

**AGENDA**  
**COLORADO SUPREME COURT**  
**RULES OF JUVENILE PROCEDURE COMMITTEE**

Friday, June 11, 2021, 9:00 AM  
Videoconference Meeting via Cisco Webex

- I. Call to Order
- II. Chair's Report
  - A. Approval of the 4/23/21 meeting minutes [pgs. 2-3]
- III. Old Business
  - A. Rule Proposal from the Access to Justice Committee Re Interlocutory Appeal Advisement [pgs. 4-7]
    - Three versions
  - B. Proposed ICWA Rules (Judge Furman)
  - C. Committee Membership Make Up (Chair)
    - About a dozen Recommendations received
  - D. Pending Reorganization of Article 2, Title 19.
    - SB21-059 [Signed](#) effective October 1, 2021.
- IV. New Business –
  - A. How to Conduct Future Meetings
- V. Adjourn
  - A. Next Meeting: **August 6<sup>th</sup> at 9 AM**

**Cisco Webex**

In order to use Webex videoconferencing, you need an internet connection and a device with a camera, microphone, and speaker (e.g., laptop, smartphone, or tablet).

You can download the Webex software (called “Webex Meetings”) for free in advance [here](#) or from your favorite app store. You can also arrive slightly early to the meeting, click on the link, and then be prompted to download the software.

If you have difficulties using a smart device, the original Webex invite also includes call-in information, so that you can participate by phone. Judicial’s IT department recommends using the Denver call-in number: (720) 650-7664.

**Colorado Supreme Court Rules of Juvenile Procedure Committee  
Minutes of April 23, 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:

<b>Name</b>	<b>Present</b>	<b>Excused</b>
Judge Craig Welling, Chair	X	
Judge (Ret.) Karen Ashby, Chair		X
David P. Ayraud	X	
Jennifer Conn	X	
Sheri Danz	X	
Traci Engdol-Fruhirth	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	
<b>Non-voting Participants</b>		
Justice Richard Gabriel, Liaison	X	
Terri Morrison	X	
J.J. Wallace	X	

**Meeting Materials:**

- (1) Draft minutes from 2.5.2021 meeting

**II. Chair's Report**

- a. The 2/5/2021 meeting minutes were approved without amendment.

- b. New Member Welcome-Abby Young  
The chair recognized a new committee member Abby Young, Clerk of Court for Denver Juvenile, who introduced herself. Current committee members then introduced themselves.

### **III. Old Business**

- a. Rule Proposal from Access to Justice Committee re Interlocutory Appeal Advisement  
Committee members who were able to stay on after the meeting discussed a potential advisement rule.
- b. Proposed ICWA Rules  
Justice Gabriel, John Thirkell, and J.J. Wallace, who are all involved in the ICWA rules effort with CIP, gave a brief update on the progress of the ICWA rules. The group is being very thorough and making progress
- c. Committee membership makeup  
Members suggested names of delinquency stakeholders who would be good additions to the committee. J.J. Wallace will compile a list of the names with emails and the chair will reach out to those individuals to gauge interest.
- d. Pending Reorganization of Article 2, Title 19  
Sheri Danz related that the bill appears to be proceeding smoothly through the legislature and that it should be headed to the governor fairly soon. The chair suggested forming a group to go over the bill to see if it impacts any rules. Sheri suggested that the formation of the group wait until after we add delinquency stakeholders.

### **IV. New Business**

NONE

### **V. Adjourn**

Next meeting, June 11, 2021 at 9 AM.

*Respectfully Submitted,*

*J.J. Wallace*

*Staff Attorney, Colorado Supreme Court*

Option #1: Modify current  
rule 4.2(a)(1)

West's Colorado Revised Statutes Annotated  
Title 19. Children's Code (Refs & Annos)  
Related Court Rules  
Chapter 28. Colorado Rules of Juvenile Procedure  
Part Four. Dependency and Neglect

Juvenile Procedure Rule 4.2

Rule 4.2. Advisement--Dependency and Neglect

Currentness

(a) At the first appearance before the court, the respondent(s) shall be fully advised by the court as to all rights and the possible consequences of a finding that a child is dependent or neglected. The court shall make certain that the respondent(s) understand the following:

