

**Colorado Supreme Court Rules of Juvenile Procedure Committee
Minutes of June 11, 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	
Clancy Johnson for 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	

Meeting Materials:

- (1) Draft minutes from 4.23.2021 meeting**
- (2) Three versions of interlocutory advisement**
- (3) Supplementary materials from Sheri Danz Re HB21-1094 (via email)**

II. Chair's Report

- A. The 4/23/21 meeting minutes were approved without amendment.

III. Old Business

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

The chair suggests first discussing whether the committee believes we should move forward with a rule on advisement (not a specific rule—just the concept). After discussion, the committee voted. Ten members were in favor of moving forward with a rule. Members who did not vote in favor abstained and no member voted against moving forward.

The committee then discussed the particulars of an advisement rule. The chair noted that the committee should make decisions in three areas:

- (1) **What should court do/say in advisement?** Outline the specific things that parties must be advised of.
- (2) **How should the court do the advisement?** The committee discussed requiring a written advisement on an adjudication or dispositional order; an oral advisement; or a form advisement incorporated into an appendix to the rules as a JDF. The committee seemed to favor some form of written advisement, although it was mindful that, if a written advisement is required on an order, then by implication the rule requires a written order.
- (3) **And timing of advisement?** A suggestion was made to include the advisement in C.R.J.P. 4.2 at the initial hearing. Others favored requiring the advisement after adjudication or disposition. It was also noted that it does not have to be one or the other-- that the court can advise at beginning but then also do it later.

After discussion, the committee decided to form a subcommittee to work on the issue and make recommendations to the larger committee. Melanie Jordan was selected to lead the group. Sheri Danz, Clancy Johnson, and David Ayraud offered to help. Abby Young offered to put the subcommittee in touch with Denver juvenile magistrates, and a suggestion was made to reach out to a rural juvenile judge or magistrate to get their perspective.

- B. Proposed ICWA Rules

Judge Furman reports that the group “is making progress.” Justice Gabriel adds that Judge Furman is being modest, and the group is doing really thoughtful work.

- C. Committee membership makeup

The chair reports we received many recommendations and will come back to the group with some more concrete recommendations on what the committee make-up should be. Email Judge Welling or J.J. Wallace if you have more suggestions.

D. Pending Reorganization of Article 2, Title 19

Sheri Danz let the committee know that she and Clancy Johnson are on a committee to produce summary materials on the reorganization and will share that info with this committee. It's still anticipated that, once juvenile justice stakeholders are added to the committee, a subcommittee will be formed to examine the new legislation to see if rules changes are needed.

IV. New Business

A. How to Conduct Future Meetings

The Colorado Judicial Center lifts its restrictions on in-person meetings after June. The conference rooms in the building do not have videoconferencing capabilities, so the technology available for people to participate remotely is the same as before the pandemic: telephone conference call and adobe connect link to view a computer screen. The committee held a brief discussion about meeting in person and decided to hold the August 6th meeting via Webex. If in-person meetings are scheduled in the future, committee members would like to be informed of restrictions/safety protocols ahead of time.

B. HB21-1094

Sheri Danz explained that the legislature has developed a new Article 7 case type, Foster Youth in Transition. There are two ways for youth to come into this case type. First, D&N cases will end no later than when the youth is 18½ and the youth will transition into the Foster Youth in Transition case type. Second, youth who have left foster care after age 16 can come back into services through the new case type. Sheri Danz anticipates the new case type may need rules setting out procedures for this new case type.

The committee agrees that that putting together a subcommittee to look at the new legislation and to make recommendation for rules is warranted. Sheri Danz will to lead the group. Clancy Johnson and Peg Long volunteered to assist her. Committee members also suggested reaching out to Jennifer Mullenbach, Jeffco Attorney and/or John Thirkell, Dougco Attorney and Gretchen and/or Kristin from CDHS. Also, former magistrate Kent Spangler.

V. Adjourn

Next meeting, August 6, 2021 at 9 AM via Webex.

Respectfully Submitted,

J.J. Wallace
Staff Attorney, Colorado Supreme Court