

Colorado Supreme Court
Rules of Juvenile Procedure Committee
Meeting Minutes: Friday, February 6, 2026

I. Call to Order

A quorum being present, the Colorado Supreme Court Committee on the Juvenile Rules of Procedure was called to order by its Chair, the honorable Judge Craig R. Welling at around 9 a.m. via videoconference.

The following members were present at the meeting: David Ayraud; Jerin Damo; Traci Engdol-Fruhworth; Magistrate Randall Lococo; Judge Ann Meinster; Judge Pax Moultrie; Professor Colene Robinson; Angela Rose; Lisa Shellenberger; Judge Theresa Slade; Anna Ulrich; Pamela Gorden Wakefield; and Abby Young.

The following members were absent from the meeting: Judge Karen Ashby; Judge Priscilla J. Loew; and Zaven Saroyan.

The following non-voting participants were present at the meeting: Andy Rottman; J.J. Wallace, and Justice Richard L. Gabriel, liaison justice.

Truancy Subcommittee members Magistrate Cara Sweet and Nathan Fall were present as well.

The following materials were used during the meeting:

1. Truancy Rules Draft

II. Chair's Report

A. Minutes

The October 2025 meeting minutes were approved without amendment.

B. Feedback on Rules

One member related that a D&N judge in his district let him know that an issue arose where RPC or GALs in court were complaining that they had not received automatic updated information after an initial written request. The D&N judge felt that the rules did not require updates unless a subsequent request was made.

A member respondent that he believed that was the committee's intent. A second member agreed and pointed to Rule 4.9(j), which imposes a duty to take corrective action to supplement when information was not complete or accurate at the time it was

provided. A private practice member noted that, in a recent request for discovery, the jurisdiction asked when she made the request whether it was intended to be a one-time request or a continuing request, which she thought was helpful.

The chair followed up on the law enforcement reports issue that was discussed at the last meeting. One member indicated that law enforcement in his jurisdiction will not give reports to DHS but will make them available for inspection if DHS wants to see them. Other members noted that costs are influencing discovery requests because those seeking discovery must pay for its production.

Judge Welling stated that he intended to get the annual review subcommittee together to discuss these issues.

III. Present/New Business (none)

IV. Old Business

A. Disclosures and Discovery Annual Review

Individuals interested in this subcommittee have been information gathering. Judge Welling related that he was at a roundtable discussion with judges, who provided him with feedback. Anna Ulrich and David Ayraud were similarly at the Juvenile Judges Institute where they received feedback. They have notes to share on the feedback they received. Judge Welling stated that he intended to get the annual review subcommittee together to discuss the issues outlined above. Justice Gabriel added that it might be worth going through the Chief Judges Council for additional feedback.

B. ICWA Subcommittee

With the passage of the Colorado ICWA (article 1.2 of title 19), the Colorado Supreme Court suspended the ICWA rules and asked the subcommittee to make a recommendation on what comes next. Judge Moultrie thanked the Juvenile Rules Committee members who participated in the subcommittee along with Jack Trope and Judge Liberman, who provided invaluable assistance.

Judge Moultrie stated that the subcommittee met several times and came up with a stand-alone rule to replace all the current ICWA rules. The stand-alone rule includes a purpose, applicability, inquiry, and implementation section. It will also serve as a placeholder in case there is future need for more rules. The subcommittee recommends reaching out to the civil, probate, and juvenile rules to have each of those rules sets reference the ICWA rule. Judge Moultrie is working on a proposal letter to each committee. Justice Gabriel

is the liaison justice for all those rules committees and will be happy to help facilitate communication.

C. Truancy Rules Subcommittee

Judge Welling introduced the subcommittee leaders Abby Young and Jerin Damo and thanked them both for their hard work. It was related that Abby worked miracles organizing everyone and keeping the subcommittee on track, and Jerin provided a first draft of the rules to allow the subcommittee to start discussions. The chair asked the subcommittee to provide an overview of the rules at this meeting; allow committee members to offer feedback; and then anticipate an up or down vote at the April Juvenile Rules Committee meeting.

Abby began by saying that the group has met every week for roughly 90 minutes over the last 9 months or so. They began by identifying needs using a state-wide survey and reaching out to stakeholders. In coming up with a first draft, they used other rules as models. They also looked to problem solving courts as models because, in practice, truancy often works like a problem-solving court. They also examined competency issues that can crop up in truancy. Finally, they noted that truancy practices vary wildly throughout the state. The group then went line by line reviewing the first draft provided.

Abby walked the committee through the proposal and highlighted the hot-button issues and the proposed rules that reflect changes to current practices. For example, Rule 8.3(b), naming students ages 12–16 as respondents, is a change in practice for some jurisdictions. For younger students, ages 6–11, the permissive “may” be named as a student respondent is used. While this is a change, the subcommittee reached consensus to recommend this change.

The chair recommended that the subcommittee give the committee members, who may not have a background in truancy, an overview of a truancy case. Nathan Fall, special guest and counsel for a school district, provided an overview of what happens before a truancy case is filed and how it progresses to court. Magistrate Sweet reiterated here that processes throughout the state vary widely.

Rule 8.12 authorizes permissive periodic reviews, which is new. Abby related that the statute sets out filing, adjudication, and closure, but the feedback the subcommittee received highlighted the need for more discretion for the middle part of a case. This is an example of where the subcommittee looked to problem-solving courts as a model. The rule is permissive, so jurisdiction do not have to hold review hearings.

Rule 8.13 outlining both successful dismissals and unsuccessful dismissals is also new. Some jurisdictions will file a case involving a 6-year-old and leave it open for 10 years, even though attendance is no longer an issue. The subcommittee wanted to provide a procedural mechanism to end this practice. A committee member asked about what an unsuccessful dismissal would look like, and Jerin provided an example where it was not fruitful to continue to have an open case for a student just months away from turning 17.

The next hot-button issue highlighted was detention, which is authorized by section 22-33-107(c), C.R.S. (2025) and is referenced in the rule on contempt, Rule 8.14. The statute authorizes detention, while at the same time strongly discouraging it. Here, the subcommittee tried to think about how problem-solving courts use detention; at the ICWA implications if detention is possible; and at a trauma-informed response to the issue.

The subcommittee was sharply divided on whether remedial contempt is available in truancy and whether it was a viable option in most circumstances (e.g., it's hard to purge not attending school in the past). The statute refers to punitive contempt, but in the context of the procedural protections required for punitive contempt. The last sentence in (b) reflects the sharp divide and confusion. The subcommittee is still mulling the divide over and the proposal may change. Feedback is also welcome.

The subcommittee is also considering whether it wants to come up with form documents.

Justice Gabriel thanked the subcommittee for putting together such impressive work.

The subcommittee would like feedback via email. Please email feedback by Tuesday, February 17th.

Jerrin noted Nathan Fall's contribution to the effort and recommended him for appointment to the Juvenile Rules Committee, if he's willing. He was willing.

D. Adopting Rule Change 2025(15).

Z will head up. Anna Ulrich is also willing to work on the idea

V. Future Meetings

The next meeting is Rockies' Opening Day, April 3, 2026 at 9 AM and should conclude in time for the game.

VI. Adjourn

The committee meeting adjourned at around 10:30 a.m.