

Colorado Supreme Court
Rules of Juvenile Procedure Committee
Meeting Minutes: June 5, 2026

I. Call to Order

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

The following members were present at the meeting: Judge Craig R. Welling, Chair; Judge Karen A. Ashby (retired); Jerin T. Damo; Traci Engdol-Fruhworth; Nathan Fall; Magistrate Randall Lococo; Angela Rose; Zaven (Z) Saroyan Judge Theresa (Traci) Slade; Anna Ulrich; Pamela Gorden Wakefield; and Abigail Young.

The following members were absent from the meeting: David P. Ayraud; Judge Priscilla J. Loew; Judge Ann Meinster (retired); Judge Pax L. Moultrie; Professor Colene Robinson; and Lisa Shellenberger.

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

The following materials were used during the meeting:

1. Draft Minutes of the April 3, 2026 Meeting
2. Proposed changes to Rules 4.15 (two options) and 4.27
3. Email from Anna Ulrich Re: C.R.C.P. 59 & 60
4. Truancy Rules (one version with updates and one version with previous feedback)

II. Chair's Report

The chair had technical difficulties joining and participating in the meeting, so Justice Gabriel chaired the meeting for the day.

A. Minutes

The minutes for the April 3, 2026 meeting were approved unanimously without amendment.

B. ICWA

Justice Gabriel noted Supreme Court Rule Changes (2026)(08)–(11), effective April 23, 2026. He went through the history of the ICWA rules, which included extensive subcommittee work aimed at ensuring ICWA compliance and adoption of a robust rule

set. However, the legislature adopted an extensive Colorado ICWA Act that altered the landscape and created potential conflicts with the ICWA rules. The ICWA rules were suspended while the subcommittee reconvened to review the new landscape. The subcommittee recommended adoption of one new rule to replace all the previous rules and also recommended adopting an ICWA reference in civil, probate, and juvenile rules. Justice Gabriel also explained that the court recognized that there may still be a need to create new ICWA rules to plug holes in the new legislation as those reveal themselves as cases get litigated. A wait and see approach is being taken.

III. Present/New Business

A. C.R.C.P. 59 & 60 [Anna Ulrich]

Anna Ulrich indicated that she has heard from attorneys that there may be a need for D&N specific rules for post-judgment motions. The feedback was that the deadlines in the civil rules don't operate well for D&N cases, especially in light of permanency for children. She specifically noted C.R.C.P. 60(b)(5) ("any other reason justifying relief from the operation of the judgment") and the requirement that motions under that rule must be made "within a reasonable time." A proposal was made for representatives from OCR, ORPC, and a county attorney's office to further discuss the issue and see if they could come up with a proposal. Anna Ulrich will get the ball rolling by coming up with some proposed language and will circulate it to Z Saroyan. Jerin Damo is also happy to consult (time allowing) as a county attorney.

IV. Old Business

A. Annual Review Committee-Proposed changes to Rules 4.15 and 4.27

The committee began by examining the two proposals related to Rule 4.15. Both proposals suggest providing a definition of "first" or "initial" appearance. This was in response to feedback that the "first appearance" language can be confusing. It was explained that confusion seemed related to specific factual contexts (e.g., one respondent appears, but the other does not and then the other respondent appears sometime later). The proposals hope to make clear what the first appearance is in those contexts.

After debating whether "first appearance" is confusing, it was decided that, having received feedback that there was confusion, the committee should move forward with a clarifying definition.

The committee then debated whether to say “initial appearance” or “first appearance.” After discussion, the committee decided to go with “first appearance” because 1) section 19-3-202(1) uses “first appearance” and 2) it is the current language.

A motion was made and seconded to adopt the changes to Rule 4.15 (first appearance option). The motion carried unanimously and the committee approved recommending the rule change to the supreme court.

