

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0645.01 Jane Ritter x4342

HOUSE BILL 21-1094

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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
3rd Reading Unamended
May 12, 2021

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, OR SUCH GREATER AGE OF FOSTER
8 CARE ELIGIBILITY AS REQUIRED BY FEDERAL LAW. EACH COUNTY
9 DEPARTMENT SHALL MAKE THE TRANSITION PROGRAM AVAILABLE [REDACTED] TO
10 ELIGIBLE YOUTH ON A VOLUNTARY BASIS. THE CHILD WELFARE SERVICES
11 PROVIDED THROUGH THE TRANSITION PROGRAM MUST BE
12 CLIENT-DIRECTED AND DEVELOPMENTALLY APPROPRIATE, AS SET FORTH
13 IN A VOLUNTARY SERVICES AGREEMENT DEVELOPED AND ENTERED INTO
14 PURSUANT TO SECTION 19-7-306 AND, WHEN REQUIRED, OVERSEEN BY THE
15 JUVENILE COURT IN A YOUTH IN TRANSITION PROCEEDING BROUGHT
16 PURSUANT TO THIS PART 3. THE STATE DEPARTMENT IS ENCOURAGED TO
17 SUBMIT, AS PART OF THE ANNUAL BUDGET PROCESS, A REQUEST FOR
18 INCREASED APPROPRIATIONS TO FUND THE INCREASED CASELOAD FOR THE
19 TRANSITION PROGRAM.

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

22 (a) IS AT LEAST EIGHTEEN YEARS OF AGE OR OLDER, BUT LESS
23 THAN TWENTY-ONE YEARS OF AGE, OR SUCH GREATER AGE OF FOSTER
24 CARE ELIGIBILITY AS REQUIRED BY FEDERAL LAW;
25 (b) HAS CURRENT OR RECENT PRIOR FOSTER CARE OR KINSHIP CARE
26 INVOLVEMENT IN ONE OF THE FOLLOWING WAYS:
27 (I) THE YOUTH WAS IN FOSTER CARE, AS DEFINED IN SECTION

1 19-1-103, ON OR AFTER THE YOUTH'S SIXTEENTH BIRTHDAY; OR

2 (II) THE YOUTH WAS IN NONCERTIFIED KINSHIP CARE, AS DEFINED
3 IN SECTION 19-1-103, ON OR AFTER THE YOUTH'S SIXTEENTH BIRTHDAY
4 AND WAS ADJUDICATED DEPENDENT AND NEGLECTED PURSUANT TO
5 ARTICLE 3 OF THIS TITLE 19;

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

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

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

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

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

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

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

27 (2) AN INDIVIDUAL WHO IS NO LONGER UNDER THE

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

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

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

13 **19-7-305. Available services and supports.** (1) EACH COUNTY
14 DEPARTMENT SHALL OFFER, AT A MINIMUM, THE FOLLOWING SERVICES
15 AND SUPPORTS TO PARTICIPATING YOUTH IN THE TRANSITION PROGRAM:

16 (a) ASSISTANCE WITH ENROLLING IN THE APPROPRIATE CATEGORY
17 OF MEDICAID FOR WHICH THE PARTICIPATING YOUTH IS ELIGIBLE;

18 (b) (I) ASSISTANCE WITH SECURING **SAFE, AFFORDABLE, AND**
19 **STABLE HOUSING. IF A COUNTY DEPARTMENT HAS LEGAL AUTHORITY FOR**
20 **PHYSICAL PLACEMENT:**

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

26 (B) WITH THE PARTICIPATING YOUTH'S CONSENT, THE
27 PARTICIPATING YOUTH'S HOUSING MAY BE IN ANY PLACEMENT APPROVED

1 BY THE COUNTY DEPARTMENT OR THE COURT FOR WHICH THE
2 PARTICIPATING YOUTH IS OTHERWISE ELIGIBLE AND THAT IS THE LEAST
3 RESTRICTIVE OPTION TO MEET THE PARTICIPATING YOUTH'S NEEDS; OR

4 (C) IF THE PARTICIPATING YOUTH NEEDS PLACEMENT IN A
5 QUALIFIED RESIDENTIAL TREATMENT PROGRAM, THEN SUCH PLACEMENT
6 MUST FOLLOW ALL RELEVANT PROCEDURES PURSUANT TO SECTION
7 19-1-115 CONCERNING THE PLACEMENT OF A CHILD OR YOUTH IN A
8 QUALIFIED RESIDENTIAL TREATMENT PROGRAM.

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

11 (A) RESIDE ANYWHERE THAT THE PARTICIPATING YOUTH IS
12 OTHERWISE ELIGIBLE TO RESIDE, INCLUDING A LICENSED HOST FAMILY
13 HOME, AS DEFINED IN SECTION 26-5.7-102 (3.5); AND

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

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

20 (I) PROVISION OF RESOURCES TO ASSIST THE PARTICIPATING YOUTH
21 IN THE TRANSITION TO ADULTHOOD;

22 (II) OBTAINING EMPLOYMENT OR OTHER FINANCIAL SUPPORT AND
23 ENHANCING FINANCIAL LITERACY;

24 (III) OBTAINING A DRIVER'S LICENSE OR OTHER
25 GOVERNMENT-ISSUED IDENTIFICATION CARD;

26 (IV) OBTAINING APPROPRIATE COMMUNITY RESOURCES AND
27 PUBLIC BENEFITS;

1 (V) UPON REQUEST, AND IF SERVICES ARE AVAILABLE, REFERRAL
2 TO SERVICES SATISFYING ANY JUVENILE OR CRIMINAL JUSTICE SYSTEM
3 REQUIREMENTS AND ASSISTING WITH EXPUNGING THE PARTICIPATING
4 YOUTH'S COURT RECORDS, AS APPROPRIATE, PURSUANT TO SECTION
5 19-1-306;

6 (VI) PURSUING EDUCATIONAL GOALS AND APPLYING FOR
7 FINANCIAL AID, IF NECESSARY;

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

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

18 (X) ACCESSING INFORMATION ABOUT MATERNAL AND PATERNAL
19 RELATIVES, INCLUDING ANY SIBLINGS.

