

The opinion summaries are not part of the Colorado Supreme Court's opinion. They have been prepared solely for the reader's convenience. As such, they may not be cited or relied upon. If there is any discrepancy between the language in the summary and the opinion, the language in the opinion controls.

ADVANCE SHEET HEADNOTE
September 14, 2026

2026 CO 61

No. 25SC680, *T.L.P. v. People in Int. of T.T.M.P.*—Dependency and Neglect Appeals—Final Appealable Order—Dismissal of Dependency and Neglect Petition—Subject Matter Jurisdiction.

In this case, the supreme court concludes that an order dismissing a dependency and neglect petition is final and appealable when, during the dependency and neglect proceeding, the court issued a temporary custody order that was adverse to a parent and changed the placement of a child, and so the dismissal effectively rendered the temporary order permanent. The supreme court reverses the court of appeals' order dismissing the case for lack of jurisdiction and remands the case to the court of appeals for further proceedings.

The Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

2026 CO 61

Supreme Court Case No. 25SC680
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 25CA1769

Petitioner:

T.L.P.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

T.T.M.P.,

and Concerning

B.M.L.T.

Order Reversed

en banc

September 14, 2026

Attorneys for Petitioner:

Gargano Law, LLC

Andrew A. Gargano

Denver, Colorado

Attorneys for Respondent:

Michael Valentine, Deputy Arapahoe County Attorney

Alison A. Bettenberg, Assistant Arapahoe County Attorney

Aurora, Colorado

Attorneys for T.T.M.P.:

SR Knight Law, LLC

Sheena Knight, guardian ad litem

Brighton, Colorado

Attorneys for Amicus Curiae Office of the Child's Representative:

Anna N. Ulrich

Sheri Danz

Denver, Colorado

No appearance on behalf of: B.M.L.T.

JUSTICE HOOD delivered the Opinion of the Court, in which **JUSTICE BOATRIGHT, JUSTICE GABRIEL, JUSTICE SAMOUR,** and **JUSTICE BERKENKOTTER** joined.

JUSTICE BLANCO, joined by **CHIEF JUSTICE MÁRQUEZ,** dissented.

JUSTICE HOOD delivered the Opinion of the Court.

¶1 We consider whether T.L.P. (“Father”) may appeal the district court’s order dismissing the dependency and neglect petition filed against him by the Arapahoe County Department of Human Services (“ACDHS”). We answer in the affirmative, concluding that the order was final and appealable given the circumstances of this case, in which a temporary custody order adverse to Father that changed the placement of T.T.M.P. (“the Child”) and deprived Father of his parental rights, effectively became permanent upon the petition’s dismissal.

I. Facts and Procedural History

¶2 Father and B.M.L.T. (“Mother”) are the biological parents of the Child, who was born on December 16, 2020. For most of the Child’s life, she lived in Colorado, and Father had been her primary caregiver.

¶3 Starting around December 2024, Father brought the Child to ACDHS multiple times, saying he was done parenting alone and telling ACDHS to locate Mother and have her help raise the Child. Then, in May 2025, Father gave ACDHS a deadline of June 4, 2025, to find Mother. Although ACDHS asked Father why he set the deadline and what would happen if the deadline went unmet, he failed to explain.

¶4 On June 2, 2025, Father called a caseworker, screaming. The caseworker asked him to call back when he calmed down. She then talked to her supervisor, and they decided to go to Father's house for an unannounced home visit.

¶5 When they arrived and Father opened his door, the caseworker and supervisor smelled marijuana coming from inside the home and saw a cloud inside the living room. When asked if the Child was there, he said she was but wouldn't allow them into the house. Instead, he brought the Child outside. According to the caseworker, the Child's hair looked dirty, her shirt was on backwards, her shoes were too small, and she had dirt caked in her toenails.

¶6 Before that visit, the caseworker had been unaware of any possible substance abuse issues with Father, and reports regarding Father's visits to ACDHS stated that the Child was clean and presentable, wearing clothes that fit. During their visit, Father talked in circles, prompting mental health concerns.

¶7 Based on these observations, ACDHS immediately sought a verbal removal order from the district court to take custody of the Child. The district court granted the request the same day.

