

CHAPTER 340

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 21-1094

BY REPRESENTATIVE(S) Daugherty and Van Beber, Amabile, Benavidez, Bernett, Boesenecker, Caraveo, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jackson, Jodeh, Kennedy, Kipp, McCluskie, McCormick, Michaelson Jenet, Mullica, Ortiz, Ricks, Roberts, Sirota, Snyder, Tipper, Titone, Valdez A., Valdez D., Woodrow, Young, Bird, Carver, Herod, Lontine; also SENATOR(S) Zenzinger and Rankin, Bridges, Coram, Danielson, Fields, Ginal, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Moreno, Pettersen, Priola, Simpson, Story, Winter, Garcia.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, **add** part 3 to article 7 of title 19 as follows:

**PART 3
FOSTER YOUTH IN TRANSITION PROGRAM**

19-7-301. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) EACH YEAR, FOR A VARIETY OF REASONS, MORE THAN TWO HUNDRED YOUTH, AGES EIGHTEEN TO TWENTY-ONE, EXIT COLORADO'S FOSTER CARE SYSTEM WITHOUT AN ESTABLISHED PERMANENT HOME OR A STABLE SUPPORT NETWORK;

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

(c) MANY OF THESE YOUTH WILL FACE CHALLENGES AS THEY SEARCH FOR AFFORDABLE HOUSING, PURSUE HIGHER EDUCATION OR TRAINING, SEARCH FOR EMPLOYMENT, MANAGE TIGHT BUDGETS, TAKE CARE OF HEALTH NEEDS, AND MORE;

(d) YOUTH WHO ARE MAKING THE TRANSITION OUT OF FOSTER CARE INTO

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

INDEPENDENT LIVING FACE NOT ONLY THE TYPICAL DEVELOPMENTAL CHANGES AND NEW EXPERIENCES THAT ARE COMMON TO YOUTH BUT ALSO THE DRAMATIC CHANGE FROM BEING UNDER THE COUNTY'S CARE TO BEING ON THEIR OWN, MANY WITHOUT ANY SUPPORT SYSTEMS TO HELP THEM SUCCEED;

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

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

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

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT BY ESTABLISHING A VOLUNTARY TRANSITIONAL FOSTER CARE PROGRAM, ALLOWING YOUTH TO REENTER THE STATE'S FOSTER CARE SYSTEM THROUGH A FOSTER YOUTH IN TRANSITION PROGRAM, AND ENSURING EQUITABLE ACCESS TO LESS RESTRICTIVE SUPPORTS IN THE COMMUNITY, THE STATE CAN BETTER MEET THE NEEDS OF THOSE YOUTH WHO ARE MAKING THE TRANSITION FROM FOSTER CARE TO SUCCESSFUL ADULTHOOD.

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

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

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

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

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

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

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

(51.3).

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

(8) "PARTICIPATING YOUTH" MEANS A YOUTH WHO VOLUNTARILY AGREES TO PARTICIPATE IN THE TRANSITION PROGRAM AND MEETS THE ELIGIBILITY REQUIREMENTS SET FORTH IN SECTION 19-7-304.

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

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

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

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

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

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

(15) "VOLUNTARY SERVICES AGREEMENT" MEANS A STANDARDIZED VOLUNTARY SERVICES AGREEMENT ENTERED INTO BY A PARTICIPATING YOUTH PURSUANT TO SECTION 19-7-306.

19-7-303. Foster youth in transition program - established. THE FOSTER YOUTH IN TRANSITION PROGRAM IS ESTABLISHED IN THE STATE DEPARTMENT TO BE IMPLEMENTED IN COUNTY DEPARTMENTS THROUGHOUT THE STATE TO PROVIDE EXTENDED CHILD WELFARE SERVICES TO ELIGIBLE YOUTH EIGHTEEN YEARS OF AGE OR OLDER BUT LESS THAN TWENTY-ONE YEARS OF AGE, OR SUCH GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED BY FEDERAL LAW. EACH COUNTY DEPARTMENT SHALL MAKE THE TRANSITION PROGRAM AVAILABLE TO ELIGIBLE YOUTH ON A VOLUNTARY BASIS. THE CHILD WELFARE SERVICES PROVIDED THROUGH THE TRANSITION PROGRAM MUST BE CLIENT-DIRECTED AND DEVELOPMENTALLY APPROPRIATE, AS SET FORTH IN A VOLUNTARY SERVICES AGREEMENT DEVELOPED AND ENTERED INTO PURSUANT TO SECTION 19-7-306 AND, WHEN REQUIRED, OVERSEEN BY THE JUVENILE COURT IN A YOUTH IN TRANSITION PROCEEDING

