

To: Juvenile Rules Committee
From: HB22-1038 Drafting Workgroup
Re: Plan for Updating Draft Juvenile Rules to Reflect HB 22-1038 Legislative Changes
Date: October 5, 2022

On October 5th, the Workgroup met to discuss the plan for updating the draft Juvenile Rules to reflect the legislative changes resulting from HB 22-1038. This memo summarizes the work plan and outlines questions for the Juvenile Rules Committee.

Current Working Plan

Based on the OCR's preliminary review of the draft rules package, the following sections should be considered for updates. These sections are flagged in more detail through comments in a Google Doc version of the draft package. This running list of sections identified for revisions will continue to be updated as other members of the work group review and comment on the draft rules.

- Attorney of Record
- Evidence
- Discovery (may not draft revisions but will flag considerations/implications of 1038)
- Filing of Petition
- Pre-Trial Motions
- First Appearance
- Adjudication
- Continued Adjudication
- Trial by Jury
- Summary Judgment
- Permanency Hearing
- Permanency Hearing Notice
- Post Termination
- Release for parents—need for similar release for children/youth
- Case management order—charts outlining parties needs to be updated to reflect CFY

The work group also identified the following topics for consideration as independent rules/components of the draft rules:

- Youth in court, youth participation
- Appointment order
 - For GAL, CFY, and RPC
- Rule articulating the representative capacity of CFY and ability to participate in proceedings when rules reference child, youth, and parties. While this may not be necessary in other practice areas, the party status of GALs and specific reference to GALs in the rules may create

confusion or questions about CFY's authority to participate on behalf of the child/youth if not specifically mentioned. The work group believes that a rule articulating that CFY have a representative capacity and can file, attend on behalf of children/youth, etc. may be helpful and will continue to consider the need for such a rule as it works through the draft rules.

- The work group discussed making sure the rules approach this consistently for RPC and parents and committed to assessing this need for RPC each time it is assessed for CFY.
- Clarify notice provisions—since GAL and child are both parties, it may be helpful for a rule to specifically state that service of pleadings on the GAL for child is necessary and sufficient notice to the child party. GAL will have an independent obligation under the statute to notify children/youth of hearings.

Questions for the Juvenile Rules Committee

The work group believes that the following information will be helpful from the Juvenile Rules Committee

- Timeline/deadline for completion of project
- Decision making—propose language to Juvenile Rules Committee (rather than specific work groups)?
- Tracking of changes—work group plans to work off of drafting work group's final document when available; if drafting work group hasn't yet addressed a section, work group will work off of most current document.

Work Plan

- Meeting 1 (October 5, 2022)—overview of plan
- *Interim work before meeting 2*
 - ✓ *all members review google document, flag areas to be considered for revisions.*
 - ✓ *OCR to draft specific language for group to consider to for sections that have already been reviewed by drafting committee*
 - ✓ *OCR to review google document to develop proposed work plan/timeline for consideration at Meeting 2*
- Meeting 2
 - ✓ review members' comments on google document
 - ✓ finalize work plan to consider specific rule amendments, set target dates for completion of each section, calendar future meetings
 - ✓ consider OCR's proposed language for first sections
- Meetings 3-? Review of specific sections, OCR can take lead on drafting language.