

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0838.01 Jane Ritter x4342

HOUSE BILL 22-1245

HOUSE SPONSORSHIP

Daugherty and Van Beber,

SENATE SPONSORSHIP

Zenzinger,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CLARIFICATIONS RELATED TO THE FOSTER YOUTH IN
102 TRANSITION PROGRAM.

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 updates and clarifies language related to the foster youth in transition program (program), including:

- Defining "dependent on the court" as being under the juvenile court's jurisdiction;
- Directing the court to advise the juvenile of specific services;

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.

- Repealing certain provisions related to continuing jurisdiction of the court;
- Adding provisions to the program for juveniles or youths who were in a dependency and neglect case or other case pursuant to the Children's Code;
- Updating and specifying the form and content of the petition for the program; and
- Adding language and requirements concerning the initial hearing related to the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-103, **add** (53.5)
3 as follows:

4 **19-1-103. Definitions.** As used in this title 19 or in the specified
5 portion of this title 19, unless the context otherwise requires:

6 (53.5) "DEPENDENT ON THE COURT" MEANS A YOUTH IS UNDER
7 THE JUVENILE COURT'S JURISDICTION; THE YOUTH WAS AT ANY TIME
8 ADJUDICATED DEPENDENT OR NEGLECTED, AS DESCRIBED IN SECTION
9 19-3-102, OR THAT THE COURT HAS FOUND SUFFICIENT EVIDENCE THAT
10 THE YOUTH HAS BEEN SUBJECTED TO CHILD ABUSE OR NEGLECT, AS
11 DEFINED IN SUBSECTION (1) OF THIS SECTION; AND THE YOUTH IS IN NEED
12 OF OVERSIGHT AND SUPPORTIVE SERVICES AS DETERMINED BY THE COURT.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 19-2.5-613 as
14 follows:

15 **19-2.5-613. Advisement of services.** (1) FOR ANY JUVENILE WHO
16 IS SIXTEEN YEARS OF AGE OR OLDER, BEFORE TERMINATING JURISDICTION,
17 THE COURT SHALL ADVISE THE JUVENILE THAT:

18 (a) IF THE JUVENILE WAS IN FOSTER CARE AT SIXTEEN YEARS OF
19 AGE OR OLDER, OR IN NONCERTIFIED KINSHIP CARE AND ADJUDICATED
20 DEPENDENT AND NEGLECTED, THEN THE JUVENILE HAS THE RIGHT TO

1 BEGIN VOLUNTARILY RECEIVING CHILD WELFARE SERVICES ON OR AFTER
2 REACHING EIGHTEEN YEARS OF AGE THROUGH THE FOSTER YOUTH IN
3 TRANSITION PROGRAM, ESTABLISHED IN PART 3 OF ARTICLE 7 OF THIS
4 TITLE 19, UNTIL THE JUVENILE'S TWENTY-FIRST BIRTHDAY, OR SUCH
5 GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED BY FEDERAL
6 LAW;

7 (b) THE FOSTER YOUTH IN TRANSITION PROGRAM PROVIDES THE
8 JUVENILE WITH ACCESS TO FINANCIAL SUPPORT FOR HOUSING AND OTHER
9 SERVICES, AS OUTLINED IN SECTION 19-7-305; AND

10 (c) IF THE JUVENILE IS ELIGIBLE FOR THE FOSTER YOUTH IN
11 TRANSITION PROGRAM, THE JUVENILE HAS THE RIGHT TO COUNSEL
12 THROUGH THE OFFICE OF THE CHILD'S REPRESENTATIVE.

13 **SECTION 3.** In Colorado Revised Statutes, 19-3-203, **amend** (4)
14 as follows:

15 **19-3-203. Guardian ad litem.** (4) A guardian ad litem already
16 appointed to represent a youth's best interests pursuant to this article 3
17 shall begin acting as counsel and providing client-directed representation
18 immediately upon the youth's eighteenth birthday and shall act in this role
19 until either the case is dismissed or new counsel is appointed, unless the
20 ~~youth is deemed incapacitated pursuant to section 19-3-704~~ COURT
21 DETERMINES A GUARDIAN AD LITEM IS NECESSARY DUE TO THE YOUTH'S
22 DIMINISHED CAPACITY, in which case the guardian ad litem shall remain
23 in that role and separate counsel for the youth shall be appointed.