BROUGHT PURSUANT TO THIS PART 3. THE STATE DEPARTMENT IS ENCOURAGED TO SUBMIT, AS PART OF THE ANNUAL BUDGET PROCESS, A REQUEST FOR INCREASED APPROPRIATIONS TO FUND THE INCREASED CASELOAD FOR THE TRANSITION PROGRAM.

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

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

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

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

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

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

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

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

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

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

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

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

(2) AN INDIVIDUAL WHO IS NO LONGER UNDER THE JURISDICTION OF THE JUVENILE COURT AND BELIEVES HE OR SHE MAY BE AN ELIGIBLE YOUTH MAY REQUEST TO PARTICIPATE IN THE TRANSITION PROGRAM BY MAKING A REQUEST TO THE COUNTY DEPARTMENT WHERE THE YOUTH SELF-ATTESTS THAT THE YOUTH RESIDES. THE

YOUTH SHALL PROVIDE DOCUMENTATION OF THE YOUTH'S LEGAL NAME AND DATE OF BIRTH, IF AVAILABLE. IF THE YOUTH DOES NOT HAVE SUCH DOCUMENTATION, THE YOUTH MAY ATTEST TO THE YOUTH'S LEGAL NAME AND DATE OF BIRTH. THE YOUTH SHALL PROVIDE CURRENT CONTACT INFORMATION.

(3) THE COUNTY DEPARTMENT SHALL DETERMINE WHETHER A YOUTH IS ELIGIBLE WITHIN THREE BUSINESS DAYS OF THE YOUTH'S REQUEST AND, IF SO, EXPLAIN THE TRANSITION PROGRAM AND PROVIDE THE VOLUNTARY SERVICES AGREEMENT TO THE ELIGIBLE YOUTH. WITHIN THREE BUSINESS DAYS OF AN ELIGIBLE YOUTH'S DECISION TO ENTER THE PROGRAM, THE COUNTY DEPARTMENT SHALL PREPARE AND EXECUTE, IN COLLABORATION WITH THE ELIGIBLE YOUTH, A VOLUNTARY SERVICES AGREEMENT, AS DESCRIBED IN SECTION 19-7-306; PROVIDE A COPY OF THE VOLUNTARY SERVICES AGREEMENT TO THE ELIGIBLE YOUTH; AND, WITHIN NINETY DAYS OF A VOLUNTARY SERVICES AGREEMENT REMAINING IN EFFECT, FILE A PETITION WITH THE JUVENILE COURT PURSUANT TO SECTION 19-7-307 THAT INCLUDES THE VOLUNTARY SERVICES AGREEMENT. IF THE COUNTY DEPARTMENT DETERMINES THAT THE YOUTH IS NOT ELIGIBLE, THE COUNTY DEPARTMENT SHALL NOTIFY THE YOUTH OF THE COUNTY DEPARTMENT'S DETERMINATION, THE REASONS FOR SUCH DETERMINATION, HOW TO APPEAL A DENIAL OF ELIGIBILITY, AND PROVIDE CONTACT INFORMATION FOR THE OFFICE OF THE CHILD'S REPRESENTATIVE.

(4) AN ELIGIBLE YOUTH MAY VOLUNTARILY PARTICIPATE IN THE TRANSITION PROGRAM FOR ANY LENGTH OF TIME UNTIL THE LAST DAY OF THE MONTH OF THE INDIVIDUAL'S TWENTY-FIRST BIRTHDAY, OR SUCH GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED BY FEDERAL LAW.

