

JUVENILE CONTINUITY OF CARE TASK FORCE
FINAL RECOMMENDATION PRESENTED TO THE
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
JULY 14, 2017

FY17-JCC #03. Require permanency planning for *legally free* youth following a commitment to the Division of Youth Services.

Recommendation FY17-JCC #03

The Colorado Department of Human Services, Division of Child Welfare, should promulgate rules that provide guidance on *permanency planning*¹ to county departments of social/human services under Social Service Rules Volume 7.² These rules should provide guidance to counties in circumstances involving a *legally free*³ youth (where parental rights have been terminated and there is no legal guardianship) who is either returning to county custody after a period of DYS commitment or is projected to emancipate from the Division of Youth Services (DYS).

Discussion

Youth who age out of the foster care or justice systems often leave with few skills, minimal education, and inadequate preparation for living as productive, independent adults.⁴ To “age out” of the foster care system means youths are discharged to “self” rather than to a family they can count on and call their own.⁵ Many of these youth, without a permanent family or meaningful relationship connections,⁶ will suffer a variety of negative outcomes including poor health, unemployment, criminal involvement, mental health and substance abuse problems, and homelessness.⁷ Crossover youth, involved in both the juvenile justice and child welfare systems, are at especially high risk for the negative outcomes mentioned here.

The three goals of child welfare in the United States, according to the Department of Health and Human Services, Administration for Children and Families, are safety, permanency, and well-being.⁸ In Colorado, significant inconsistency exists across counties regarding efforts to ensure the safety, permanency, and well-being of youth who complete a DYS sentence. It is not uncommon for some counties to close a child welfare case when a crossover youth is sentenced to DYS, leaving these youth without permanency planning services and, consequently, significantly vulnerable to negative outcomes.

¹ Permanency for youth includes a permanent legal connection to a family, such as reuniting with birth parents, adoption, kinship care, or legal guardianship. Physical permanency is having a home or a place to be; relational permanency is having a relationship or connection with a caring adult (e.g., maternal and paternal kin, teachers, neighbors, former foster parents) (Mallon, 2011).

² The majority of Colorado regulations affecting social services are included in the Code of Colorado Regulations under *CDHS: Social Service Rules*, Volume 7. See the Colorado Secretary of State CCR website at: sos.state.co.us/CCR/ (Browse to CDHS: 1008, Rule 12 CCR 2509).

³ *Legally free* is a term applied to children and youth where parental rights have been terminated and there is no identified “second” family or legal guardianship.

⁴ See <https://www.childwelfare.gov/pubPDFs/enhancing.pdf#page=1&view=Introduction>.

⁵ Annie E. Casey Foundation, at See <http://www.aecf.org/m/resourcedoc/AECF-AnIntegratedApproachtoYouthPermanency-2005.pdf>.

⁶ Relationships between youth in foster care and nonparental adults, including other family members, professionals involved in the youth’s life (e.g., caseworker), and adults informally involved in the youth’s life (e.g., a friend’s parent) can help improve a variety of outcomes for youth, including educational attainment, living situations, emotional wellbeing, interpersonal relationships, and coping (Ahrens, Lane DuBois, Garrison, Spencer, Richardson, & Lozano, 2011).

⁷ Courtney, Dworsky, Brown, Cary, Love, & Vorhies, 2011; Avery & Freundlich, 2003; Halley & English, 2008; also see http://www.chapinhall.org/sites/default/files/publications/Midwest_IB2_Homelessness.pdf.

⁸ See https://www.acf.hhs.gov/sites/default/files/cb/acyf_fy2012_projects_summary.pdf.

[As Approved]

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This recommendation seeks to ensure that crossover youth receive the case planning and services necessary to prepare them for successful independent living. Clear procedures and processes must be developed to ensure consistency across jurisdictions and continued efforts by county officials to establish legal permanency when these youth transition into and out of the juvenile justice system. The Annie E. Casey Foundation promotes the use of an integrated approach to youth permanency and preparation for adulthood to address the complex needs unique to adolescents in foster care. This excellent resource also applies to the experience of crossover youth.⁹

⁹ See <http://www.aecf.org/m/resourcedoc/AECF-AnIntegratedApproachtoYouthPermanency-2005.pdf> .