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

27 (a) THE PARTICIPATING YOUTH'S STATUS AS A LEGAL ADULT, AS

1 DESCRIBED IN SECTION 19-7-304 (5);

2 (b) THE PARTICIPATING YOUTH'S RIGHTS AND OBLIGATIONS WHILE
3 THE AGREEMENT IS IN EFFECT, INCLUDING THE RIGHT TO COUNSEL. UPON
4 ENTERING INTO A VOLUNTARY SERVICES AGREEMENT WITH AN ELIGIBLE
5 YOUTH, THE COUNTY DEPARTMENT SHALL MAKE A REFERRAL IN WRITING
6 TO THE OFFICE OF THE CHILD'S REPRESENTATIVE AND PROVIDE THE YOUTH
7 WITH THE CONTACT INFORMATION FOR THE OFFICE OF THE CHILD'S
8 REPRESENTATIVE. NOTHING IN THIS SECTION LIMITS THE POWER OF THE
9 COURT TO APPOINT COUNSEL OR THE POWER OF THE OFFICE OF THE CHILD'S
10 REPRESENTATIVE TO ASSIGN COUNSEL PRIOR TO THE FILING OF A PETITION;

11 (c) A STATEMENT CONCERNING THE VOLUNTARY NATURE OF THE
12 TRANSITION PROGRAM AND THE PARTICIPATING YOUTH'S RIGHT TO
13 TERMINATE THE AGREEMENT AT ANY TIME AND THE PROCEDURES FOR
14 SUCH TERMINATION AND THE RIGHT TO BEGIN RECEIVING SERVICES AGAIN,
15 IF NEEDED, UP TO THE YOUTH'S TWENTY-FIRST BIRTHDAY, OR SUCH
16 GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED BY FEDERAL
17 LAW;

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

20 (e) THE SERVICES THAT WILL BE AVAILABLE TO THE PARTICIPATING
21 YOUTH THROUGH THE TRANSITION PROGRAM, AS SPECIFIED IN THE
22 ROADMAP TO SUCCESS; AND

23 (f) THE CIRCUMSTANCES UNDER WHICH A COUNTY DEPARTMENT
24 MAY REQUEST THAT THE COURT TERMINATE THE AGREEMENT AND THE
25 COURT'S JURISDICTION OVER THE OBJECTION OF THE PARTICIPATING
26 YOUTH.

27 **19-1-307. Petition - form and content.** (1) A YOUTH OR A

1 PARTICIPATING YOUTH MAY FILE A PETITION ON THE YOUTH'S OWN BEHALF
2 AT ANY TIME. OR, IF SUCH A PETITION HAS NOT YET BEEN FILED AND A
3 VOLUNTARY SERVICES AGREEMENT REMAINS IN EFFECT AFTER NINETY
4 DAYS, A COUNTY DEPARTMENT SHALL FILE A PETITION WITH THE COURT
5 INITIATING A PROCEEDING PURSUANT TO THIS PART 3 TITLED "THE PEOPLE
6 OF THE STATE OF COLORADO, IN THE MATTER OF _____, A YOUTH IN
7 TRANSITION". THE PETITION MUST BE VERIFIED AND THE STATEMENTS MAY
8 BE MADE UPON INFORMATION AND BELIEF.

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

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

26 (4) EACH PETITION FILED FOR A FOSTER YOUTH IN TRANSITION
27 PURSUANT TO THIS PART 3 MUST INCLUDE THE FOLLOWING STATEMENTS:

4 (b) THAT BY CONSENTING TO THE FACTS SET FORTH IN THE
5 PETITION AND THE JURISDICTION OF THE COURT, THE PARTICIPATING
6 YOUTH MAY BE REQUIRED TO ATTEND COURT AT LEAST ONCE EVERY SIX
7 MONTHS PURSUANT TO SECTION 19-3-702. THE PARTICIPATING YOUTH
8 MAY REQUEST THAT THE CASE BE DISMISSED AT ANY TIME, FORGOING THE
9 BENEFITS AND OBLIGATIONS OF THE TRANSITION PROGRAM.

10

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

26 **19-7-308. Right to counsel - guardian ad litem - representation**
27 **of petitioner.** (1) A PARTICIPATING YOUTH HAS A RIGHT TO COUNSEL. IF

1 THE YOUTH ACCEPTS THE PUBLICLY PROVIDED COUNSEL, COUNSEL MUST
2 BE ASSIGNED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE OR
3 APPROVED BY THE COURT FROM A LIST OF ATTORNEYS APPOINTED BY THE
4 OFFICE OF THE CHILD'S REPRESENTATIVE. THE OFFICE OF THE CHILD'S
5 REPRESENTATIVE SHALL DEVELOP PRACTICE STANDARDS AND GUIDELINES
6 FOR REPRESENTING PARTICIPATING YOUTH IN PROCEEDINGS BROUGHT
7 PURSUANT TO THIS PART 3.