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

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

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

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

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

(B) WITH THE PARTICIPATING YOUTH'S CONSENT, THE PARTICIPATING YOUTH'S HOUSING MAY BE IN ANY PLACEMENT APPROVED BY THE COUNTY DEPARTMENT OR

THE COURT FOR WHICH THE PARTICIPATING YOUTH IS OTHERWISE ELIGIBLE AND THAT IS THE LEAST RESTRICTIVE OPTION TO MEET THE PARTICIPATING YOUTH'S NEEDS; OR

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

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

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

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

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

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

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

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

(IV) OBTAINING APPROPRIATE COMMUNITY RESOURCES AND PUBLIC BENEFITS;

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

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

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

(VIII) OBTAINING COPIES OF HEALTH AND EDUCATION RECORDS;

(IX) MAINTAINING AND BUILDING RELATIONSHIPS WITH INDIVIDUALS WHO ARE

IMPORTANT TO THE PARTICIPATING YOUTH, INCLUDING SEARCHING FOR INDIVIDUALS WITH WHOM THE PARTICIPATING YOUTH HAS LOST CONTACT; AND

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

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

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

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

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

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

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

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

19-1-307. Petition - form and content. (1) A YOUTH OR A PARTICIPATING YOUTH MAY FILE A PETITION ON THE YOUTH'S OWN BEHALF AT ANY TIME. OR, IF SUCH A PETITION HAS NOT YET BEEN FILED AND A VOLUNTARY SERVICES AGREEMENT REMAINS IN EFFECT AFTER NINETY DAYS, A COUNTY DEPARTMENT SHALL FILE A PETITION WITH THE COURT INITIATING A PROCEEDING PURSUANT TO THIS PART 3 TITLED "THE PEOPLE OF THE STATE OF COLORADO, IN THE MATTER OF _____, A YOUTH IN TRANSITION". THE PETITION MUST BE VERIFIED AND THE STATEMENTS MAY BE MADE UPON INFORMATION AND BELIEF.

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

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

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

(a) THAT THE PARTICIPATING YOUTH RETAINS ALL THE ADULT RIGHTS AND RESPONSIBILITIES THAT THE PARTICIPATING YOUTH WOULD OTHERWISE HAVE, AS DESCRIBED IN SECTION 19-7-304 (5); AND

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

(5) IN ADDITION TO PROVIDING NOTICE TO THE PARTICIPATING YOUTH, THE COURT SHALL ENSURE THAT NOTICE OF ALL HEARINGS AND REVIEWS HELD REGARDING THE PARTICIPATING YOUTH IS PROVIDED TO LICENSED FOSTER PARENTS WITH WHOM A PARTICIPATING YOUTH IS PLACED, NOT INCLUDING ADULTS WITH WHOM A PARTICIPATING YOUTH LIVES THROUGH A SUPERVISED INDEPENDENT LIVING PLACEMENT. LICENSED FOSTER PARENTS HAVE THE RIGHT TO BE HEARD AT SUCH HEARINGS AND REVIEWS BUT MUST NOT BE MADE A PARTY TO THE ACTION SOLELY ON THE BASIS OF NOTICE AND THE RIGHT TO BE HEARD.

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

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

(1) A PARTICIPATING YOUTH HAS A RIGHT TO COUNSEL. IF THE YOUTH ACCEPTS THE PUBLICLY PROVIDED COUNSEL, COUNSEL MUST BE ASSIGNED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE OR APPROVED BY THE COURT FROM A LIST OF ATTORNEYS APPOINTED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE. THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL DEVELOP PRACTICE STANDARDS AND GUIDELINES FOR REPRESENTING PARTICIPATING YOUTH IN PROCEEDINGS BROUGHT PURSUANT TO

THIS PART 3.

