTORNEY FROM THE LIST OF ATTORNEYS APPROVED BY THE OFFICE OF
11 THE CHILD'S REPRESENTATIVE.

12 **SECTION 5.** In Colorado Revised Statutes, 19-3-205, **amend**(1);
13 and **add** (3) and (4) as follows:

14 **19-3-205. Continuing jurisdiction.** (1) Except as otherwise
15 provided in this ~~article~~ ARTICLE 19, the jurisdiction of the court over any
16 child OR YOUTH adjudicated as neglected or dependent shall continue
17 until ~~he~~ THE CHILD OR YOUTH becomes ~~twenty-one~~ EIGHTEEN AND
18 ONE-HALF years of age unless earlier terminated by court order; EXCEPT
19 THAT:

20 (a) IF A DETERMINATION IS PENDING OR THE YOUTH HAS BEEN
21 DETERMINED TO BE AN INCAPACITATED PERSON PURSUANT TO SECTION
22 15-14-102, THEN JURISDICTION CONTINUES UNTIL EITHER THE YOUTH HAS
23 MADE A COMPLETE TRANSITION INTO ADULT DISABILITY SERVICES AND IT
24 IS IN THE YOUTH'S BEST INTERESTS FOR THE JUVENILE COURT TO
25 TERMINATE JURISDICTION OR THE YOUTH REACHES TWENTY-ONE YEARS
26 OF AGE OR SUCH GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED
27 BY FEDERAL LAW, WHICHEVER COMES FIRST; OR

4 (3) "AN ELIGIBLE YOUTH HAS THE RIGHT TO CHOOSE WHETHER TO
5 PARTICIPATE IN THE FOSTER YOUTH IN TRANSITION PROGRAM CREATED IN
6 SECTION 19-7-303.

12 (b) THE COURT SHALL SET A HEARING NO LATER THAN THIRTY-FIVE
13 DAYS AFTER THE COUNTY DEPARTMENT FILES THE MOTION TO DETERMINE
14 WHETHER THE COUNTY DEPARTMENT HAS MADE REASONABLE EFFORTS TO
15 LOCATE THE YOUTH PRIOR TO TERMINATING JURISDICTION. THE HEARING
16 MAY BE WAIVED UPON STIPULATION BY ALL PARTIES.

17 (c) THE MOTION MUST BE WITHDRAWN AND THE HEARING MAY BE
18 VACATED OR CONVERTED TO A REVIEW HEARING IF THE YOUTH RETURNS.

19 **SECTION 6.** In Colorado Revised Statutes, 19-3-702, amend
20 (1)(a) and (4)(c) as follows:

19-3-702. **Permanency hearing.** (1) (a) In order to provide
stable, permanent homes for every child or youth placed out of the home,
in as short a time as possible, a court shall conduct a permanency
planning hearing. The court shall hold the permanency planning hearing
as soon as possible following THE INITIAL HEARING HELD PURSUANT TO A
PROCEEDING PURSUANT TO PART 3 OF ARTICLE 7 OF THIS TITLE 19 OR the
initial dispositional hearing pursuant to this article 3; except that the

1 permanency planning hearing must be held no later than ~~ninety~~
2 NINETY-ONE days after the initial decree of disposition. After the initial
3 permanency planning hearing, the court shall hold additional hearings at
4 least every six months while the case remains open or more often in the
5 discretion of the court, or upon the motion of any party. When possible,
6 the permanency planning hearing must be combined with the in-person
7 six-month review as provided for in section 19-1-115 (4)(c), ~~or~~ subsection
8 (6)(a) of this section, OR SECTION 19-7-312. The court shall hold all
9 permanency planning hearings in person, provide proper notice to all
10 parties, and provide all parties the opportunity to be heard. The court shall
11 consult with the child or youth in a developmentally appropriate manner
12 regarding the child's or youth's permanency goal.