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

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

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

21 **19-7-310. Emancipation discharge hearings - emancipation**
22 **transition plan.** (1) AT THE DIRECTION OF A PARTICIPATING YOUTH, WITH
23 ASSISTANCE AND SUPPORT FROM A COUNTY DEPARTMENT, AN
24 EMANCIPATION TRANSITION PLAN THAT IS PERSONALIZED FOR THE
25 PARTICIPATING YOUTH MUST BE DEVELOPED AND FINALIZED NO MORE
26 THAN NINETY DAYS PRIOR TO THE PARTICIPATING YOUTH'S EMANCIPATION
27 DISCHARGE HEARING. THE EMANCIPATION TRANSITION PLAN INCLUDES

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

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

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

24 (b) THE PARTICIPATING YOUTH'S EMANCIPATION TRANSITION PLAN;
25 AND

26 (c) INFORMATION ABOUT AND CONTACT INFORMATION FOR
27 COMMUNITY RESOURCES THAT MAY BENEFIT THE PARTICIPATING YOUTH,

1 SPECIFICALLY INCLUDING INFORMATION REGARDING PROGRAMS THAT
2 HAVE BEEN ESTABLISHED PURSUANT TO SECTION 19-7-314 OR TO FEDERAL
3 LAW THAT PROVIDE TRANSITIONAL FOSTER CARE ASSISTANCE TO YOUNG
4 ADULTS.

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

7 (a) REVIEW THE PARTICIPATING YOUTH'S EMANCIPATION
8 TRANSITION PLAN AND CONSULT WITH THE PARTICIPATING YOUTH ON THE
9 PARTICIPATING YOUTH'S READINESS;

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

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

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

22 (e) ADVISE THE PARTICIPATING YOUTH THAT IF THE YOUTH
23 CHOOSES TO EMANCIPATE BUT LATER DECIDES SUPPORT IS NEEDED, THE
24 YOUTH HAS THE RIGHT TO BEGIN RECEIVING CHILD WELFARE SERVICES
25 AGAIN THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM, CREATED
26 IN SECTION 19-7-303, UNTIL THE YOUTH'S TWENTY-FIRST BIRTHDAY, OR
27 SUCH GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED BY

1 FEDERAL LAW; AND ADVISE THE YOUTH OF THE NECESSITY OF KEEPING THE
2 PARTICIPATING YOUTH'S CONTACT INFORMATION UP TO DATE WITH THE
3 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OR THE
4 APPROPRIATE COUNTY DEPARTMENT.

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

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

11 (b) AN AFFIRMATION THAT THE COUNTY DEPARTMENT HAS
12 PROVIDED THE PARTICIPATING YOUTH WITH ALL NECESSARY RECORDS AND
13 DOCUMENTS, INCLUDING COPIES OF ALL DOCUMENTS LISTED IN SECTION
14 19-3-702 (4)(d), HEALTH RECORDS, EDUCATION RECORDS, AND WRITTEN
15 INFORMATION CONCERNING THE PARTICIPATING YOUTH'S FAMILY HISTORY
16 AND CONTACT INFORMATION FOR SIBLINGS, IF APPROPRIATE; AND

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

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

1 OR ANY OTHER REASON NECESSARY TO ALLOW FOR THE PARTICIPATING
2 YOUTH TO HAVE A SUCCESSFUL TRANSITION TO ADULTHOOD.

3 **19-7-311. Permanency planning hearings.** A PERMANENCY
4 PLANNING HEARING MUST BE HELD FOR A PARTICIPATING YOUTH UNDER
5 THE COURT'S JURISDICTION PURSUANT TO THIS PART 3 IN THE SAME
6 MANNER AS PROVIDED IN SECTION 19-3-702; EXCEPT THAT PERMANENCY
7 HEARINGS NEED ONLY BE HELD AT LEAST EVERY TWELVE MONTHS.

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

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

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

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

1 ACTIVITIES;

2 (c) A STATEMENT OF THE COUNTY DEPARTMENT'S REASONABLE
3 EFFORTS TO SUPPORT THE PARTICIPATING YOUTH IN MEETING THE
4 PARTICIPATING YOUTH'S GOALS; AND

5 (d) A STATEMENT OF ANY BARRIERS TO THE PARTICIPATING YOUTH
6 IN MEETING THE PARTICIPATING YOUTH'S GOALS AND ANY PLANS TO
7 ADDRESS SUCH BARRIERS.

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

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

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

23 (7) DURING THE PERIODIC REVIEW HEARING, THE COURT SHALL
24 FIND WHETHER:

25 (a) THE COUNTY DEPARTMENT MADE REASONABLE EFFORTS TO
26 IMPLEMENT THE PARTICIPATING YOUTH'S CASE PLAN, INCLUDING THE
27 PARTICIPATING YOUTH'S ROADMAP TO SUCCESS; AND

4 **19-7-313. Continuing jurisdiction.** (1) THE COURT HAS
5 CONTINUING JURISDICTION OVER THE PARTICIPATING YOUTH UNTIL ANY OF
6 THE FOLLOWING OCCURS:

23 (c) A COUNTY DEPARTMENT MOVES THE COURT TO TERMINATE A
24 PARTICIPATING YOUTH'S VOLUNTARY SERVICES AGREEMENT AND THE
25 COURT'S JURISDICTION BECAUSE THE PARTICIPATING YOUTH NO LONGER
26 MEETS THE ELIGIBILITY REQUIREMENTS DESCRIBED IN SECTION 19-7-304
27 FOR THE TRANSITION PROGRAM. THE COUNTY DEPARTMENT SHALL