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

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

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

19-7-310. Emancipation discharge hearings - emancipation transition plan.
(1) AT THE DIRECTION OF A PARTICIPATING YOUTH, WITH ASSISTANCE AND SUPPORT FROM A COUNTY DEPARTMENT, AN EMANCIPATION TRANSITION PLAN THAT IS PERSONALIZED FOR THE PARTICIPATING YOUTH MUST BE DEVELOPED AND FINALIZED NO MORE THAN NINETY DAYS PRIOR TO THE PARTICIPATING YOUTH'S EMANCIPATION DISCHARGE HEARING. THE EMANCIPATION TRANSITION PLAN INCLUDES SPECIFIC OPTIONS CONCERNING HOUSING, HEALTH INSURANCE, EDUCATION, LOCAL OPPORTUNITIES FOR MENTORS AND CONTINUING SUPPORT SERVICES, AND WORKFORCE SUPPORTS AND EMPLOYMENT SERVICES. THE EMANCIPATION TRANSITION PLAN MUST ALSO INCLUDE INFORMATION CONCERNING THE IMPORTANCE OF DESIGNATING ANOTHER INDIVIDUAL TO MAKE HEALTH CARE TREATMENT DECISIONS ON THE PARTICIPATING YOUTH'S BEHALF IF THE YOUTH BECOMES UNABLE TO PARTICIPATE IN SUCH DECISIONS AND THE PARTICIPATING YOUTH DOES NOT HAVE, OR DOES NOT WANT, A RELATIVE OR LEGAL GUARDIAN WHO WOULD OTHERWISE BE AUTHORIZED TO MAKE SUCH DECISIONS. THE EMANCIPATION TRANSITION PLAN MUST PROVIDE THE PARTICIPATING YOUTH WITH THE OPTION TO EXECUTE A HEALTH CARE POWER OF ATTORNEY AND INCLUDE DETAILS AT THE PARTICIPATING YOUTH'S DISCRETION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) A COPY OF THE PARTICIPATING YOUTH'S EMANCIPATION TRANSITION PLAN, FINALIZED NO MORE THAN NINETY DAYS PRIOR TO THE PARTICIPATING YOUTH'S

EMANCIPATION DISCHARGE HEARING.

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

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

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

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

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

(a) A COPY OF THE PARTICIPATING YOUTH'S ROADMAP TO SUCCESS;

(b) A STATEMENT OF THE PARTICIPATING YOUTH'S PROGRESS ON THE PARTICIPATING YOUTH'S GOALS AND WHETHER THE PARTICIPATING YOUTH IS MEETING THE PARTICIPATING YOUTH'S OBLIGATIONS PURSUANT TO THE VOLUNTARY SERVICES AGREEMENT, INCLUDING ANY REQUIRED ACTIVITIES;

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

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

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

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

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

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

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

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

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

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

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

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

(I) THE PROVISION OF WRITTEN NOTICE TO THE PARTICIPATING YOUTH IN A CLEAR AND DEVELOPMENTALLY APPROPRIATE MANNER THAT INFORMS THE PARTICIPATING YOUTH OF THE COUNTY DEPARTMENT'S INTENT TO REQUEST THAT THE COURT

TERMINATE THE PARTICIPATING YOUTH'S VOLUNTARY SERVICES AGREEMENT WITH AN EXPLANATION OF THE REASONS; AND

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

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

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

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

(I) AN APPLICATION FROM A COUNTY DEPARTMENT MUST RECEIVE PREFERENCE OVER APPLICATIONS FROM OTHER TYPES OF ENTITIES; AND

(II) AN APPLICATION FOR A PROPOSED PROGRAM MUST RECEIVE PREFERENCE IF IT INCLUDES THE PROVISION OF EVIDENCE-BASED SERVICES.

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

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

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

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

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

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

(I) IMPLEMENTATION OF THE GRANT PROGRAM;

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

(III) CONTENT FOR GRANT PROGRAM APPLICATIONS; AND

(IV) SCORING METHODOLOGY FOR GRANT PROGRAM APPLICATION REVIEW.

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

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

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

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

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

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

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

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

19-7-315. Rules. THE STATE DEPARTMENT SHALL PROMULGATE RULES FOR THE IMPLEMENTATION OF THIS PART 3, INCLUDING BUT NOT LIMITED TO RULES CONCERNING ELIGIBILITY DETERMINATIONS, ADMINISTRATIVE APPEALS OF ELIGIBILITY DETERMINATIONS, ENROLLMENT INTO THE TRANSITION PROGRAM, EMANCIPATION TRANSITION PLANS AND ROADMAPS TO SUCCESS, AND EXPEDITED PROCEDURES FOR SECURING TEMPORARY SHELTER FOR YOUTH WHO ARE CURRENTLY HOMELESS OR AT IMMINENT RISK OF HOMELESSNESS.