13 (4) (c) Prior to closing a case before a ~~child's~~ YOUTH'S eighteenth
14 birthday, the court or the ~~child's~~ YOUTH'S guardian ad litem shall notify
15 the ~~child~~ YOUTH that ~~he or she~~ THE YOUTH will lose the right to receive
16 medicaid until the maximum age provided by federal law if the case is
17 closed prior to the ~~child's~~ YOUTH'S eighteenth birthday. PRIOR TO CLOSING
18 A CASE AFTER A YOUTH'S SIXTEENTH BIRTHDAY, THE COURT SHALL ADVISE
19 THE YOUTH OF THE YOUTH'S ELIGIBILITY FOR THE FOSTER YOUTH IN
20 TRANSITION PROGRAM, CREATED IN SECTION 19-7-303, SHOULD THE
21 YOUTH LATER DETERMINE HE OR SHE NEEDS CHILD WELFARE ASSISTANCE
22 FROM A COUNTY DEPARTMENT.

23 **SECTION 7.** In Colorado Revised Statutes, **add** 19-3-704 and
24 19-3-705 as follows:

25 **19-3-704. Youth with disabilities - incapacitated persons.**
26 (1) A PARTY MAY REQUEST THE COURT TO DETERMINE WHETHER A YOUTH
27 IS AN INCAPACITATED PERSON, AS DEFINED IN SECTION 15-14-102. THE

1 MOTION MUST BE FILED WITH THE COURT PRIOR TO THE YOUTH'S
2 EIGHTEENTH BIRTHDAY.

3 (2) IF THERE HAS BEEN A DETERMINATION, OR IF A DETERMINATION
4 IS PENDING, THAT A YOUTH IS AN INCAPACITATED PERSON, AS DEFINED IN
5 SECTION 15-14-102, THEN JURISDICTION CONTINUES AS PROVIDED IN
6 SECTION 19-3-205.

7 **19-3-705. Transition hearing.** (1) WHEN A YOUTH TURNS
8 EIGHTEEN YEARS OF AGE WHILE IN FOSTER CARE OR NONCERTIFIED KINSHIP
9 CARE, THE COURT SHALL HOLD A TRANSITION HEARING WITHIN
10 THIRTY-FIVE DAYS AFTER THE YOUTH'S EIGHTEENTH BIRTHDAY. THE
11 PURPOSE OF THE TRANSITION HEARING IS TO DETERMINE WHETHER THE
12 YOUTH WILL OPT INTO THE FOSTER YOUTH IN TRANSITION PROGRAM,
13 ESTABLISHED IN SECTION 19-7-303, OR, ALTERNATIVELY, CHOOSE TO
14 EMANCIPATE.

15 (2) AT LEAST SEVEN DAYS PRIOR TO A TRANSITION HEARING, A
16 COUNTY DEPARTMENT SHALL FILE A REPORT WITH THE COURT THAT
17 INCLUDES:

18 (a) A DESCRIPTION OF THE COUNTY DEPARTMENT'S REASONABLE
19 EFFORTS TOWARD ACHIEVING THE YOUTH'S PERMANENCY GOALS AND A
20 SUCCESSFUL TRANSITION TO ADULTHOOD;

21 (b) AN AFFIRMATION THAT THE COUNTY DEPARTMENT HAS
22 PROVIDED THE YOUTH WITH ALL NECESSARY RECORDS AND DOCUMENTS,
23 INCLUDING COPIES OF ALL DOCUMENTS LISTED IN SECTION 19-3-702 (4)(d),
24 HEALTH RECORDS, EDUCATION RECORDS, AND WRITTEN INFORMATION
25 CONCERNING THE YOUTH'S FAMILY HISTORY AND CONTACT INFORMATION
26 FOR SIBLINGS, IF AVAILABLE AND APPROPRIATE;