1 INCLUDE IN THE MOTION ITS EFFORTS TO REENGAGE THE PARTICIPATING
2 YOUTH, INCLUDING:

3 (I) THE PROVISION OF WRITTEN NOTICE TO THE PARTICIPATING
4 YOUTH IN A CLEAR AND DEVELOPMENTALLY APPROPRIATE MANNER THAT
5 INFORMS THE PARTICIPATING YOUTH OF THE COUNTY DEPARTMENT'S
6 INTENT TO REQUEST THAT THE COURT TERMINATE THE PARTICIPATING
7 YOUTH'S VOLUNTARY SERVICES AGREEMENT WITH AN EXPLANATION OF
8 THE REASONS; AND

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

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

1 PARTICIPATING YOUTH AS PROVIDED IN SECTION 19-7-310. THE COURT
2 MAY ACCOMPLISH ALL OF THESE ELEMENTS IN THE SAME EMANCIPATION
3 DISCHARGE HEARING IF ALL OF THE NECESSARY INFORMATION HAS BEEN
4 FILED IN A TIMELY FASHION.

5 **19-7-314. Foster youth successful transition to adulthood**
6 **grant program - creation - standards - application - fund - advisory**
7 **board - duties.** (1) (a) THE FOSTER YOUTH SUCCESSFUL TRANSITION TO
8 ADULTHOOD GRANT PROGRAM IS CREATED WITHIN THE STATE
9 DEPARTMENT. THE PURPOSE OF THE GRANT PROGRAM IS TO CREATE AND
10 ADMINISTER PROGRAMS THAT SUPPORT ELIGIBLE YOUTH IN MAKING A
11 SUCCESSFUL TRANSITION TO ADULTHOOD.

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

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

20 (c) YOUTH WHO MEET THE FOLLOWING CRITERIA ARE ELIGIBLE FOR
21 SERVICES FROM A PROGRAM THAT HAS RECEIVED A GRANT FROM THE
22 GRANT PROGRAM:

23 (I) THE YOUTH IS EIGHTEEN YEARS OF AGE OR OLDER BUT LESS
24 THAN TWENTY-THREE YEARS OF AGE, OR THE UPPER AGE LIMIT
25 ESTABLISHED IN THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC.
26 677 (a), WHICHEVER IS GREATER;

27 (II) THE YOUTH WAS IN FOSTER CARE OR ADJUDICATED DEPENDENT

1 AND NEGLECTED ON OR AFTER THE YOUTH'S FOURTEENTH BIRTHDAY; AND

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

4 (2) THERE IS CREATED IN THE STATE TREASURY THE COLORADO
5 FOSTER YOUTH SUCCESSFUL TRANSITION TO ADULTHOOD GRANT PROGRAM
6 FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND CONSISTS
7 OF ANY MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE TO THE
8 FUND. MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE
9 GENERAL ASSEMBLY TO THE STATE DEPARTMENT FOR THE PURPOSE OF
10 PROVIDING GRANTS PURSUANT TO THIS SECTION AND FOR THE DIRECT AND
11 INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS
12 SECTION. ANY MONEY IN THE FUND NOT EXPENDED FOR THE PURPOSE OF
13 THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED
14 BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND
15 DEPOSIT OF MONEY IN THE FUND MUST BE CREDITED TO THE FUND. ANY
16 UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT
17 THE END OF A STATE FISCAL YEAR MUST REMAIN IN THE FUND AND
18 AVAILABLE FOR EXPENDITURE BY THE STATE DEPARTMENT IN THE NEXT
19 FISCAL YEAR WITHOUT FURTHER APPROPRIATION. [REDACTED]

20 (3) (a) THE STATE DEPARTMENT SHALL CONVENE AN ADVISORY
21 BOARD, WHICH SHALL MEET AT LEAST TWO TIMES PER YEAR, TO REVIEW
22 THE GRANT PROGRAM AND PROVIDE RECOMMENDATIONS TO THE STATE
23 DEPARTMENT INCLUDING THE FOLLOWING ITEMS:

24 (I) IMPLEMENTATION OF THE GRANT PROGRAM;

25 (II) FUNDING MODELS AND ALLOCATION METHODOLOGIES,
26 INCLUDING CONSULTATION WITH THE ADVISORY BOARD BEFORE THE
27 STATE DEPARTMENT ALLOCATES FUNDING RECEIVED THROUGH THE

1 FEDERAL "JOHN H. CHAFEE FOSTER CARE PROGRAM FOR SUCCESSFUL
2 TRANSITION TO ADULTHOOD", 42 U.S.C. SEC. 677, FOR THE GRANT
3 PROGRAM;

4 (III) CONTENT FOR GRANT PROGRAM APPLICATIONS; AND
5 (IV) SCORING METHODOLOGY FOR GRANT PROGRAM APPLICATION
6 REVIEW.