24 **SECTION 4.** In Colorado Revised Statutes, 19-3-205, **repeal** (2)
25 as follows:

26 **19-3-205. Continuing jurisdiction.** (2) ~~(a) Commencing January~~
27 ~~1, 2012, the court shall consider the individual circumstances of each~~

1 youth in out-of-home placement who is at least seventeen years of age but
2 who has not yet reached eighteen years of age to determine if the youth
3 is ready to become independent upon reaching eighteen years of age or
4 whether the youth should remain under the care and supervision of the
5 county until the youth reaches twenty-one years of age unless earlier
6 terminated by court order. The court shall determine if the youth is
7 engaged in one of the following activities:

8 (I) ~~Completing secondary education or is enrolled in a program~~
9 ~~leading to an equivalent credential;~~

10 (II) ~~Enrolled in an institution that provides postsecondary or~~
11 ~~career and technical education;~~

12 (III) ~~Participating in a program or activity designed to promote or~~
13 ~~remove barriers to employment; or~~

14 (IV) ~~Employed for at least eighty hours per month.~~

15 (b) ~~If a youth's medical condition makes him or her incapable of~~
16 ~~engaging in any of the activities described in subparagraphs (I) to (IV) of~~
17 ~~paragraph (a) of this subsection (2), the applicable county department~~
18 ~~shall maintain information about the youth's condition in the youth's case~~
19 ~~plan.~~

20 **SECTION 5.** In Colorado Revised Statutes, 19-3-705, **amend** (1)
21 and (5) as follows:

22 **19-3-705. Transition hearing.** (1) When a youth turns eighteen
23 years of age while ~~in foster care or noncertified kinship care~~ THE YOUTH
24 IS A NAMED CHILD OR IS A YOUTH IN A DEPENDENCY AND NEGLECT CASE
25 OPEN THROUGH THIS ARTICLE 3, the court shall hold a transition hearing
26 within thirty-five days after the youth's eighteenth birthday. The purpose
27 of the transition hearing is to determine whether the youth will opt into

1 the foster youth in transition program, established in section 19-7-303, or,
2 alternatively, choose to emancipate.

3 (5) WITH THE YOUTH'S CONSENT, the court may continue the
4 emancipation transition hearing for up to one hundred nineteen days to
5 allow time to improve the youth's emancipation transition plan, gather
6 necessary documents and records, or for any other reason necessary to
7 allow the youth a successful transition to adulthood. ~~The youth's wishes
8 and willingness to remain engaged in the process must be a strong
9 consideration in whether a continuance is granted.~~

10 **SECTION 6.** In Colorado Revised Statutes, 19-7-304, **amend**
11 (1)(b) as follows:

12 **19-7-304. Eligibility and enrollment.** (1) An eligible youth is an
13 individual who:

14 (b) HAS A CURRENT DEPENDENCY AND NEGLECT CASE OR has
15 current or recent prior foster care or kinship care involvement in AT LEAST
16 one of the following ways:

17 (I) The youth was in foster care, as defined in section 19-1-103,
18 on or after the youth's sixteenth birthday; ~~or~~

19 (II) The youth was in noncertified kinship care, as defined in
20 section 19-1-103, on or after the youth's sixteenth birthday and was
21 adjudicated dependent and neglected pursuant to article 3 of this title 19;
22 OR

23 (III) THE YOUTH TURNED EIGHTEEN YEARS OF AGE WHEN THE
24 YOUTH WAS A NAMED CHILD OR YOUTH IN A DEPENDENCY AND NEGLECT
25 CASE OPEN THROUGH ARTICLE 3 OF THIS TITLE 19.

26 **SECTION 7.** In Colorado Revised Statutes, 19-7-305, **amend**
27 (1)(b) as follows:

1 **19-7-305. Available services and supports.** (1) Each county
2 department shall offer, at a minimum, the following services and supports
3 to participating youth in the transition program:

4 (b) ~~(F)~~ Assistance with securing safe, affordable, and stable
5 housing ~~If a county department has legal authority for physical placement~~
6 ~~IN THE FOLLOWING WAYS:~~

7 ~~(A)~~ (I) The participating youth's ~~housing is~~ LIVING EXPENSES ARE
8 fully or partially funded through foster care maintenance payments, in
9 addition to any other housing assistance the youth is eligible to receive.
10 Any expectations for the youth to contribute to the youth's own expenses
11 must be based upon the youth's ability to pay;

12 ~~(B)~~ (II) With the participating youth's consent, the participating
13 youth's housing may be in any placement approved by the county
14 department or the court for which the participating youth is otherwise
15 eligible, ~~INCLUDING A LICENSED HOST FAMILY HOME, AS DEFINED IN~~
16 ~~SECTION 26-5.7-102 (3.5), OR A SUPERVISED INDEPENDENT LIVING~~
17 ~~PLACEMENT,~~ and that is the least restrictive option to meet the
18 participating youth's needs; or

19 ~~(C)~~ (III) If the participating youth needs placement in a qualified
20 residential treatment program, then such placement must follow all
21 relevant procedures pursuant to section 19-1-115 concerning the
22 placement of a child or youth in a qualified residential treatment program.