27 (c) AN AFFIRMATION THAT THE COUNTY DEPARTMENT HAS

1 INFORMED THE YOUTH, IN A DEVELOPMENTALLY APPROPRIATE MANNER,
2 OF THE BENEFITS AND OPTIONS AVAILABLE TO THE YOUTH BY
3 PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM CREATED
4 IN SECTION 19-7-303 AND THE VOLUNTARY NATURE OF THAT PROGRAM;
5 AND

6 (d) A STATEMENT OF WHETHER THE YOUTH HAS MADE A
7 PRELIMINARY DECISION WHETHER TO EMANCIPATE OR TO ENTER THE
8 FOSTER YOUTH IN TRANSITION PROGRAM CREATED IN SECTION 19-7-303
9 AND EITHER OR BOTH OF THE FOLLOWING:

10 (I) IF IT IS ANTICIPATED THAT THE YOUTH WILL CHOOSE TO
11 EMANCIPATE, THE REPORT MUST INCLUDE A COPY OF THE YOUTH'S
12 EMANCIPATION TRANSITION PLAN EXECUTED PURSUANT TO SECTION
13 19-7-310, FINALIZED NO MORE THAN NINETY DAYS PRIOR TO THE YOUTH'S
14 TRANSITION; OR

15 (II) IF IT IS ANTICIPATED THAT THE YOUTH WILL CHOOSE TO ENTER
16 THE FOSTER YOUTH IN TRANSITION PROGRAM CREATED IN SECTION
17 19-7-303, THE COUNTY DEPARTMENT SHALL FILE A PETITION PURSUANT TO
18 SECTION 19-7-307.

19 (3) THE COURT SHALL ADVISE THE YOUTH THAT:

20 (a) EXCEPT AS PROVIDED IN SECTION 19-3-704, THE YOUTH HAS
21 THE RIGHT TO CHOOSE WHETHER TO EMANCIPATE OR TO VOLUNTARILY
22 CONTINUE RECEIVING SERVICES THROUGH THE FOSTER YOUTH IN
23 TRANSITION PROGRAM CREATED IN SECTION 19-7-303;

24 (b) TO PARTICIPATE IN THE FOSTER YOUTH IN TRANSITION
25 PROGRAM CREATED IN SECTION 19-7-303, THE YOUTH MUST ENTER INTO
26 A VOLUNTARY SERVICES AGREEMENT WITH THE COUNTY DEPARTMENT.
27 THE TRANSITION PROGRAM PROVIDES THE YOUTH WITH ACCESS TO

1 FINANCIAL SUPPORT WITH HOUSING AND OTHER SERVICES, AS OUTLINED
2 IN SECTION 19-7-305.

3 (c) SERVICES PROVIDED THROUGH THE FOSTER YOUTH IN
4 TRANSITION PROGRAM CREATED IN SECTION 19-7-303 ARE VOLUNTARY
5 FOR THE YOUTH, AND THE YOUTH MAY REMAIN IN THE TRANSITION
6 PROGRAM UNTIL THE LAST DAY OF THE MONTH IN WHICH THE YOUTH
7 TURNS TWENTY-ONE YEARS OF AGE, OR SUCH GREATER AGE OF FOSTER
8 CARE ELIGIBILITY AS REQUIRED BY FEDERAL LAW, SO LONG AS THE YOUTH
9 MEETS ALL OTHER PROGRAM ELIGIBILITY REQUIREMENTS PURSUANT TO
10 SECTION 19-7-304;

11 (d) IF THE YOUTH CHOOSES TO EMANCIPATE BUT LATER DECIDES
12 SUPPORT IS NEEDED, THE YOUTH HAS THE RIGHT TO BEGIN RECEIVING
13 CHILD WELFARE SERVICES AGAIN THROUGH THE FOSTER YOUTH IN
14 TRANSITION PROGRAM, CREATED IN SECTION 19-7-303, UNTIL THE YOUTH'S
15 TWENTY-FIRST BIRTHDAY OR SUCH GREATER AGE OF FOSTER CARE
16 ELIGIBILITY AS REQUIRED BY FEDERAL LAW; AND

