

**Colorado Supreme Court Rules of Juvenile Procedure Committee
Minutes of June 3, 2022**

I. Call to Order

The Rules of Juvenile Procedure Committee came to order just after 9 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		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
Melanie Jordan for 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	
Special Guests: Judge Pax Moultrie; Clancy Johnson; Stephanie Wise		

Meeting Materials:

- (1) Draft Minutes of 4/1/2022 meeting**
- (2) Committee Reappointments Order**
- (3) Standing Committee Document Retention Policy**
- (4) Vision Subcommittee Survey**
- (5) HB22-1038 related materials**

(6) Proposal from Judge Moultrie RE Withdrawal/Termination of Provisionally Appointed RPC

II. Chair's Report

- A. The 4/1/22 meeting minutes were approved without amendment.

III. Old Business

- A. Rule Proposal from Access to Justice Committee re Interlocutory Appeal Advisement

Melanie Jordan indicates that Z has found a rural magistrate to participate in the subcommittee and that they will be meeting soon.

- B. Drafting Subcommittee

Judge Welling explains that the subcommittee continues to plug away and make good progress.

- C. Proposed ICWA Rules

Justice Gabriel indicated that the subcommittee met yesterday and continues plowing through. At the meeting yesterday, it was decided that a form for providing ICWA notice could be helpful, particularly for pro se litigant. A member of the subcommittee has volunteered to undertake drafting a proposal for the subcommittee to consider.

- D. Records Policy

Justice Gabriel explained that, rather than having each committee draft its own record policy, he took on the role of crafting a uniform policy. The policy was adopted by the court and distributed to the committees. In short, the committee will be retaining all agendas, meeting minutes, rules (proposed and adopted), correspondence between the committee and the supreme court, correspondence between the public and the committee, and public comments received in response to proposed rules.

- E. Vision Subcommittee

Judge Welling explained that, in order to get a sense of the juvenile community's needs, the subcommittee drafted a survey to send out. The subcommittee identified sending the survey stakeholder groups including: GALs; RPCs; ADCs; PDs; DAs; City/County Attorneys; Juvenile law section of the Colorado Bar Association; and judicial officers in juvenile. Committee members also suggested reaching out to: (1) the family law section of the bar because they often work as private counsel in juvenile cases; (2) Tim Eirich, who, in the past, has facilitated feedback among adoption lawyers; and (3) CASAs, who already participate in wellbeing surveys quarterly through the state office.

On the survey itself, a committee member suggested breaking out the rural and urban counties in the 4th JD and the 18th JD, so that there's a better sense of where the feedback is coming from. It was also suggested that question #5 include a * or reference to the intro material where Judge Welling explains that we are already working on sweeping changes to the D&N rules.

The committee also briefly discussed whether competency should be raised as a specific issue or whether it will come up naturally in the responses. Members seemed to think it will likely come up in the responses.

Judge Welling stated that the subcommittee will meet next week to finalize the survey. He hopes to have some feedback by the August C.R.J.P. meeting.

IV. New Business

A. HB22-1038 Right to Counsel for Youth

Anna Ulrich from OCR provided a brief summary of the legislative action changing the role of GALs for children 12 and older. The legislation goes into effect on January 9, 2023. She believes that expedited measures need to be taken to, at a minimum, tag on "Client Directed Counsel" to references to GALs in the rules. As an example, she cited C.R.J.P. 4.3 on peremptory challenges. Judge Meinster agreed that the new legislation will have broad impacts and indicated that HB22-1038 is on the agenda for lengthy discussion at both the judicial conference and for the judicial institute. Terri Morrison added that she recently attended a meeting led by Sheri Danz from OCR outlining changes to the CJD on GALs, so that is also in progress.

The committee decided to take two actions. First, the drafting subcommittee will be asked to examine the current draft rules for references to GALs so that updates reflecting client directed counsel can be added. Second, the committee decided to form a subcommittee to examine the need for expedited amendments to the current rules, which Anna will lead. Other volunteers include: Judge Meinster; Josefina Raphael-Milliner; Abby Young; Clancy Johnson & Judge Ashby. The committee recommended finding one or two trial court GALs as well (particularly one from a rural jurisdiction).

Judge Welling inquired whether it made sense to work in tandem with the group examining the CJD. Anna indicated that it may be a good idea and anticipates the rules committee doing the heavy lifting on the issue. If the rules committee recommends any changes that impact the CJD, Terri Morrison will step in to assist with shepherding the recommended changes through the CJD process.

B. Proposal from Judge Moultrie RE Withdrawal/Termination of Provisionally Appointed RPC

Judge Moultrie explained the need for a rule change to address appointment of provisional counsel. Appointing provisional counsel can be useful for finding and engaging parents, but balanced against this, there is a need not to slow cases down or keep attorneys languishing on unfruitful appointments. Judge Moultrie believes that the rules could define a provisional appointment and clarify when such appointments end. Melanie Jordan from ORPC explained that they had fairly recently modified language in the CJD to account for provisional appointments.

The committee decided to form a subcommittee to explore amending the rule on attorneys to clarify provisional appointments. Judge Moultrie will chair the committee, and Traci Engdol-Fruhworth, Zaven Saroyan, and Abby Young volunteered to work on the subcommittee. Like with the subcommittee examining Client Directed Representation, if the group finds that changes need to be made to the CJD, Terri Morrison can provide a Word version of the CJD and walk any suggested changes through the CJD amendment process.

V. Adjourn

Next meeting, August 5, 2022 at 9 AM via Webex.

Respectfully Submitted,

J.J. Wallace

Staff Attorney, Colorado Supreme Court