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

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

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

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

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

(89) "Reasonable efforts", as used in articles 1, 2, ~~and~~ 3, AND 7 of this ~~title~~ TITLE 19, means the exercise of diligence and care throughout the state of Colorado for children AND YOUTH who are in FOSTER CARE OR out-of-home placement, or are at imminent risk of FOSTER CARE OR out-of-home placement. In determining whether it is appropriate to provide, purchase, or develop the supportive and rehabilitative services that are required to prevent unnecessary placement of a child OR YOUTH outside of a child's OR YOUTH's home or to foster the safe reunification of a child OR YOUTH with a child's OR YOUTH's family, as described in section 19-3-208, or whether it is appropriate to find and finalize an alternative permanent plan for a child OR YOUTH, and in making reasonable efforts, the child's OR YOUTH's health and safety ~~shall be~~ is the paramount concern. Services provided by a county or city

and county in accordance with section 19-3-208 are deemed to meet the reasonable effort standard described in this subsection (89). Nothing in this subsection (89) shall be construed to conflict with federal law.

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

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

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

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

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

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

19-3-203. Guardian ad litem. (4) A GUARDIAN AD LITEM ALREADY APPOINTED TO REPRESENT A YOUTH'S BEST INTERESTS PURSUANT TO THIS ARTICLE 3 SHALL BEGIN ACTING AS COUNSEL AND PROVIDING CLIENT-DIRECTED REPRESENTATION IMMEDIATELY UPON THE YOUTH'S EIGHTEENTH BIRTHDAY AND SHALL ACT IN THIS ROLE UNTIL EITHER THE CASE IS DISMISSED OR NEW COUNSEL IS APPOINTED, UNLESS THE YOUTH IS DEEMED INCAPACITATED PURSUANT TO SECTION 19-3-704, IN WHICH CASE THE GUARDIAN AD LITEM SHALL REMAIN IN THAT ROLE AND SEPARATE

COUNSEL FOR THE YOUTH SHALL BE APPOINTED.

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

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

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

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

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

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

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

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

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

(c) THE MOTION MUST BE WITHDRAWN AND THE HEARING MAY BE VACATED OR

CONVERTED TO A REVIEW HEARING IF THE YOUTH RETURNS.

SECTION 6. In Colorado Revised Statutes, 19-3-702, **amend** (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 permanency planning hearing must be held no later than ~~ninety~~ NINETY-ONE days after the initial decree of disposition. After the initial permanency planning hearing, the court shall hold additional hearings at least every six months while the case remains open or more often in the discretion of the court, or upon the motion of any party. When possible, the permanency planning hearing must be combined with the in-person six-month review as provided for in section 19-1-115 (4)(c), ~~or~~ subsection (6)(a) of this section, OR SECTION 19-7-312. The court shall hold all permanency planning hearings in person, provide proper notice to all parties, and provide all parties the opportunity to be heard. The court shall consult with the child or youth in a developmentally appropriate manner regarding the child's or youth's permanency goal.

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

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

19-3-704. Youth with disabilities - incapacitated persons. (1) A PARTY MAY REQUEST THE COURT TO DETERMINE WHETHER A YOUTH IS AN INCAPACITATED PERSON, AS DEFINED IN SECTION 15-14-102. THE MOTION MUST BE FILED WITH THE COURT PRIOR TO THE YOUTH'S EIGHTEENTH BIRTHDAY.

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

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

EMANCIPATE.