23 ~~(H)~~ ~~If a county department does not have legal authority for~~
24 ~~physical placement, the participating youth may:~~

25 ~~(A)~~ ~~Reside anywhere that the participating youth is otherwise~~
26 ~~eligible to reside, including a licensed host family home, as defined in~~
27 ~~section 26-5.7-102 (3.5); and~~

1 ~~(B) Access any financial support for housing that the participating~~
2 ~~youth is otherwise eligible to receive.~~

3 **SECTION 8.** In Colorado Revised Statutes, 19-7-306, **amend**
4 (1)(a); and **add** (1)(a.5) as follows:

5 **19-7-306. Voluntary services agreement.** (1) A voluntary
6 services agreement entered into pursuant to this part 3 is a binding
7 standardized agreement, written in a client-driven and developmentally
8 appropriate manner, between the county department and a participating
9 youth. The agreement specifies the terms of the youth's participation in
10 the transition program, including, at a minimum:

11 (a) The participating youth's ~~status as a legal adult~~ RETENTION OF
12 ALL RIGHTS AND RESPONSIBILITIES THE YOUTH WOULD OTHERWISE HAVE,
13 as described in section 19-7-304 (5);

14 (a.5) ESTABLISHING THE LEGAL AUTHORITY FOR PLACEMENT WITH
15 THE COUNTY DEPARTMENT;

16 **SECTION 9.** In Colorado Revised Statutes, 19-7-307, **amend** (2)
17 and (6); **repeal** (3); and **add** (1.5) as follows:

18 **19-7-307. Petition - form and content.** (1.5) FOR A YOUTH WHO
19 IS ENTERING THE FOSTER YOUTH IN TRANSITION PROGRAM DIRECTLY FROM
20 A CASE THROUGH THIS TITLE 19 WHILE PLACED IN FOSTER CARE BY A
21 COUNTY DEPARTMENT, AT THE YOUTH'S OPTION, THE PETITION MUST BE
22 FILED IN EITHER THE COUNTY WHERE THE YOUTH SELF-ATTESTS TO RESIDE
23 OR A COUNTY THAT IS CURRENTLY SERVING THE ELIGIBLE YOUTH. FOR A
24 YOUTH WHO DOES NOT HAVE A CURRENT CASE PURSUANT TO THIS TITLE
25 19 OR IS NOT TRANSITIONING FROM A FOSTER CARE PLACEMENT WHILE IN
26 THE CUSTODY OF A COUNTY DEPARTMENT, THE PETITION MUST BE FILED
27 IN THE COUNTY WHERE THE YOUTH SELF-ATTESTS TO RESIDE.

1 (2) The petition must plainly set forth the facts that bring the
2 participating youth under the court's jurisdiction. The petition must also
3 state the participating youth's name, age, and ~~county where the~~
4 ~~participating youth self-attests the participating youth resides.~~ WHY VENUE
5 IN THIS COURT IS PROPER PURSUANT TO SUBSECTION (1.5) OF THIS
6 SECTION. THE PETITION MUST STATE THAT THE YOUTH IS VOLUNTARILY
7 ENTERING FOSTER CARE AND ONE OF THE FOLLOWING, WHICHEVER IS
8 APPLICABLE:

9 (a) THE YOUTH WAS REMOVED FROM HOME PRIOR TO THE YOUTH
10 REACHING EIGHTEEN YEARS OF AGE PURSUANT TO A JUDICIAL
11 DETERMINATION THAT IT WAS CONTRARY TO THE YOUTH'S WELFARE TO
12 REMAIN IN THE HOME, THAT REASONABLE EFFORTS WERE MADE TO KEEP
13 THE YOUTH IN THE HOME, AND THAT BECAUSE THE YOUTH HAS REMAINED
14 IN FOSTER CARE CONTINUOUSLY, A NEW COURT-ORDERED REMOVAL IS NOT
15 REQUIRED; OR

16 (b) REASONABLE EFFORTS TO PREVENT REMOVAL WERE NOT
17 REQUIRED BECAUSE A YOUTH WHO IS EIGHTEEN YEARS OF AGE OR OLDER
18 MAY ENTER INTO THE VOLUNTARY SERVICES AGREEMENT ON THE YOUTH'S
19 OWN BEHALF.

