

**Colorado Supreme Court Rules of Juvenile Procedure Committee
Minutes of December 2, 2022**

I. Call to Order

The Rules of Juvenile Procedure Committee came to order around 9:00 AM via videoconference. Members present or excused from the meeting were:

Name	Present	Excused
Judge Craig Welling, Chair	X	
Judge (Ret.) Karen Ashby		X
David P. Ayraud	X	
Jennifer Conn	X	
Traci Engdol-Fruhworth		X
Judge David Furman (acting Chair)	X	
Ruchi Kapoor		X
Magistrate Randall Lococo	X	
Judge Priscilla J. Loew		X
Judge Ann Gail Meinster		X
Trent Palmer		X
Josefina Raphael-Milliner	X	
Professor Colene Robinson		X
Zaven “Z” Saroyan	X	
Judge Traci Slade	X	
Anna Ulrich	X	
Pam Wakefield	X	
Abby Young	X	
Non-voting Participants		
Justice Richard Gabriel, Liaison	X	
Terri Morrison	X	
J.J. Wallace	X	

Meeting Materials:

(1) Draft Minutes of 10/7/2022 meeting

(2) Memo from Drafting Subcommittee (Re Emergency Protection Order Rule)

II. Chair’s Report

A. The 10/7/22 meeting minutes were approved without amendment.

III. Old Business

A. Drafting Subcommittee

Judge Welling updated the committee that the drafting subcommittee is making progress. He passed along three trends with the work. The subcommittee is generally (exceptions sometimes occurring):

- Cross-referencing statutes rather than repeating whole portions of statutory text to avoid overly-lengthy rules;
- Quoting statutory text rather than paraphrasing to avoid confusion or interpretive difficulties; and
- When there is not a statutory “hook” or other authority, remaining silent (avoiding creating new law) or sticking to providing only procedural guidance.

Later in the meeting, when the Chair asked about new business, Z Saroyan asked for the committee to approve the subcommittee’s continued use of cross-references. The committee offered a generalized approval for the approach.

Judge Welling also let the committee know that the drafting subcommittee was now meeting every other week to build momentum and pick up the pace toward completion.

1) Recommendation Re Emergency Protection Orders

Judge Welling related the subcommittee’s request to approve a new direction for the Emergency Protection Order rule, outlined in the memo with the meeting materials. A motion was made and seconded to approve the new direction.

After a brief discussion, the committee voted unanimously to approve the amended rule.

B. Proposed ICWA Rules (Judge Furman)

Judge Furman stated that the subcommittee is almost done with its work.

C. Vision Subcommittee (Judge Welling)

Judge Welling related that he needs to complete something before the survey can go out. He will work on that and hopes to issue the survey in the New Year.

D. HB22-1038 Right to Counsel for Youth (Anna Ulrich)

Anna Ulrich reminded the committee that the new CFY legislation is effective January 9th. The subcommittee has met a couple of times already. Sheri Danz is heading the subcommittee and has designed a work plan that projects completion by next summer. The main challenge will be overlaying with the drafting subcommittee, but there is good communication between subcommittees. The 1038 subcommittee hopes to stay just behind the drafting committee will avoid either subcommittee doing double the work.

E. Subcommittee to redraft Rule on Order to Interview or Examine Child (Anna Ulrich)

Anna Ulrich also provided an update on this subcommittee. The subcommittee has met once, and she projects it will meet 1–2 more times before completing the new draft rule.

IV. New Business

A. Z raised an new issue as outlined in section III(A) of these minutes.

B. It was decided that J.J. Wallace email all the 2023 Webex invites to committee members now, so that the meeting dates will be on everyone’s calendars.

V. Adjourn

The meeting adjourned just before 9:30 AM. The next meeting is February 3, 2023 at 9 AM via Webex.

Respectfully Submitted,

*J.J. Wallace
Staff Attorney, Colorado Supreme Court*