- (1) The nature of the allegations contained in the petition;
- (2) As a party to the proceeding, the right to counsel;
- (3) That if the respondent(s) is a parent, guardian, or legal custodian, and is indigent, the respondent may be assigned counsel as provided by law;
- (4) The right to a trial by jury;
- (5) That any admission to the petition must be voluntary;
- (6) The general dispositional alternatives available to the court if the petition is sustained, as set forth in [Section 19-3-508, C.R.S.](#);
- (7) That termination of the parent-child legal relationship is a possible remedy which is available if the petition is sustained;
- (8) That if a motion to terminate the parent-child legal relationship is filed, the court will set a separate hearing at which the allegations of the motion must be proven by clear and convincing evidence;
- (9) That termination of the parent-child legal relationship means that the subject child would be available for adoption;
- (10) That any party has the right to appeal any final decision made by the court **and failure to appeal the adjudication, final custody order, or termination orders in a timely manner may result in the loss of the right to appeal; and**

(11) That if the petition is admitted, the court is not bound by any promises or representations made by anyone about dispositional alternatives selected by the court.

**(b)** The respondent(s), after being advised, shall admit or deny the allegations of the petition.

**(c)** If a respondent(s) admits the allegations in the petition, the court may accept the admission after making the following findings:

(1) That the respondent(s) understand his or her rights, the allegations contained in the petition, and the effect of the admission;

(2) That the admission is voluntary.

**(d)** Notwithstanding any provision of this Rule to the contrary, the court may advise a non-appearing respondent(s) pursuant to this Rule in writing and may accept a written admission to the petition if the respondent has affirmed under oath that the respondent(s) understands the advisement and the consequences of the admission, and if, based upon such sworn statement, the court is able to make the findings set forth in part (c) of this Rule.

#### Notes of Decisions (2)

Juvenile Procedure Rule 4.2, CO ST JUV P Rule 4.2  
Current with amendments received through April 1, 2021.

## Option #2

### Rule 4.3.5 Advisement of the Right to Appeal

(alternate a) Following entry of a contested adjudication, the court shall inform the parties of the following:

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(a) The court's ~~written and oral disposition~~ adjudication order ~~shall should inform the parties of state~~ the following:

(1) ~~P~~parties have the right to appeal an order adjudicating a child to be neglected or dependent upon the entry of the initial disposition order pursuant to ~~s~~Section 19-3-508, C.R.S.

(2) ~~There~~ there are expedited deadlines for appeal and for review of a magistrate's decision in a dependency and neglect case;

(3) ~~F~~ailure to timely appeal may cause the party to lose the opportunity to raise the claims later;

(4) ~~I~~ndigent parties may have the right to the assistance of appointed counsel on appeal; parties have the right to the seek the assistance of appointed appellate counsel through the Office of Respondent Parents' Counsel; and

(5) information regarding the process for filing an appeal may be obtained from the Office of Respondent Parents' Counsel or from the self-represented litigant coordinator for the district in which the juvenile court is located or the appellate court. Self-represented parties may obtain information from the self-represented litigant coordinator for the district in which the juvenile court is located or the court of appeals concerning the procedures for filing the notice of appeal and obtaining necessary forms.

## Option #3

### Rule 4.3.5 Advisement of the Right to Appeal

~~(alternate a) Following entry of a contested adjudication, the court shall inform the parties of the following:~~

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~~(a) An adjudication order following a contested hearing or trial should inform the parties of the following: The court's written and oral disposition adjudication order shall should inform the parties of state the following:~~

~~(1) Parties have the right to appeal an order adjudicating a child to be neglected or dependent upon the entry of the initial disposition order pursuant to sSection 19-3-508, C.R.S.~~

~~(2) There there are expedited deadlines for appeal and for review of a magistrate's decision in a dependency and neglect case:-~~

~~(3) Failure to timely appeal may cause the party to lose the opportunity to raise the claims later:-~~

~~(4) Indigent parties may have the right to the assistance of appointed counsel on appeal; parties have the right to the seek the assistance of appointed appellate counsel through the Office of Respondent Parents' Counsel; and~~

~~(5) information regarding the process for filing an appeal may be obtained from the Office of Respondent Parents' Counsel or from the self-represented litigant coordinator for the district in which the juvenile court is located or the appellate court. Self-represented parties may obtain information from the self-represented litigant coordinator for the district in which the juvenile court is located or the court of appeals concerning the procedures for filing the notice of appeal and obtaining necessary forms.~~