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

9 (I) TWO DIRECTORS OF COUNTY DEPARTMENTS OF HUMAN OR
10 SOCIAL SERVICES, OR THEIR DESIGNEES;

11 (II) TWO DIRECTORS OF RUNAWAY HOMELESS YOUTH PROVIDERS,
12 OR THEIR DESIGNEES;

13 (III) ONE STAFF MEMBER FROM THE STATE DEPARTMENT WITH
14 ADMINISTRATIVE RESPONSIBILITY FOR PROGRAMMING FUNDED THROUGH
15 THE FEDERAL "JOHN H. CHAFEE FOSTER CARE PROGRAM FOR SUCCESSFUL
16 TRANSITION TO ADULTHOOD", 42 U.S.C. SEC. 677;

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

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

21 (VI) TWO YOUTH WHO HAVE PREVIOUSLY PARTICIPATED IN THE
22 TRANSITION PROGRAM OR THE FEDERAL "JOHN H. CHAFEE FOSTER CARE
23 PROGRAM FOR SUCCESSFUL TRANSITION TO ADULTHOOD", 42 U.S.C. SEC.
24 677.

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

27 **19-7-315. Rules.** THE STATE DEPARTMENT SHALL PROMULGATE

1 RULES FOR THE IMPLEMENTATION OF THIS PART 3, INCLUDING BUT NOT
2 LIMITED TO RULES CONCERNING ELIGIBILITY DETERMINATIONS,
3 ADMINISTRATIVE APPEALS OF ELIGIBILITY DETERMINATIONS, ENROLLMENT
4 INTO THE TRANSITION PROGRAM, EMANCIPATION TRANSITION PLANS AND
5 ROADMAPS TO SUCCESS, AND EXPEDITED PROCEDURES FOR SECURING
6 TEMPORARY SHELTER FOR YOUTH WHO ARE CURRENTLY HOMELESS OR AT
7 IMMINENT RISK OF HOMELESSNESS.

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

10 **19-1-103. Definitions.** As used in this title 19 or in the specified
11 portion of this title 19, unless the context otherwise requires:

12 (32)(a) "County department", as used in this ~~article, and ARTICLE~~
13 ~~1; part 2, part 3, and part 7 of article 3 of this title, and TITLE 19; part 2 of~~
14 ~~article 5 OF THIS TITLE 19; AND PART 3 OF ARTICLE 7 OF THIS title TITLE 19,~~
15 means the county or district department of human or social services.

16 (47.5) "Executive director", as used in article 3.3 of this ~~title TITLE~~
17 ~~19 AND PART 3 OF ARTICLE 7 OF THIS TITLE 19, means the executive~~
18 ~~director of the department of human services.~~

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

26 (89) "Reasonable efforts", as used in articles 1, 2, ~~and 3, AND~~ 7 of
27 this ~~title~~ TITLE 19, means the exercise of diligence and care throughout the

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

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

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

21 **19-1-104. Jurisdiction.** (1) Except as otherwise provided by law,
22 the juvenile court has exclusive original jurisdiction in proceedings:

23 (n) CONCERNING ANY YOUTH WHO IS VOLUNTARILY
24 PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM
25 ESTABLISHED IN SECTION 19-7-303.

26 (7) Upon motion of the city or county attorney, guardian ad litem,
27 COUNSEL FOR YOUTH, or respondent parent counsel, the district or the

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

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

26 **19-3-203. Guardian ad litem.** (4) A GUARDIAN AD LITEM
27 ALREADY APPOINTED TO REPRESENT A YOUTH'S BEST INTERESTS

1 PURSUANT TO THIS ARTICLE 3 SHALL BEGIN ACTING AS COUNSEL AND
2 PROVIDING CLIENT-DIRECTED REPRESENTATION IMMEDIATELY UPON THE
3 YOUTH'S EIGHTEENTH BIRTHDAY AND SHALL ACT IN THIS ROLE UNTIL
4 EITHER THE CASE IS DISMISSED OR NEW COUNSEL IS APPOINTED, UNLESS
5 THE YOUTH IS DEEMED INCAPACITATED PURSUANT TO SECTION 19-3-704,
6 IN WHICH CASE THE GUARDIAN AD LITEM SHALL REMAIN IN THAT ROLE
7 AND SEPARATE COUNSEL FOR THE YOUTH SHALL BE APPOINTED.

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

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

20 **19-3-205. Continuing jurisdiction.** (1) Except as otherwise
21 provided in this ~~article~~ ARTICLE 19, the jurisdiction of the court over any
22 child OR YOUTH adjudicated as neglected or dependent shall continue
23 until ~~he~~ THE CHILD OR YOUTH becomes ~~twenty-one~~ EIGHTEEN AND
24 ONE-HALF years of age unless earlier terminated by court order; EXCEPT
25 THAT:

26 (a) IF A DETERMINATION IS PENDING OR THE YOUTH HAS BEEN
27 DETERMINED TO BE AN INCAPACITATED PERSON PURSUANT TO SECTION

1 15-14-102, THEN JURISDICTION CONTINUES UNTIL EITHER THE YOUTH HAS
2 MADE A COMPLETE TRANSITION INTO ADULT DISABILITY SERVICES AND IT
3 IS IN THE YOUTH'S BEST INTERESTS FOR THE JUVENILE COURT TO
4 TERMINATE JURISDICTION OR THE YOUTH REACHES TWENTY-ONE YEARS
5 OF AGE OR SUCH GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED
6 BY FEDERAL LAW, WHICHEVER COMES FIRST; OR

7 (b) IF A YOUTH IS MAKING THE TRANSITION TO ADULT SERVICES
8 PURSUANT TO SECTION 25.5-6-409.5, THEN THE COURT MAY EXTEND
9 JURISDICTION UNTIL SUCH TRANSITION IS COMPLETE.

10 (c) JURISDICTION PURSUANT TO THIS SECTION IS NOT REQUIRED TO
11 BE TERMINATED DUE TO AGE BEFORE OCTOBER 1, 2021.

