

**Colorado Supreme Court Rules of Juvenile Procedure Committee
Minutes of October 8, 2021**

I. Call to Order

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

Name	Present	Excused
Judge Craig Welling, Chair	X	
Judge (Ret.) Karen Ashby, Chair	X	
David P. Ayraud	X	
Jennifer Conn	X	
Sheri Danz	X	
Traci Engdol-Fruhworth	X	
Judge David Furman		X
Melanie Jordan	X	
Ruchi Kapoor	X	
Peg Long	X	
Judge Ann Meinster	X	
Chief Judge Mick O'Hara		X
Trent Palmer		X
Professor Colene Robinson		X
Magistrate Fran Simonet		X
Judge Traci Slade	X	
John Thirkell		X
Pam Wakefield	X	
Abby Young		X
Non-voting Participants		
Justice Richard Gabriel, Liaison	X	
Terri Morrison	X	
J.J. Wallace	X	
Guest: Clancy Johnson		

Meeting Materials:

- (1) Draft minutes from 8.6.2021 meeting
- (2) Email from Melanie Jordan and HB21-1101

II. Chair's Report

- A. The 8/6/21 meeting minutes were approved with one correction to the attendance.

III. Old Business

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

Melanie Jordan reports that she spoke with several individuals about the issues with an advisory rule. She asks some direction from the committee for her group. First, she was thinking about looking at other state rules. Second, she's gathered advisement forms from around the state and wanted to know if a uniform advisement form would be helpful.

The committee has gone back and forth about whether it should adopt an advisement rule and the hope was to get a proposal with the absolute best effort at crafting language.

Melanie relates that the stumbling block in coming up with a comprehensive advisement rule is how to properly advise non-appearing parents (particularly noncustodial parents who have not been found). Some worry that, by creating a blanket advisement even for the non-appearing, additional rights may be created. That said, no one wants to create a disincentive to tracking down missing parents (committee members agreed that the best practice would be to encourage due diligence in locating missing parents).

Since the stumbling block is non-appearing parents, the committee directed the advisement rule group not to focus on non-appearing parties and instead focus on parents who appeared.

- B. Proposed ICWA Rules

Justice Gabriel reports that the group continues to make excellent progress.

- C. Committee membership makeup

Judge Welling reports that he would like to add Judges, a Magistrate, an ICWA expert, DAs, PDs, ADCs, and County Attorneys to the committee. He has begun reaching out to individuals to explain how the committee works, time commitments, etc. to gauge interest. David Ayraud volunteered to send out a notice on the county attorney list serve. Committee members also made several recommendations.

Judge Welling also indicated that he would like to tell potential members that we will continue to use Webex for most meetings in order to make it convenient for stakeholders across the state to participate. No committee member expressed an objection to continuing to use Webex.

D. Pending Reorganization of Article 2, Title 19

The reorganization is now effective. Committee members have found the materials provided by Clancy Johnson very helpful, particularly the crosswalk document, which assists in locating the new statutes. J.J. Wallace will email the documents to everyone again. Committee members expressed that there were a lot of resources out there to help people navigate juvenile justice reforms, but there's no central location to find them. A committee member suggested asking CIP to focus more on juvenile justice issues. Judge Meinster and Judge Furman are co-chairs of CIP. Judge Meinster indicated that she would speak with Judge Furman about it. She also indicated that juvenile justice issues are appearing with greater frequency in CIP meetings because D&N and delinquency populations cross-over (and because Family First treats the populations the same). Members were encouraged to provide the materials to anyone who could use them.

E. HB21-1094

Judge Meinster related that, after examining the present draft of the permanency rule, any update is wait and see. Jurisdictions are just starting to implement the statutory framework and they want to see how it works. Clancy reported that over 200 advisement hearings in D&N cases have been set and there are already over 100 YT cases filed.

F. Drafting Committee

Justice Gabriel reported that the committee has met and is making slow, thorough progress

IV. New Business

A. HB 21-1101

Melanie Jordan indicated that rules related to adoption and the new open adoption scheme may be helpful and asked the committee to consider forming a subcommittee to look at the issue. She reported that there had been some confusion of the role of counties in the new scheme. David Ayraud offered to find a county attorney from his office to participate if the committee undertakes looking at new rules.

B. Records

Justice Gabriel related that the court is asking committees to think about committee record retention. All official records like agendas, meeting materials, minutes, and rosters are up on the [website](#).

V. Adjourn

Next meeting, December 10, 2021 at 9 AM via Webex.

Respectfully Submitted,

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