¶8 ACDHS then filed a petition in dependency and neglect. After hearing the caseworker's testimony, the district court ordered that the Child be placed in the temporary custody of ACDHS. Around the same time, ACDHS contacted Mother,

who was living in Kansas.¹ During a temporary custody hearing before a magistrate, Father requested that the Child be returned to his custody, and ACDHS asked the court to place the Child in Mother's custody. The magistrate granted ACDHS's request, and ACDHS moved the Child to Kansas. Father then asked the district court to review the magistrate's temporary custody order.²

¶9 While Father's request for review was pending, ACDHS moved to dismiss the case. ACDHS stated that the case had been opened primarily due to concerns about Father's sobriety, mental health, and neglect of the Child. Because the Child was now in Mother's care and was with "a safe and sober caregiver," ACDHS said it no longer had safety concerns for the Child. Over Father's objection, the district court granted the motion to dismiss the dependency and neglect petition and terminated its jurisdiction over the Child. The district court also issued an order, finding Father's request for magistrate review moot, given the dismissal, and declaring that no further action would be taken.

¶10 Father then filed a notice of appeal in the court of appeals. A division of the court of appeals ordered Father to show cause as to why the appeal shouldn't be

¹ The parties agreed, and the district court found, that Colorado was the Child's home state under section 14-13-201, C.R.S. (2025), of the Uniform Child-Custody Jurisdiction and Enforcement Act.

² A juvenile court may appoint a magistrate to hear matters under the court's jurisdiction. § 19-1-108(1), C.R.S. (2025). Parties may request that a district court judge review a magistrate's findings and rulings. § 19-1-108(3)(a.5), (5.5).

dismissed without prejudice for lack of a final, appealable judgment. The division stated that, generally, orders dismissing dependency and neglect proceedings without any determination of the merits of the petition are not appealable because

(1) there has been no determination of the merits of the petition, raising finality concerns; (2) there is no relief that this Court may grant appellant that has not already been granted by dismissing the proceeding and terminating the jurisdiction of the referring court; and (3) the department is the sole authority that may prosecute a dependency and neglect proceeding.

People in Int. of T.T.M.P. (Colo. App. No. 25CA1769, Sep. 18, 2025) (unpublished order) (“Order to Show Cause”). After considering Father’s response to the Order to Show Cause, the division dismissed the appeal for lack of jurisdiction. *People in Int. of T.T.M.P.* (Colo. App. No. 25CA1769, Oct. 10, 2025) (unpublished order) (“Order Dismissing Appeal”).

¶11 We granted Father’s petition for certiorari review.³

II. Analysis

¶12 First, we identify the standard of review. Next, we define the term “final, appealable order.” Then, we discuss the People of the State of Colorado’s (“State’s”) sole authority to prosecute dependency and neglect petitions, and we

³ We granted certiorari to review the following issue:

Whether the Court of Appeals erred in dismissing Father’s appeal on the basis that it lacked jurisdiction.

determine whether the pre-adjudication voluntary dismissal of a dependency and neglect petition is ever appealable.

A. Standard of Review

¶13 Whether Father may appeal the district court’s dismissal of the dependency and neglect case and its denial of his petition for review involve issues of subject matter jurisdiction. *See Brody v. Bock*, 897 P.2d 769, 777 (Colo. 1995); *In re Parental Responsibilities Concerning C.E.S.K.*, 2025 COA 51, ¶ 16, 573 P.3d 119, 123. Issues of subject matter jurisdiction may be raised at any time and are reviewed de novo. *C.E.S.K.*, ¶ 17, 573 P.3d at 123; *see also People v. Jebe*, 2026 CO 48, ¶ 12, 591 P.3d 442, 444.

B. Final, Appealable Order

¶14 Dependency and neglect proceedings are governed by the Colorado Children’s Code, which authorizes an appeal of an order or judgment in a dependency and neglect proceeding to the extent permitted by section 13-4-102(1), C.R.S. (2025). § 19-1-109(1), C.R.S. (2025).

¶15 Section 13-4-102(1) grants the court of appeals jurisdiction over appeals from final judgments of the district court. *See J.P. Meyer Trucking & Constr., Inc. v. Colo. Sch. Dists. Self Ins. Pool*, 18 P.3d 198, 201 (Colo. 2001) (“Generally, the entry of a final judgment is the prerequisite for an appeal.”). A final judgment is “one that ends the particular action in which it is entered, leaving nothing further for the

court pronouncing it to do in order to completely determine the rights of the parties involved in the proceedings.” *People in Int. of R.S. v. G.S.*, 2018 CO 31, ¶ 37, 416 P.3d 905, 914 (quoting *People v. Guatney*, 214 P.3d 1049, 1051 (Colo. 2009)). So, as with final, appealable orders in civil cases generally, parties in dependency and neglect proceedings may appeal any order that (1) ends the action and (2) determines the rights of the parties. *See id.* at ¶¶ 17, 37, 416 P.3d at 910, 914.