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

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

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

(c) AN AFFIRMATION THAT THE COUNTY DEPARTMENT HAS INFORMED THE YOUTH, IN A DEVELOPMENTALLY APPROPRIATE MANNER, OF THE BENEFITS AND OPTIONS AVAILABLE TO THE YOUTH BY PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM CREATED IN SECTION 19-7-303 AND THE VOLUNTARY NATURE OF THAT PROGRAM; AND

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

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

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

(3) THE COURT SHALL ADVISE THE YOUTH THAT:

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

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

(c) SERVICES PROVIDED THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM CREATED IN SECTION 19-7-303 ARE VOLUNTARY FOR THE YOUTH, AND THE YOUTH MAY REMAIN IN THE TRANSITION PROGRAM UNTIL THE LAST DAY OF THE MONTH IN WHICH THE YOUTH TURNS TWENTY-ONE YEARS OF AGE, OR SUCH GREATER AGE OF

FOSTER CARE ELIGIBILITY AS REQUIRED BY FEDERAL LAW, SO LONG AS THE YOUTH MEETS ALL OTHER PROGRAM ELIGIBILITY REQUIREMENTS PURSUANT TO SECTION 19-7-304;

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

(e) THE YOUTH HAS THE RIGHT TO COUNSEL WHO WILL REPRESENT THE YOUTH'S OBJECTIVES, BEGINNING ON THE YOUTH'S EIGHTEENTH BIRTHDAY. THE YOUTH HAS THE RIGHT TO CHOOSE WHETHER TO HAVE THE YOUTH'S CURRENT GUARDIAN AD LITEM REAPPOINTED AS COUNSEL OR TO HAVE A DIFFERENT INDIVIDUAL APPOINTED AS COUNSEL PURSUANT TO SECTION 19-3-203. THE YOUTH HAS THE RIGHT TO CONSULT WITH THE YOUTH'S COUNSEL ABOUT THE DECISION WHETHER TO EMANCIPATE. THE COURT SHALL ADVISE THE YOUTH THAT THE CURRENT EMANCIPATION TRANSITION HEARING MAY BE CONTINUED FOR UP TO ONE HUNDRED NINETEEN DAYS IF THE YOUTH WOULD LIKE ADDITIONAL TIME TO MAKE A DECISION OR TO PREPARE FOR EMANCIPATION. THE COURT SHALL ASK THE YOUTH WHETHER THE YOUTH HAS HAD SUFFICIENT OPPORTUNITY TO CONSULT WITH COUNSEL AND IF THE YOUTH IS READY TO MAKE A DECISION AT THE CURRENT TIME OR, ALTERNATIVELY, IF THE YOUTH WOULD LIKE TO REQUEST A CONTINUANCE OF UP TO ONE HUNDRED NINETEEN DAYS.

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

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

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

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

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

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

(6) IF A YOUTH IS OPTING INTO THE FOSTER YOUTH IN TRANSITION PROGRAM CREATED IN SECTION 19-7-303 AND A PETITION HAS BEEN FILED PURSUANT TO SECTION 19-7-307, THE COURT SHALL DISMISS THE CASE PURSUANT TO THIS ARTICLE 3 OR DISMISS THE YOUTH FROM THE CASE BROUGHT PURSUANT TO THIS ARTICLE 3, LEAVE THE CASE OPEN FOR REMAINING SIBLINGS, AND OPEN A NEW CASE BROUGHT PURSUANT TO PART 3 OF ARTICLE 7 OF THIS TITLE 19. SUCH AN ACTION MUST NOT RESULT IN AN INTERRUPTION IN CASE MANAGEMENT SERVICES, HOUSING, MEDICAID COVERAGE, OR IN FOSTER CARE MAINTENANCE PAYMENTS.

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

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

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

(7) "YOUTH" MEANS AN INDIVIDUAL WHO IS LESS THAN TWENTY-ONE YEARS OF AGE, OR SUCH GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED BY FEDERAL LAW.

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

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

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

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

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

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

(A) Incorporation of the federal guidelines for persons serving as guardians ad litem OR COUNSEL FOR YOUTH, as set forth in the federal department of health and

human services' "Adoption 2002" guidelines, and incorporation of the guidelines for guardians ad litem OR COUNSEL FOR YOUTH adopted by the Colorado bar association in 1993;

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

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

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

(IV) Overseeing the practice of guardians ad litem OR COUNSEL FOR YOUTH to ensure compliance with all relevant statutes, orders, rules, directives, policies, and procedures;

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

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

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

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

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

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

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

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

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

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

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

(a) \$38,017 for personal services, which amount is based on an assumption that the office will require an additional 0.5 FTE; and

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

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

Approved: June 25, 2021