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

15 (4) (a) IF A YOUTH WHO IS SIXTEEN YEARS OF AGE OR OLDER BUT
16 LESS THAN EIGHTEEN YEARS OF AGE AND WHO IS IN THE CUSTODY OF A
17 COUNTY DEPARTMENT RUNS AWAY, AND THE YOUTH'S WHEREABOUTS
18 HAVE BEEN UNKNOWN FOR MORE THAN NINETY DAYS, THEN THE COUNTY
19 DEPARTMENT MAY FILE A MOTION TO TERMINATE JURISDICTION.

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

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

27 **SECTION 6.** In Colorado Revised Statutes, 19-3-702, **amend**

1 (1)(a) and (4)(c) as follows:

2 **19-3-702. Permanency hearing.** (1) (a) In order to provide
3 stable, permanent homes for every child or youth placed out of the home,
4 in as short a time as possible, a court shall conduct a permanency
5 planning hearing. The court shall hold the permanency planning hearing
6 as soon as possible following THE INITIAL HEARING HELD PURSUANT TO A
7 PROCEEDING PURSUANT TO PART 3 OF ARTICLE 7 OF THIS TITLE 19 OR the
8 initial dispositional hearing pursuant to this article 3; except that the
9 permanency planning hearing must be held no later than ~~ninety~~
10 ~~NINETY-ONE~~ days after the initial decree of disposition. After the initial
11 permanency planning hearing, the court shall hold additional hearings at
12 least every six months while the case remains open or more often in the
13 discretion of the court, or upon the motion of any party. When possible,
14 the permanency planning hearing must be combined with the in-person
15 six-month review as provided for in section 19-1-115 (4)(c), ~~or~~ subsection
16 (6)(a) of this section, ~~OR SECTION 19-7-312.~~ The court shall hold all
17 permanency planning hearings in person, provide proper notice to all
18 parties, and provide all parties the opportunity to be heard. The court shall
19 consult with the child or youth in a developmentally appropriate manner
20 regarding the child's or youth's permanency goal.

21 (4) (c) Prior to closing a case before a ~~child's~~ YOUTH'S eighteenth
22 birthday, the court or the ~~child's~~ YOUTH'S guardian ad litem shall notify
23 the ~~child~~ YOUTH that ~~he or she~~ THE YOUTH will lose the right to receive
24 medicaid until the maximum age provided by federal law if the case is
25 closed prior to the ~~child's~~ YOUTH'S eighteenth birthday. ~~PRIOR TO CLOSING~~
26 ~~A CASE AFTER A YOUTH'S SIXTEENTH BIRTHDAY, THE COURT SHALL ADVISE~~
27 ~~THE YOUTH OF THE YOUTH'S ELIGIBILITY FOR THE FOSTER YOUTH IN~~

1 TRANSITION PROGRAM, CREATED IN SECTION 19-7-303, SHOULD THE
2 YOUTH LATER DETERMINE HE OR SHE NEEDS CHILD WELFARE ASSISTANCE
3 FROM A COUNTY DEPARTMENT.

4 **SECTION 7.** In Colorado Revised Statutes, **add** 19-3-704 and
5 19-3-705 as follows:

6 **19-3-704. Youth with disabilities - incapacitated persons.**

7 (1) A PARTY MAY REQUEST THE COURT TO DETERMINE WHETHER A YOUTH
8 IS AN INCAPACITATED PERSON, AS DEFINED IN SECTION 15-14-102. THE
9 MOTION MUST BE FILED WITH THE COURT PRIOR TO THE YOUTH'S
10 EIGHTEENTH BIRTHDAY.

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

15 **19-3-705. Transition hearing.** (1) WHEN A YOUTH TURNS
16 EIGHTEEN YEARS OF AGE WHILE IN FOSTER CARE OR NONCERTIFIED KINSHIP
17 CARE, THE COURT SHALL HOLD A TRANSITION HEARING WITHIN
18 THIRTY-FIVE DAYS AFTER THE YOUTH'S EIGHTEENTH BIRTHDAY. THE
19 PURPOSE OF THE TRANSITION HEARING IS TO DETERMINE WHETHER THE
20 YOUTH WILL OPT INTO THE FOSTER YOUTH IN TRANSITION PROGRAM,
21 ESTABLISHED IN SECTION 19-7-303, OR, ALTERNATIVELY, CHOOSE TO
22 EMANCIPATE.

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

26 (a) A DESCRIPTION OF THE COUNTY DEPARTMENT'S REASONABLE
27 EFFORTS TOWARD ACHIEVING THE YOUTH'S PERMANENCY GOALS AND A

1 1 SUCCESSFUL TRANSITION TO ADULTHOOD;

2 2 (b) AN AFFIRMATION THAT THE COUNTY DEPARTMENT HAS

3 3 PROVIDED THE YOUTH WITH ALL NECESSARY RECORDS AND DOCUMENTS,

4 4 INCLUDING COPIES OF ALL DOCUMENTS LISTED IN SECTION 19-3-702 (4)(d),

5 5 HEALTH RECORDS, EDUCATION RECORDS, AND WRITTEN INFORMATION

6 6 CONCERNING THE YOUTH'S FAMILY HISTORY AND CONTACT INFORMATION

7 7 FOR SIBLINGS, IF AVAILABLE AND APPROPRIATE;