¶16 The State, through county departments of human services, has the sole authority to initiate dependency and neglect proceedings. *In re People in Int. of R.M.P.*, 2025 CO 34, ¶ 24, 569 P.3d 1202, 1207.⁴ Accordingly, if, after filing a petition in dependency and neglect, the State determines that there is insufficient evidence to adjudicate a child dependent or neglected, the State may move to dismiss the petition. *Id.* at ¶¶ 30–32, 569 P.3d at 1208–09. Usually, this type of dismissal is not a final, appealable order. *See People in Int. of S.C.*, 2020 COA 95, ¶ 8, 469 P.3d 564, 566.

⁴ In 2026, the Colorado General Assembly amended section 19-3-502, C.R.S. (2025), to clarify that children, through their counsel for youth or guardian ad litem, may object to the State dismissing a petition before an adjudicatory hearing and that children have “legal standing regarding all matters related to [their] interests and the right to have [their] interests fully represented . . . throughout the proceedings, including appeals.” Ch. 269, sec. 1, § 19-3-502(4.5), (4.7)(a), 2026 Colo. Sess. Laws 1527, 1527–28. But that amendment didn’t alter the legislature’s previous grant of sole authority to the State to file those petitions. *See id.*

¶17 Additionally, if a court dismisses one party from the petition but retains jurisdiction over the child and another party, then the order dismissing that party isn't "a final determination of the rights" of the parties and doesn't end the particular action. *R.S.*, ¶ 38, 416 P.3d at 914 (quoting *Cyr v. Dist. Ct.*, 685 P.2d 769, 770 (Colo. 1984)). Similarly, "[o]rders entered during the temporary protective or shelter stage of a dependency and neglect proceeding are interim orders pending a final factual determination of the allegations in the dependency or neglect petition" and are not final, appealable orders. *People in Int. of A.E.L.*, 181 P.3d 1186, 1191 (Colo. App. 2008).

¶18 In the broader civil context, however, an order of dismissal is a final judgment "when it finally disposes of the particular action and prevents further proceedings as effectually as would any formal judgment." *Levine v. Empire Sav. & Loan Ass'n*, 557 P.2d 386, 387 (Colo. 1976) (quoting *Herrscher v. Herrscher*, 259 P.2d 901, 903 (Cal. 1953)). And other courts have held that when a trial court grants a plaintiff's motion for voluntary dismissal under C.R.C.P. 41 over the defendant's objection or without imposing terms and conditions that the defendant requests, the dismissal order is a final, appealable order. *FSDW, LLC v. First Nat'l Bank*, 94 P.3d 1260, 1264 (Colo. App. 2004); *see also, e.g., Kirkland v. Nat'l Mortg. Network, Inc.*, 884 F.2d 1367, 1369–70 (11th Cir. 1989).

¶19 Here, ACDHS filed a dependency and neglect petition and removed the Child from Father's care pursuant to a temporary custody order. Then, a magistrate issued an order granting ACDHS permission to place the Child with Mother in another state. Father sought review of the magistrate's order, but while that request was pending, ACDHS placed the Child with Mother and moved to dismiss the case. The district court dismissed the case and concluded that Father's request for review was moot because the case had been dismissed.

¶20 Normally, Father couldn't appeal the temporary order, nor could Father appeal a dismissal that restores the status quo. *See People in Int. of M.W.*, 140 P.3d 231, 233 (Colo. App. 2006) ("[T]emporary protective custody orders, like other temporary orders, are interim orders pending a final factual determination of the allegations set forth in the petition in dependency or neglect."). But here, the temporary order and dismissal meet the finality requirements for an appealable order because the dismissal ended the action and determined the rights of the parties. *See Scott v. Scott*, 136 P.3d 892, 895 (Colo. 2006); *S.C.*, ¶ 8, 469 P.3d at 566. Unlike most temporary orders, which are simply a weigh station on the road to a final determination on the merits, the dismissal in this case prevented the parties from reaching that destination and instead locked in the effects of the temporary order. *See R.S.*, ¶ 38, 416 P.3d at 914. And because the court terminated its jurisdiction over the Child, Father was left without physical custody of the Child

and with no way to challenge the propriety of the Child's placement with Mother. The dismissal and termination of jurisdiction over the Child prevented further proceedings related to the temporary custody order, making the change of placement permanent and as effective as the entry of a formal judgment. *See Levine*, 557 P.2d at 387. Further, because Father objected to the dismissal, it was an adverse ruling. *See FSDW*, 94 P.3d at 1264. Under these circumstances, we conclude that the dismissal order was a final, appealable order. *See id.*

¶21 The division, however, in its Order to Show Cause, stated that the order dismissing the dependency and neglect proceeding at ACDHS's request was not appealable because "there is no relief that this Court may grant appellant that has not already been granted by dismissing the proceeding and terminating the jurisdiction of the referring court." Order to Show Cause, at 2. We disagree.