17 (e) THE YOUTH HAS THE RIGHT TO COUNSEL WHO WILL REPRESENT
18 THE YOUTH'S OBJECTIVES, BEGINNING ON THE YOUTH'S EIGHTEENTH
19 BIRTHDAY. THE YOUTH HAS THE RIGHT TO CHOOSE WHETHER TO HAVE THE
20 YOUTH'S CURRENT GUARDIAN AD LITEM REAPPOINTED AS COUNSEL OR TO
21 HAVE A DIFFERENT INDIVIDUAL APPOINTED AS COUNSEL PURSUANT TO
22 SECTION 19-3-203. THE YOUTH HAS THE RIGHT TO CONSULT WITH THE
23 YOUTH'S COUNSEL ABOUT THE DECISION WHETHER TO EMANCIPATE. THE
24 COURT SHALL ADVISE THE YOUTH THAT THE CURRENT EMANCIPATION
25 TRANSITION HEARING MAY BE CONTINUED FOR UP TO ONE HUNDRED
26 NINETEEN DAYS IF THE YOUTH WOULD LIKE ADDITIONAL TIME TO MAKE A
27 DECISION OR TO PREPARE FOR EMANCIPATION. THE COURT SHALL ASK THE

1 YOUTH WHETHER THE YOUTH HAS HAD SUFFICIENT OPPORTUNITY TO
2 CONSULT WITH COUNSEL AND IF THE YOUTH IS READY TO MAKE A DECISION
3 AT THE CURRENT TIME OR, ALTERNATIVELY, IF THE YOUTH WOULD LIKE TO
4 REQUEST A CONTINUANCE OF UP TO ONE HUNDRED NINETEEN DAYS.

5 (4) PRIOR TO A YOUTH EMANCIPATING, THE COURT SHALL:

6 (a) REVIEW THE YOUTH'S EMANCIPATION TRANSITION PLAN
7 EXECUTED PURSUANT TO SECTION 19-7-310 AND CONSULT WITH THE
8 YOUTH ON READINESS FOR EMANCIPATION;

9 (b) DETERMINE WHETHER THE COUNTY DEPARTMENT HAS MADE
10 REASONABLE EFFORTS TOWARD THE YOUTH'S PERMANENCY GOAL AND A
11 SUCCESSFUL TRANSITION TO ADULTHOOD;

12 (c) DETERMINE WHETHER THE YOUTH HAS BEEN PROVIDED WITH
13 ALL NECESSARY RECORDS AND DOCUMENTS DESCRIBED IN SUBSECTION
14 (2)(b) OF THIS SECTION; AND

15 (d) DETERMINE WHETHER THE YOUTH HAS BEEN ENROLLED IN
16 MEDICAID AND ADVISE THE YOUTH ON THE YOUTH'S ELIGIBILITY FOR
17 FORMER FOSTER CARE MEDICAID UP TO TWENTY-SIX YEARS OF AGE
18 PURSUANT TO SECTION 26-5-113 AND OF THE NECESSITY OF KEEPING THE
19 YOUTH'S CONTACT INFORMATION UP TO DATE.

20 (5) THE COURT MAY CONTINUE THE EMANCIPATION TRANSITION
21 HEARING FOR UP TO ONE HUNDRED NINETEEN DAYS TO ALLOW TIME TO
22 IMPROVE THE YOUTH'S EMANCIPATION TRANSITION PLAN, GATHER
23 NECESSARY DOCUMENTS AND RECORDS, OR FOR ANY OTHER REASON
24 NECESSARY TO ALLOW THE YOUTH A SUCCESSFUL TRANSITION TO
25 ADULTHOOD. THE YOUTH'S WISHES AND WILLINGNESS TO REMAIN
26 ENGAGED IN THE PROCESS MUST BE A STRONG CONSIDERATION IN
27 WHETHER A CONTINUANCE IS GRANTED.