8 8 (c) AN AFFIRMATION THAT THE COUNTY DEPARTMENT HAS

9 9 INFORMED THE YOUTH, IN A DEVELOPMENTALLY APPROPRIATE MANNER,

10 10 OF THE BENEFITS AND OPTIONS AVAILABLE TO THE YOUTH BY

11 11 PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM CREATED

12 12 IN SECTION 19-7-303 AND THE VOLUNTARY NATURE OF THAT PROGRAM;

13 13 AND

14 14 (d) A STATEMENT OF WHETHER THE YOUTH HAS MADE A

15 15 PRELIMINARY DECISION WHETHER TO EMANCIPATE OR TO ENTER THE

16 16 FOSTER YOUTH IN TRANSITION PROGRAM CREATED IN SECTION 19-7-303

17 17 AND EITHER OR BOTH OF THE FOLLOWING:

18 18 (I) IF IT IS ANTICIPATED THAT THE YOUTH WILL CHOOSE TO

19 19 EMANCIPATE, THE REPORT MUST INCLUDE A COPY OF THE YOUTH'S

20 20 EMANCIPATION TRANSITION PLAN EXECUTED PURSUANT TO SECTION

21 21 19-7-310, FINALIZED NO MORE THAN NINETY DAYS PRIOR TO THE YOUTH'S

22 22 TRANSITION; OR

23 23 (II) IF IT IS ANTICIPATED THAT THE YOUTH WILL CHOOSE TO ENTER

24 24 THE FOSTER YOUTH IN TRANSITION PROGRAM CREATED IN SECTION

25 25 19-7-303, THE COUNTY DEPARTMENT SHALL FILE A PETITION PURSUANT TO

26 26 SECTION 19-7-307.

27 27 (3) THE COURT SHALL ADVISE THE YOUTH THAT:

5 (b) TO PARTICIPATE IN THE FOSTER YOUTH IN TRANSITION
6 PROGRAM CREATED IN SECTION 19-7-303, THE YOUTH MUST ENTER INTO
7 A VOLUNTARY SERVICES AGREEMENT WITH THE COUNTY DEPARTMENT.
8 THE TRANSITION PROGRAM PROVIDES THE YOUTH WITH ACCESS TO
9 FINANCIAL SUPPORT WITH HOUSING AND OTHER SERVICES, AS OUTLINED
10 IN SECTION 19-7-305.

11 (c) SERVICES PROVIDED THROUGH THE FOSTER YOUTH IN
12 TRANSITION PROGRAM CREATED IN SECTION 19-7-303 ARE VOLUNTARY
13 FOR THE YOUTH, AND THE YOUTH MAY REMAIN IN THE TRANSITION
14 PROGRAM UNTIL THE LAST DAY OF THE MONTH IN WHICH THE YOUTH
15 TURNS TWENTY-ONE YEARS OF AGE, OR SUCH GREATER AGE OF FOSTER
16 CARE ELIGIBILITY AS REQUIRED BY FEDERAL LAW, SO LONG AS THE YOUTH
17 MEETS ALL OTHER PROGRAM ELIGIBILITY REQUIREMENTS PURSUANT TO
18 SECTION 19-7-304;

25 (e) THE YOUTH HAS THE RIGHT TO COUNSEL WHO WILL REPRESENT
26 THE YOUTH'S OBJECTIVES, BEGINNING ON THE YOUTH'S EIGHTEENTH
27 BIRTHDAY. THE YOUTH HAS THE RIGHT TO CHOOSE WHETHER TO HAVE THE

1 YOUTH'S CURRENT GUARDIAN AD LITEM REAPPOINTED AS COUNSEL OR TO
2 HAVE A DIFFERENT INDIVIDUAL APPOINTED AS COUNSEL PURSUANT TO
3 SECTION 19-3-203. THE YOUTH HAS THE RIGHT TO CONSULT WITH THE
4 YOUTH'S COUNSEL ABOUT THE DECISION WHETHER TO EMANCIPATE. THE
5 COURT SHALL ADVISE THE YOUTH THAT THE CURRENT EMANCIPATION
6 TRANSITION HEARING MAY BE CONTINUED FOR UP TO ONE HUNDRED
7 NINETEEN DAYS IF THE YOUTH WOULD LIKE ADDITIONAL TIME TO MAKE A
8 DECISION OR TO PREPARE FOR EMANCIPATION. THE COURT SHALL ASK THE
9 YOUTH WHETHER THE YOUTH HAS HAD SUFFICIENT OPPORTUNITY TO
10 CONSULT WITH COUNSEL AND IF THE YOUTH IS READY TO MAKE A DECISION
11 AT THE CURRENT TIME OR, ALTERNATIVELY, IF THE YOUTH WOULD LIKE TO
12 REQUEST A CONTINUANCE OF UP TO ONE HUNDRED NINETEEN DAYS.

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

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

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

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

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

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

20 **13-91-103. Definitions.** As used in this article ARTICLE 91, unless
21 the context otherwise requires:

22 (2.5) "COUNSEL FOR YOUTH" MEANS AN ATTORNEY WHO IS
23 LICENSED TO PRACTICE LAW IN COLORADO AND APPOINTED BY THE COURT
24 TO REPRESENT A CHILD OR YOUTH IN A PROCEEDING PURSUANT TO ARTICLE
25 3 OR 7 OF TITLE 19, OR ASSIGNED BY THE OFFICE OF THE CHILD'S
26 REPRESENTATIVE PURSUANT TO ARTICLE 7 OF TITLE 19.