¶22 Although the dismissal of the case dissolved the temporary custody order, the effects of that order continue to adversely affect Father's fundamental parental rights. *See Troxel v. Granville*, 530 U.S. 57, 65 (2000) ("[T]he interest of parents in the care, custody, and control of their children[] is perhaps the oldest of the fundamental liberty interests recognized by this Court."). ACDHS moved the Child, not only out of Father's custody but also out of the state, to be placed with Mother. And when the court dismissed the petition, ACDHS didn't return the Child to Father's custody.

¶23 The dismissal terminated the district court’s jurisdiction over the Child, so for Father to regain physical custody of the Child, he would have to initiate a new action by filing a petition seeking an allocation of parental responsibilities (“APR”). *See* § 14-10-123, C.R.S. (2025). Unlike in the dependency and neglect proceeding, in which Father had appointed counsel, *see* § 19-3-202, C.R.S. (2025), Father is not guaranteed counsel when seeking an APR. *See* § 14-10-116, C.R.S. (2025); *see also People in Int. of L.B.*, 254 P.3d 1203, 1206 (Colo. App. 2011). Regardless of this practical impediment to meaningful resolution of the parties’ dispute, a separate proceeding for the allocation of parental responsibilities wouldn’t allow a judge to review whether the State improperly exercised its authority in the dependency and neglect proceeding. Because the change in the Child’s physical custody occurred as part of the dependency and neglect proceeding, that custody change should be reviewable without initiating a new proceeding.⁵

⁵ Although children are not property, cases involving the transfer of property remain instructive. Courts have recognized that when property is temporarily transferred to the plaintiff in a replevin case and the plaintiff then voluntarily dismisses his claims while maintaining possession of the property, “the defendant should not be required to institute a separate proceeding, carry the burden of establishing rights to the property, and, if successful, attempt to collect the property or its value from the plaintiff.” *Prefer v. PharmNetRx, LLC*, 18 P.3d 844, 852 (Colo. App. 2000). Similarly, Father shouldn’t have to pursue a separate legal action to resolve an issue of this magnitude.

¶24 We conclude that the order to dismiss the dependency and neglect petition against Father is a final, appealable order because the dependency and neglect proceeding resulted in a change of the Child's placement and the dismissal was an adverse ruling depriving Father of his parental rights.

III. Conclusion

¶25 We reverse the division's order dismissing the case for lack of jurisdiction and remand the case to the court of appeals for further proceedings.

JUSTICE BLANCO, joined by **CHIEF JUSTICE MÁRQUEZ**, dissented.

JUSTICE BLANCO, joined by CHIEF JUSTICE MÁRQUEZ, dissenting.

¶26 I disagree with the majority's conclusion that the temporary order and the dismissal satisfy the finality requirements of an appealable order. Maj. op. ¶ 20. In my view, the majority conflates two distinct judicial rulings, the temporary order and the dismissal, to reach the determination that the temporary order adverse to T.L.P. ("Father") is appealable. Although Father's circumstances are sympathetic, such concerns cannot override the need for procedural logic. A temporary order is just that—temporary—and therefore lacks finality. And a temporary order is effective only while the underlying dependency and neglect case is still active. When this case was dismissed, the temporary order became a nullity, so it no longer carried any legal force. In other words, the dismissal returned the parties to the legal position they occupied at the outset of this case, restoring the legal status quo that existed before this case was filed. Accordingly, I cannot join the majority's holding that the temporary custody order became permanent upon the petition's dismissal. *Id.* at ¶ 1.

¶27 Additionally, as the majority expressly acknowledges, Father can seek recourse through a domestic relations action—specifically an allocation of parental responsibilities ("APR"). *Id.* at ¶ 23. Now that the dependency and neglect case has been dismissed, jurisdiction no longer exists to address Father's desire for reunification with T.T.M.P. ("the Child"). Recourse for Father now lies in a

domestic relations proceeding, not a dependency and neglect proceeding. Although pursuing an APR would require Father to either represent himself or retain counsel, that practical reality provides no basis for altering established legal precedent regarding the finality requirements for appealable orders.

