



**FY2017 RECOMMENDATION/FY17-JCC03 Require Permanency Planning for Legally Free Youth following a Commitment to the Division of Youth Services**

**Status:** Implementation Unknown

**Actions/Updates**

**2023 UPDATE (JUNE)**

During the FY 2023 Legislative Session, Senate Bill 2023-158 to reauthorize the Colorado Commission on Criminal and Juvenile Justice (CCJJ) was postponed indefinitely on May 7, 2023. Therefore, with the sunset of the Commission, all activities of the CCJJ ceased on June 30, 2023.

No further monitoring of CCJJ recommendations will occur.

**2019-2022 UPDATE**

Status unknown.

**2018 UPDATE**

Status unknown.

**2017 ACTION TO DATE**

This recommendation requires an update to administrative rules by the Colorado Department of Human Services.

**Description**

The Colorado Department of Human Services, Division of Child Welfare, should promulgate rules that provide guidance on permanency planning to county departments of social/human services under Social Service Rules Volume 7. These rules should provide guidance to counties in circumstances involving a legally free 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).

**Agencies Responsible**

Colorado Department of Human Services

**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.(Footnote

1) 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.(Footnote 2) Many of these youth, without a permanent family or meaningful relationship connections,(Footnote 3) will suffer a variety of negative outcomes including poor health, unemployment, criminal involvement, mental health and substance abuse problems, and homelessness.(Footnote 4) Crossover youth, involved in both the juvenile justice and child welfare systems, are at especially high risk for the negative outcomes mentioned here. (See Footnote 5 on "permanency planning," Footnote 6 on CDHS: Social Services, Vol. 7, and Footnote 7 on "legally free" youth.)

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.(Footnote 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.

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.(Footnote 9)

See the complete text of the recommendation at the link to the "Recommendation Text."

## Footnotes

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

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

(3) 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).

(4) 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](http://www.chapinhall.org/sites/default/files/publications/Midwest_IB2_Homelessness.pdf).

(5) 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).

(6) 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/](http://sos.state.co.us/CCR/) (Browse to CDHS: 1008, Rule 12 CCR 2509).

(7) 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.

(8) See [https://www.acf.hhs.gov/sites/default/files/cb/acyf\\_fy2012\\_projects\\_summary.pdf](https://www.acf.hhs.gov/sites/default/files/cb/acyf_fy2012_projects_summary.pdf).

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