10 **SECTION 8.** In Colorado Revised Statutes, 13-91-103, amend
11 introductory portion; and **add** (2.5) and (7) as follows:

12 **13-91-103. Definitions.** As used in this article ARTICLE 91, unless
13 the context otherwise requires:

14 (2.5) "COUNSEL FOR YOUTH" MEANS AN ATTORNEY WHO IS
15 LICENSED TO PRACTICE LAW IN COLORADO AND APPOINTED BY THE COURT
16 TO REPRESENT A CHILD OR YOUTH IN A PROCEEDING PURSUANT TO ARTICLE
17 3 OR 7 OF TITLE 19, OR ASSIGNED BY THE OFFICE OF THE CHILD'S
18 REPRESENTATIVE PURSUANT TO ARTICLE 7 OF TITLE 19.

19 (7) "YOUTH" MEANS AN INDIVIDUAL WHO IS LESS THAN
20 TWENTY-ONE YEARS OF AGE.

21 **SECTION 9.** In Colorado Revised Statutes, 13-91-105, amend
22 (1)(a) as follows:

23 **13-91-105. Duties of the office of the child's representative -**
24 **guardian ad litem and counsel for youth programs.** (1) In addition to
25 any responsibilities assigned to it by the chief justice, the office of the
26 child's representative shall:

27 (a) Enhance the provision of GAL OR COUNSEL FOR YOUTH

1 services in Colorado by:

2 (I) Ensuring the provision and availability of high-quality,
3 accessible training throughout the state for persons seeking to serve as
4 guardians ad litem OR COUNSEL FOR YOUTH, as well as to judges and
5 magistrates who regularly hear matters involving children and families;

6 (II) Making recommendations to the chief justice concerning the
7 establishment, by rule or chief justice directive, of the minimum training
8 requirements that an attorney seeking to serve as a guardian ad litem OR
9 COUNSEL FOR YOUTH shall meet;

10 (III) Making recommendations to the chief justice concerning the
11 establishment, by rule or chief justice directive, of standards to which
12 attorneys serving as guardians ad litem shall OR COUNSEL FOR YOUTH
13 MUST be held, including but not limited to minimum practice standards.
14 which standards shall MINIMUM PRACTICE STANDARDS MUST include:

15 (A) Incorporation of the federal guidelines for persons serving as
16 guardians ad litem OR COUNSEL FOR YOUTH, as set forth in the federal
17 department of health and human services' "Adoption 2002" guidelines,
18 and incorporation of the guidelines for guardians ad litem OR COUNSEL
19 FOR YOUTH adopted by the Colorado bar association in 1993;

20 (B) Minimum duties of guardians ad litem OR COUNSEL FOR
21 YOUTH in representing children involved in judicial proceedings;

22 (C) Minimum responsibilities of guardians ad litem OR COUNSEL
23 FOR YOUTH in representing children involved in judicial proceedings; and

24 (D) A determination of an appropriate maximum-caseload
25 limitation for persons serving as guardians ad litem OR COUNSEL FOR
26 YOUTH;

27 (IV) Overseeing the practice of guardians ad litem OR COUNSEL

1 FOR YOUTH to ensure compliance with all relevant statutes, orders, rules,
2 directives, policies, and procedures;

3 (V) Working cooperatively with the chief judge in each judicial
4 district or group of judicial districts to jointly establish a local body to
5 oversee the provision of guardian ad litem OR COUNSEL FOR YOUTH
6 services in that judicial district or districts. ~~which THE~~ oversight bodies
7 would operate and report directly to the director concerning the practice
8 of guardians ad litem OR COUNSEL FOR YOUTH in that judicial district or
9 districts pursuant to oversight procedures established by the office of the
10 child's representative.

