

	Rule	Issue	Page of 5/2019 draft set	Page of 1/2020 draft set	source	Proposal (if applicable)
	Continued (Deferred) 1 Adjudications	(h) conflicts with 19-3-702(1)(a) because a permanency hearing is triggered by (1) out of home placement and (2) "following the initial disposition" (and there is no dispo in a deferred adjudication	28	30	10/4/19 meeting	
	Continued (Deferred) 1.1 Adjudications	(f) bracketed "dismiss the case"	27	29	David's Email	take the brackets off
	Continued (Deferred) 1.2 Adjudications	The 3/15/19 Minutes indicate that the committee wanted the rule to set out procedures for (1) amending terms and conditions (is it adequately addressed by (d)?) and (2) procedures for a successful parent (does "dismiss the case" in (f) adequately address this or do we need a (4)-there's a placeholder	27-28	29-30	David's Email	
	Continued (Deferred) 1.3 Adjudications	(f)(1) worry that the findings described ("whether the Respondent has failed to comply with the terms and conditions of the continued adjudication") is potentially misleading	28	30	Sheri's email	
	Authorizing the Filing of 2 a Petition	two options of bracketed language	15	17	David's Email	David supports the second option (no additional evidence) to avoid mini adjudication hearings
	3 Pre-trial Motions	(a)(1) has two options for duty to confer	16	18	David's Email	David supports the second option
	3.1 Pre-trial Motions	(d) (service of motions) is empty	17	19	Trent's email	C.R.C.P. 5? Cross reference to Reports, Filings, and Other Pleadings, p. 17 & 19?

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3.2	Pre-trial Motions	Should service of termination motions be treated differently?	17	19	Trent's email	Trent has concerns about providing notice of a termination motion to parents by giving it to their attorney. He feels notice of a termination motion should require more diligent efforts by the department or GAL to provide actual notice. See attachment A (excerpt of <i>People in Interest of M.M.</i>).
3.3	Pre-trial Motions(a) & Responsive Pleadings and Motions(fg)		16 & 22	18 & 24	Trent's email	Idea that the court "may" deem a motion abandoned doesn't really do anything. If the rule said "shall", one would know to respond. Otherwise, what purpose does this serve? No one would risk not responding, even if a motion has no legal authority, since that "may" be a confession.
4	Responsive Pleadings and Motions	Should this rule (1) apply only to adjudication procedures or (2) be the general rule for all motions and moved to the front	22	24	David's Email	
4.1	Responsive Pleadings and Motions	(a) by adding continued adjudication to this section, are we extending the timeframe for denying jurisdictional matters longer than we need?	22	24	Sheri's email	
4.2	Responsive Pleadings and Motions	(e) Do we want to explicitly state that the court has the discretion to shorten these timeframes?	22	24	Sheri's email	

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5	Trial By Jury- (d)Peremptory Challenges	From 3/14/19 minutes: The committee agreed that peremptory challenges should be allocated per aligned side and that each aligned side should get equal numbers of challenges. John Thirkell (with assistance from J.J. Wallace) will work on developing a draft rule incorporating the committee's ideas. See attached emails.	29	31	David's Email	See Attachment B. Further work? CRCP 47(h) ("Each side shall be entitled to four peremptory challenges")?
6	Form Release	Length of time release is active	39	43	David's email	6 months is too short and 2 years is more appropriate because the client can revoke
7	Discovery	(c) is titled "Persons Exempted from <i>Discovery and Disclosures</i> " and the last sentence says GALs are exempted from <i>discovery</i> (there's no reference to disclosures).	7-8	10	Trent's email	
7.1	Disclosures	(f) requires disclosures "upon written request"	8	10	Trent's email	This has been discussed before and perhaps training RPC to put the request as a sentence on their entry of appearance adequately addresses the issue
7.2	Discovery	we want to make sure we are not creating a new standard of practice regarding depositions, requests for admissions, interrogatories, and requests for production	6+	8+	Sheri's email	
8	Order to Interview or Examine Child	Is this an ex parte process? And/or should there be an opportunity to respond, especially in the instance where parents are represented?	13-14	15-16	Trent's email	

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8.1	Order to Interview or Examine Child	Should we say that an application for an order to interview or examine child shall be supported by affidavit rather than in the form of an affidavit?	13-14	15-16	Sheri's email	
9	Temporary Custody	(c) Relative Affidavit and Advisement	14	16	Trent's email	These two rules' references to the relative affidavit seem inconsistent
9.1	Discovery	(e)(2) also relative affidavit	8	10	Trent's email	
9.2	Temporary Custody	Much of this language is already in the statute and some of the language contradicts the existing statute. For example, section 19-3-405(2)(a) uses the language "danger to the child's life or health in the reasonably foreseeable future." If we are going to repeat statutory language, we need to compare this to 19-3-405 and 19-3-403 to make sure we are consistent	14	16	Sheri's email	
10	Emergency Protection Orders	(d) doesn't say what happens if the Department <i>does not</i> file a motion to continue	15	17	Trent's email	
11	Adjudication on Non-Appearing or Non-Defending Respondent	(a)-"in person or through counsel" may be unclear because ORPC is often provisionally appointed and may appear, so technically a parent would appear through counsel even though they were not actually there	28	30	Trent's email	
11.1	Adjudication on Non-Appearing or Non-Defending Respondent	(b) Given some of the recent case law regarding offers of proof, we just want to make sure we are not creating appealable issues with this procedure of adjudication based on motion and affidavit	28	30	Sheri's email	