¶28 I acknowledge the extraordinarily difficult position in which Father finds himself. In effect, he asks this court to resuscitate a closed dependency and neglect matter, a request that is adverse to his own interest, in the hope of finding some procedural avenue to restore the Child to his physical care in Colorado. It is deeply unfortunate to see a parent seek a remedy that operates against his own interest simply to pursue reunification. While I recognize how troubling these circumstances are, there is a better legal process to address them, namely seeking a remedy through a domestic relations proceeding, without putting Father in a position of advocating against his own interest in order to be reunified. And yet, even though an obvious and procedurally valid remedy exists in a domestic relations proceeding, the majority instead contorts our jurisprudence on finality to resurrect a dependency and neglect proceeding that the Arapahoe County Department of Human Services (“ACDHS”) has no interest in pursuing. Moreover, it does so to give Father an opportunity to contest a temporary order that presently has no legal effect. This makes no sense. Because the majority’s

approach runs afoul of well-established law and is entirely unnecessary, I respectfully dissent.

I. Factual and Procedural Background

¶29 Though I agree with the majority's recitation of the facts and procedural history, I reiterate a few points that are important to my analysis.

¶30 When this matter began, Father was the Child's primary caregiver, and B.M.L.T. ("Mother") was not involved in the Child's life. Significantly, there was no custody agreement or court order allocating parenting time or decision-making. Thus, despite Mother's lack of involvement, both Father and Mother held equal legal rights over the Child at that time.

¶31 This case arose when Father asked for ACDHS's assistance in locating Mother to obtain financial and physical custody support from her. During his interactions with ACDHS, Father made statements ranging from wanting Mother's assistance in raising the Child to indicating that he did not wish to maintain custody. Based on its assessment, ACDHS concluded that Father's home was an unsafe environment for the Child, obtained a removal order, and filed a petition in dependency and neglect.

¶32 In connection with the dependency and neglect proceeding, the magistrate granted temporary custody to ACDHS with the understanding that the custody would later be transferred to Mother in Kansas. ACDHS subsequently did so.

¶33 Father then requested district court review of the magistrate’s temporary custody order pursuant to section 19-1-108(5.5), C.R.S. (2025). Before that review could occur, ACDHS moved to dismiss the dependency and neglect case, stating that it no longer had concerns for the Child’s wellbeing because the Child had been placed with Mother. The magistrate ordered the case dismissed, and the district court then denied Father’s request for review as moot.

¶34 After a motions division of the court of appeals dismissed Father’s appeal for lack of jurisdiction, Father petitioned this court for certiorari review, which we granted.

II. The Temporary and Dismissal Orders Lack Finality

¶35 The majority holds that when a change in placement occurs through a temporary order and the case is dismissed, the ruling adverse to a parent becomes a final, appealable order. Maj. op. ¶ 24. The majority reasons that “the temporary order and dismissal meet the finality requirements for an appealable order because the dismissal ended the action and determined the rights of the parties.” *Id.* at ¶ 20. In my view, the majority conflates two distinct judicial rulings: the temporary order, which by definition is not final, and the subsequent dismissal of the case. Moreover, the majority’s conclusion that a temporary order is rendered appealable based on the subsequent dismissal of the entire case is procedurally illogical.

¶36 The majority's reasoning that a temporary order plus a dismissal equals a final, appealable order fails for several reasons. First, as the majority correctly acknowledges, a temporary order is not a final order. *Id.*; see *People in Int. of M.W.*, 140 P.3d 231, 233 (Colo. App. 2006) ("[T]emporary protective custody orders, like other temporary orders, are interim orders pending a final factual determination of the allegations set forth in the petition in dependency or neglect."); see also *In re Marriage of Roosa*, 89 P.3d 524, 529 (Colo. App. 2004) ("[I]n the interest of judicial economy, a magistrate's order must fully resolve an issue before it may be reviewed by the district court or appealed to the court of appeals.").

¶37 The temporary custody order also lacked permanency because it was never made permanent and certified to the domestic relations court. Colorado Rule of Juvenile Procedure 4.32(a) states:

Any party to a dependency and neglect case who becomes aware of any other proceeding in which the custody of a subject child or youth is at issue must file in such other proceeding a notice that a case is pending in juvenile court together with a request that such other court certify the issue of legal custody to the juvenile court pursuant to section 19-1-104(4) and (5), C.R.S. ([2025]).