20 (3) ~~In each case where removal of a participating youth from the~~
21 ~~home is sought, the petition must either state that reasonable efforts were~~
22 ~~made to prevent foster care, including a summary of those efforts, or, if~~
23 ~~no services to prevent out-of-home placement were provided, the petition~~
24 ~~must contain an explanation of why such services were not provided or~~
25 ~~a description of the emergency that precluded the use of services to~~
26 ~~prevent foster care or out-of-home placement. Assignment of legal~~
27 ~~authority for physical placement of a participating youth to a county~~

1 department for purposes of placement in a supervised independent living
2 placement constitutes a removal and is foster care.

3 (6) The petition must be accompanied by a copy of the voluntary
4 services agreement executed pursuant to section 19-7-306; ~~and~~ EXCEPT
5 THAT WHEN THE YOUTH FILES THE PETITION ON THE YOUTH'S OWN BEHALF,
6 THE VOLUNTARY SERVICES AGREEMENT NEED ONLY BE EXECUTED BY THE
7 YOUTH AND DOES NOT REQUIRE A SIGNATURE BY THE COUNTY
8 DEPARTMENT AT THE TIME THE PETITION IS FILED. For a participating
9 youth entering the transition program directly from an open case pursuant
10 to article 3 of this title 19, the petition must also include a current copy of
11 the participating youth's roadmap to success.

12 **SECTION 10.** In Colorado Revised Statutes, 19-7-308, **amend**
13 (2) as follows:

14 **19-7-308. Right to counsel - guardian ad litem - representation**
15 **of petitioner.** (2) ~~A participating youth who is eighteen years of age or~~
16 ~~older and, due to diminished capacity, needs a guardian ad litem may also~~
17 ~~have a guardian ad litem appointed from the list of attorneys approved by~~
18 ~~the office of the child's representative~~ WHEN A COURT DETERMINES A
19 GUARDIAN AD LITEM IS NECESSARY FOR A PARTICIPATING YOUTH DUE TO
20 THE YOUTH'S DIMINISHED CAPACITY, THE COURT SHALL APPOINT A
21 GUARDIAN AD LITEM FROM THE LIST OF ATTORNEYS APPROVED BY THE
22 OFFICE OF THE CHILD'S REPRESENTATIVE. THE COURT SHALL NOT DEEM A
23 GUARDIAN AD LITEM TO BE A SUBSTITUTE FOR COUNSEL FOR YOUTH.

24 **SECTION 11.** In Colorado Revised Statutes, **add** 19-7-309.5 as
25 follows:

26 **19-7-309.5. Initial hearings.** (1) THE COURT SHALL SET THE
27 MATTER FOR AN INITIAL HEARING WITHIN FIFTY-SIX DAYS OF RECEIPT OF

1 A PETITION FILED PURSUANT TO THIS SECTION, AND THE COURT SHALL
2 APPOINT COUNSEL FOR YOUTH FOR THE PETITIONING YOUTH. IF THE OFFICE
3 OF THE CHILD'S REPRESENTATIVE HAS ALREADY ASSIGNED COUNSEL, THE
4 COURT SHALL APPOINT THE SAME ATTORNEY.

5 (2) AT THE INITIAL HEARING, THE COURT SHALL ADVISE THE
6 YOUTH THAT:

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

14 (b) IF THE YOUTH CHOOSES TO LEAVE THE TRANSITION PROGRAM
15 BUT LATER DECIDES SUPPORT IS NEEDED, THE YOUTH HAS THE RIGHT TO
16 BEGIN RECEIVING CHILD WELFARE SERVICES AGAIN THROUGH THE
17 TRANSITION PROGRAM; AND

18 (c) THE YOUTH HAS THE RIGHT TO COUNSEL.

19 (3) AT THE INITIAL HEARING THE COURT SHALL DETERMINE:

20 (a) WHETHER THE YOUTH HAS VOLUNTARILY ENTERED FOSTER
21 CARE AND THAT THE COUNTY DEPARTMENT HAS LEGAL AUTHORITY FOR
22 PLACEMENT;

23 (b) WHETHER IT IS IN THE BEST INTEREST OF THE YOUTH TO BE
24 VOLUNTARILY PLACED IN FOSTER CARE; AND

25 (c) IF ONE OF THE FOLLOWING APPLIES:

26 (I) THE YOUTH WAS REMOVED FROM HOME PRIOR TO THE YOUTH
27 REACHING EIGHTEEN YEARS OF AGE PURSUANT TO A JUDICIAL

1 DETERMINATION THAT IT WAS CONTRARY TO THE YOUTH'S WELFARE TO
2 REMAIN IN THE HOME, THAT REASONABLE EFFORTS WERE MADE TO KEEP
3 THE YOUTH IN THE HOME, AND THAT BECAUSE THE YOUTH HAS REMAINED
4 INFOSTER CARE CONTINUOUSLY, A NEW COURT-ORDERED REMOVAL IS NOT
5 REQUIRED; OR

6 (II) REASONABLE EFFORTS TO PREVENT REMOVAL WERE NOT
7 REQUIRED BECAUSE A YOUTH WHO IS EIGHTEEN YEARS OF AGE OR OLDER
8 MAY ENTER INTO THE VOLUNTARY SERVICES AGREEMENT ON THE YOUTH'S
9 OWN BEHALF.

10 (4) IF THE COURT DETERMINES THAT THE REQUIREMENTS OF
11 SUBSECTION (3) OF THIS SECTION ARE MET, THE COURT SHALL FOLLOW
12 PROCEDURES FOR A PERIODIC REVIEW HEARING AS DESCRIBED IN SECTION
13 19-7-312, AS APPLICABLE.

14 (5) WHEN A YOUTH HAS BEEN ADJUDICATED DEPENDENT AND
15 NEGLECTED PURSUANT TO SECTION 19-3-102, OR WHEN THERE IS
16 SUFFICIENT EVIDENCE THAT THE YOUTH HAS BEEN SUBJECTED TO CHILD
17 ABUSE OR NEGLECT, AS DEFINED IN SECTION 19-1-103 (1), THE COURT
18 SHALL ENTER A FINDING THAT THE YOUTH IS DEPENDENT ON THE COURT,
19 AS DEFINED IN SECTION 19-1-103 (54). THE COURT MAY ENTER SPECIAL
20 FINDINGS ESTABLISHING THE YOUTH'S ELIGIBILITY FOR DESIGNATION AS A
21 SPECIAL IMMIGRANT JUVENILE PURSUANT TO FEDERAL LAW. THESE
22 FINDINGS MAY BE MADE AT THE INITIAL HEARING OR ANY TIME
23 THEREAFTER.

24 **SECTION 12.** In Colorado Revised Statutes, 19-7-310, **repeal**
25 (2)(b) as follows:

26 **19-7-310. Emancipation discharge hearings - emancipation**
27 **transition plan.** (2) If a participating youth remains in the transition

1 program until the participating youth turns twenty-one years of age, or
2 such greater age of foster care eligibility as required by federal law, at
3 least ninety days prior to the participating youth's last day of eligibility for
4 the transition program, the county department shall provide the
5 participating youth with:

6 (b) ~~The participating youth's emancipation transition plan; and~~

7 **SECTION 13.** In Colorado Revised Statutes, **amend** 19-7-311 as
8 follows:

9 **19-7-311. Permanency planning hearings - notice to parents.**

10 A permanency planning hearing must be held for a participating youth
11 under the court's jurisdiction pursuant to this part 3 in the same manner
12 as provided in section 19-3-702; except that permanency hearings need
13 only be held at least every twelve months. THE YOUTH'S PARENT OR
14 PARENTS ARE NOT PARTIES IN PROCEEDINGS PURSUANT TO THIS ARTICLE
15 7 AND THEREFORE DO NOT REQUIRE NOTICE OF SUCH HEARINGS.

16 **SECTION 14.** In Colorado Revised Statutes, 19-7-313, **amend**
17 (2) as follows:

18 **19-7-313. Continuing jurisdiction.** (2) The court shall hold the
19 emancipation discharge hearing pursuant to ~~subsection (1)(a)~~ SUBSECTION
20 (1)(c) of this section at least thirty-five days after receipt of the county
21 department's motion to determine whether the participating youth still
22 meets the eligibility requirements for the transition program, including
23 substantially fulfilling the participating youth's obligations set forth in the
24 participating youth's voluntary services agreement. If the participating
25 youth no longer meets the requirements of the transition program and the
26 county department has made reasonable but unsuccessful efforts to
27 reengage the participating youth, then the court shall hold an

1 emancipation discharge hearing to review the participating youth's
2 emancipation transition plan and advise the participating youth as
3 provided in section 19-7-310. The court may accomplish all of these
4 elements in the same emancipation discharge hearing if all of the
5 necessary information has been filed in a timely fashion.

6 **SECTION 15. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly; except
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V
10 of the state constitution against this act or an item, section, or part of this
11 act within such period, then the act, item, section, or part will not take
12 effect unless approved by the people at the general election to be held in
13 November 2022 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.