11 (VI) Establishing fair and realistic state rates by which to
12 compensate state-appointed guardians ad litem ~~which will~~ OR COUNSEL
13 FOR YOUTH THAT take into consideration the caseload limitations placed
14 on guardians ad litem OR COUNSEL FOR YOUTH and ~~which will be~~ THAT
15 ARE sufficient to attract and retain high-quality, experienced attorneys to
16 serve as guardians ad litem OR COUNSEL FOR YOUTH;

17 (VII) Seeking to enhance existing funding sources for the
18 provision of high-quality guardian ad litem OR COUNSEL FOR YOUTH
19 services in Colorado;

20 (VIII) Studying the availability of or developing new funding
21 sources for the provision of guardian ad litem OR COUNSEL FOR YOUTH
22 services in Colorado, including but not limited to long-term pooling of
23 funds programs;

24 (IX) Accepting grants, gifts, donations, and other
25 nongovernmental contributions to be used to fund the work of the office
26 of the child's representative relating to guardians ad litem OR COUNSEL
27 FOR YOUTH. Such grants, gifts, donations, and other nongovernmental

1 contributions ~~shall~~ MUST be credited to the guardian ad litem fund,
2 created in section 13-91-106 (1). ~~Moneys in such fund shall be~~ MONEY
3 IN THE FUND IS subject to annual appropriation by the general assembly
4 for the purposes of this paragraph (a) SUBSECTION (1)(a) and for the
5 purposes of enhancing the provision of guardian ad litem OR COUNSEL
6 FOR YOUTH services in Colorado.

7 (X) Effective July 1, 2001, allocating ~~moneys~~ MONEY
8 appropriated to the office of the child's representative in the state judicial
9 department for the provision of GAL OR COUNSEL FOR YOUTH services;

10 **SECTION 10.** In Colorado Revised Statutes, 13-91-106, amend
11 (1) as follows:

12 **13-91-106. Guardian ad litem fund - court-appointed special
13 advocate (CASA) fund - created.** (1) There is hereby created in the
14 state treasury the guardian ad litem fund, referred to in this subsection (1)
15 as the "fund". The fund ~~shall consist of such~~ CONSISTS OF general fund
16 ~~moneys~~ MONEY as may be appropriated thereto by the general assembly
17 and any ~~moneys~~ MONEY received pursuant to section 13-91-105
18 (1)(a)(IX). The ~~moneys~~ MONEY in the fund ~~shall be~~ IS subject to annual
19 appropriation by the general assembly to the state judicial department for
20 allocation to the office of the child's representative for the purposes of
21 funding the work of the office of the child's representative relating to the
22 provision of guardian ad litem OR COUNSEL FOR YOUTH services and for
23 the provision of guardian ad litem OR COUNSEL FOR YOUTH services in
24 Colorado. All interest derived from the deposit and investment of ~~moneys~~
25 MONEY in the fund ~~shall~~ MUST be credited to the fund. Any ~~moneys~~
26 MONEY not appropriated ~~shall remain~~ REMAINS in the fund and ~~shall~~ MUST
27 not be transferred or revert to the general fund of the state at the end of

1 any fiscal year.

2 **SECTION 11. Appropriation.** (1) For the 2021-22 state fiscal
3 year, \$510,623 is appropriated to the department of human services for
4 use by the division of child welfare. This appropriation consists of
5 \$408,498 from the general fund and \$102,125 from cash funds from local
6 funds. To implement this act, the division may use this appropriation for
7 child welfare services.

8 (2) For the 2021-22 state fiscal year, the general assembly
9 anticipates that the department of human services will receive \$377,416
10 in federal funds to implement this act. The appropriation in subsection (1)
11 of this section is based on the assumption that the department will receive
12 this amount of federal funds, which is subject to the "(I)" notation as
13 defined in the annual general appropriation act for the same fiscal year.

14 (3) For the 2021-22 state fiscal year, \$52,392 is appropriated to
15 the judicial department for use by the office of the child's representative.
16 This appropriation is from the general fund. To implement this act, the
17 office may use this appropriation as follows:

18 (a) \$38,017 for personal services, which amount is based on an
19 assumption that the office will require an additional 0.5 FTE; and
20 (b) \$14,375 for operating expenses.

21 **SECTION 12. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.