(7) "YOUTH" MEANS AN INDIVIDUAL WHO IS LESS THAN

1 TWENTY-ONE YEARS OF AGE, OR SUCH GREATER AGE OF FOSTER CARE

2 ELIGIBILITY AS REQUIRED BY FEDERAL LAW.

3 **SECTION 9.** In Colorado Revised Statutes, 13-91-105, amend

4 (1)(a) as follows:

5 **13-91-105. Duties of the office of the child's representative -**
6 **guardian ad litem and counsel for youth programs.** (1) In addition to
7 any responsibilities assigned to it by the chief justice, the office of the
8 child's representative shall:

9 (a) Enhance the provision of GAL OR COUNSEL FOR YOUTH
10 services in Colorado by:

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

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

19 (III) Making recommendations to the chief justice concerning the
20 establishment, by rule or chief justice directive, of standards to which
21 attorneys serving as guardians ad litem shall OR COUNSEL FOR YOUTH
22 MUST be held, including but not limited to minimum practice standards.

23 which standards shall MINIMUM PRACTICE STANDARDS MUST include:

24 (A) Incorporation of the federal guidelines for persons serving as
25 guardians ad litem OR COUNSEL FOR YOUTH, as set forth in the federal
26 department of health and human services' "Adoption 2002" guidelines,
27 and incorporation of the guidelines for guardians ad litem OR COUNSEL

1 FOR YOUTH adopted by the Colorado bar association in 1993;

2 (B) Minimum duties of guardians ad litem OR COUNSEL FOR

3 YOUTH in representing children involved in judicial proceedings;

4 (C) Minimum responsibilities of guardians ad litem OR COUNSEL

5 FOR YOUTH in representing children involved in judicial proceedings; and

6 (D) A determination of an appropriate maximum-caseload

7 limitation for persons serving as guardians ad litem OR COUNSEL FOR

8 YOUTH;

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

10 FOR YOUTH to ensure compliance with all relevant statutes, orders, rules,

11 directives, policies, and procedures;

12 (V) Working cooperatively with the chief judge in each judicial

13 district or group of judicial districts to jointly establish a local body to

14 oversee the provision of guardian ad litem OR COUNSEL FOR YOUTH

15 services in that judicial district or districts. ~~which THE~~ oversight bodies

16 would operate and report directly to the director concerning the practice

17 of guardians ad litem OR COUNSEL FOR YOUTH in that judicial district or

18 districts pursuant to oversight procedures established by the office of the

19 child's representative.

20 (VI) Establishing fair and realistic state rates by which to

21 compensate state-appointed guardians ad litem ~~which will~~ OR COUNSEL

22 FOR YOUTH THAT take into consideration the caseload limitations placed

23 on guardians ad litem OR COUNSEL FOR YOUTH and ~~which will be~~ THAT

24 ARE sufficient to attract and retain high-quality, experienced attorneys to

25 serve as guardians ad litem OR COUNSEL FOR YOUTH;

26 (VII) Seeking to enhance existing funding sources for the

27 provision of high-quality guardian ad litem OR COUNSEL FOR YOUTH

1 services in Colorado;

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

6 (IX) Accepting grants, gifts, donations, and other
7 nongovernmental contributions to be used to fund the work of the office
8 of the child's representative relating to guardians ad litem OR COUNSEL
9 FOR YOUTH. Such grants, gifts, donations, and other nongovernmental
10 contributions ~~shall~~ MUST be credited to the guardian ad litem fund,
11 created in section 13-91-106 (1). ~~Moneys in such fund shall be~~ MONEY
12 IN THE FUND IS subject to annual appropriation by the general assembly
13 for the purposes of this ~~paragraph (a)~~ SUBSECTION (1)(a) and for the
14 purposes of enhancing the provision of guardian ad litem OR COUNSEL
15 FOR YOUTH services in Colorado.

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

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

21 **13-91-106. Guardian ad litem fund - court-appointed special
22 advocate (CASA) fund - created.** (1) There is ~~hereby~~ created in the
23 state treasury the guardian ad litem fund, referred to in this subsection (1)
24 as the "fund". The fund ~~shall consist of such~~ CONSISTS OF general fund
25 ~~moneys~~ MONEY as may be appropriated thereto by the general assembly
26 and any ~~moneys~~ MONEY received pursuant to section 13-91-105
27 (1)(a)(IX). The ~~moneys~~ MONEY in the fund ~~shall be~~ IS subject to annual

1 appropriation by the general assembly to the state judicial department for
2 allocation to the office of the child's representative for the purposes of
3 funding the work of the office of the child's representative relating to the
4 provision of guardian ad litem OR COUNSEL FOR YOUTH services and for
5 the provision of guardian ad litem OR COUNSEL FOR YOUTH services in
6 Colorado. All interest derived from the deposit and investment of moneys
7 MONEY in the fund shall MUST be credited to the fund. Any moneys
8 MONEY not appropriated shall remain REMAINS in the fund and shall MUST
9 not be transferred or revert to the general fund of the state at the end of
10 any fiscal year.

11 **SECTION 11. Appropriation.** (1) For the 2021-22 state fiscal
12 year, \$510,623 is appropriated to the department of human services for
13 use by the division of child welfare. This appropriation consists of
14 \$408,498 from the general fund and \$102,125 from cash funds from local
15 funds. To implement this act, the division may use this appropriation for
16 child welfare services.

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

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

27 (a) \$38,017 for personal services, which amount is based on an

1 assumption that the office will require an additional 0.5 FTE; and

2 (b) \$14,375 for operating expenses.

3 **SECTION 12. Safety clause.** The general assembly hereby finds,

4 determines, and declares that this act is necessary for the immediate

5 preservation of the public peace, health, or safety.