Next, the committee examined the proposed changes to Rule 4.27. Z Saroyan explained that he had received feedback that some judges were uncomfortable in situations where the attorney sent the notice required by C.R.C.P. 121 section 1-1(2)(b) (advisements to be given upon a motion to withdraw) and the respondent did not appear at the hearing where the motion to withdraw was addressed. In D&N cases there is a right to counsel, but because the notice in C.R.C.P. 121 1-1(2)(b) is addressed to general civil cases, it does not include an advisement of the right to counsel. Thus, the subcommittee recommended adding language to the rule that makes clear that, in addition to the list of advisements required in C.R.C.P. 121 1-1(2)(b), the attorney should also include the advisement of the right to counsel in the written notice to the client.

A motion was made and seconded to adopt the changes to Rule 4.27. The motion carried unanimously and the committee approved recommending the rule change to the supreme court.

Before leaving the topic of feedback to address the current rules, a member indicated that, at the recent convening, he was approached by a county attorney who indicated that the 21-day deadline to provide disclosures upon written requests was putting a lot of pressure on administrative staff. It was explained that the 21-day deadline is 14 to 16 work days, and for cases with a high volume of documents, this was a tough deadline to meet. The county attorney believed that 28 days would be a better deadline. The member raising the issue did not think immediate action was needed but wanted to relate the concern and note that this issue may bubble up in a more formal manner soon, given that the county attorneys are currently meeting at their annual conference.

B. ICWA Subcommittee

Judge Moultrie was unable to attend today’s meeting, but the committee agreed that the ICWA subcommittee could function on an ad hoc basis. There is no need at this time for the subcommittee to meet on a regular monthly schedule. The subcommittee may meet as needed when issues arise.

C. Truancy Rules Subcommittee

Abby Young gave an update on the subcommittee's work. She explained that the version of the rules provided for today's meeting is not yet final, but she wanted to give the committee the opportunity to see some of the changes that the subcommittee made, which attempted to address the feedback they were provided. The subcommittee appreciated the feedback that they received. She highlighted three areas where they received the most feedback and the subcommittee has spent the most time reviewing: proposed Rules 8.7 (First Appearance Advisement), 8.12 (Periodic Reviews), and 8.14 (Contempt).

Abby explained that the subcommittee felt that the First Appearance Advisement outlined in Rule 8.7 is a tone-setter for the rest of the proceeding. The subcommittee considered whether the rule should require an advisement that jail can be a consequence if the student or respondent is found in contempt. Ultimately, the committee decided that referring to jail at the first appearance did not set a productive tone for the rest of the proceeding. Thus, the rule as currently proposed says "if the student or respondent is found to be in contempt, the court may impose sanctions." The comment at the end of the rule was also pointed out. It is intended to encourage judicial officers to think about what they want to say at the outset of the proceeding.

The committee discussed the issue and a consensus was reached that "the court may impose sanctions" satisfies due process but gives judicial officers discretion to decide what is effective for their community.

For Rule 8.12, Abby explained that the subcommittee wanted the rule to more-specifically address using periodic reviews to encourage progress. The intent is to offer ideas and to create a permission structure, without having to resort to contempt, for encouraging positive progress. The committee approved of the approach.

Jerin Damo explained an issue related to the contempt rule. Section 22-33-108(7)(a) says "the court shall provide all procedural protections mandated in rule 107 of the Colorado rules of civil procedure, or any successor rule, *concerning punitive sanctions for contempt.*" The friction point is that, under C.R.C.P. 107, remedial contempt and punitive contempt have different procedural protections. Truancy seems inherently remedial in its goal to get the student to attend school. In remedial contempt, there is a lower burden of proof and there is a burden shift when the movant shows that the alleged contemnor has failed to comply with a valid court order. The alleged contemnor must show that they could not comply or did not willfully fail to comply. Under punitive contempt, the movant must prove everything beyond a reasonable doubt. The subcommittee felt it needed to give meaning to the words in the statute by making clear that, even if the goal

is inherently remedial, all the procedural protections of punitive contempt must be applied: the right to remain silent, no burden shifting, and proof beyond a reasonable doubt. The committee also accepted a comment suggested by Judge Moultrie, which points to ICWA issues.

The committee thought the subcommittee's approach made sense.

The committee is awed by the hard work of the subcommittee.

V. Future Meetings

The next meeting is August 7, 2026.

Additional meetings are scheduled for: October 2nd and December 4th.

VI. Adjourn

The committee meeting adjourned at 10:15 a.m.