See, e.g., *People in Int. of M.R.M.*, 2021 COA 22, ¶ 40, 484 P.3d 807, 814 (holding that an order allocating parental responsibilities was a final order because it was certified to the district court, leaving nothing further for the juvenile court to do in the dependency and neglect proceeding). No such certification occurred here. As a result, the temporary custody order never attained any measurement of

permanency; instead, it was extinguished upon dismissal of the dependency and neglect proceeding.

¶38 Second, I disagree with the majority's conclusion that the temporary order and dismissal order satisfied the finality requirements because the dismissal adversely affected Father's parental rights. Maj. op. ¶ 22. In my view, the parties now occupy the same legal position they held when the dependency and neglect proceeding began. See *Arapahoe Cnty. Dep't of Hum. Servs. v. People in Int. of D.Z.B.*, 2019 CO 4, ¶ 8, 433 P.3d 578, 580. When two parents share a child, but no custody agreement or court order exists, both parents share equal and unrestricted custodial rights by default. *Armendariz v. People*, 711 P.2d 1268, 1270 (Colo. 1986). Neither parent has a superior claim to physically care for the Child or exercise decision-making authority until a court enters an order establishing such rights. *Id.*

¶39 Here, Father and Mother each had the legal authority to have physical care over the Child prior to the initiation of the dependency and neglect proceeding. Both parents could legally physically care for the Child—Father happened to do so at that time. The dependency and neglect court issued the temporary order, allowing ACDHS custody of the Child in order to physically get the Child to Mother. And upon dismissal of the case, both parents again retained equal legal authority to exercise physical care over the Child—this time, Mother did so.

Although the Child's physical location changed, the temporary custody order and subsequent dismissal did not alter Father's legal position between the beginning and the end of the case. Thus, I disagree with the majority's view that Father's rights were determined by the temporary order and the dismissal order. *See* Maj. op. ¶¶ 20, 22.

¶40 Because the temporary custody order was never made permanent, the subsequent dismissal of the case cannot give it permanent legal effect. To the contrary, upon dismissal of the case, the temporary order became a nullity. In other words, when the dependency and neglect proceeding ended, the temporary order ended with it, leaving nothing to appeal.

¶41 Third, even assuming for the sake of argument that the temporary order is somehow still valid, the majority cannot, as a matter of logic, force review of that temporary order without also reopening the dependency and neglect proceeding in which the order was entered. Yet the record reflects that both ACDHS and the guardian ad litem ("GAL") – the only parties with authority to continue to litigate the dependency and neglect proceeding – do not wish to pursue further litigation. *See People in Int. of R.M.P.*, 2025 CO 34, ¶ 33, 569 P.3d 1202, 1209 (holding that the State is the sole party that can initiate a dependency and neglect case); § 19-3-502(4.5), C.R.S. (2025) (stating that, as a party to the proceedings, a child has the right to have their interests fully represented by the GAL throughout the

proceedings). In forcing appellate review of the temporary order, the majority requires the proceeding to be reopened at Father's behest, contrary to our case law that only the State may initiate a dependency and neglect proceeding. *R.M.P.*, ¶ 33, 569 P.3d at 1209.

¶42 Practically speaking, I am sympathetic to Father's situation, given that the Child was moved from his physical care to Mother's following his request that ACDHS simply locate Mother to obtain financial and physical custody support. But while emotional awareness is a strength, and Father's circumstances understandably weigh on the heart, even the strongest feelings make poor navigators in matters requiring reason. Despite these unfortunate circumstances, I cannot agree with the majority's reasoning in classifying a temporary custody order as a final, appealable order, particularly given that Father has an adequate and procedurally proper remedy. I must allow procedure to guide the outcome. The practical effects of the temporary custody order and the dismissal do not transform the temporary order into a final, appealable ruling.

III. Other Adequate Remedies Exist

¶43 Father is not without recourse. Specifically, he can request an APR from a domestic relations court. § 14-10-123(1), C.R.S. (2025).

¶44 Dependency and neglect proceedings should not be used as substitutes for domestic relations matters; they are distinct legal proceedings with distinct

purposes. Dependency and neglect proceedings seek “to ‘protect the welfare and safety of children in Colorado by providing procedures through which their best interests can be ascertained and served,’” *People in Int. of S.N. v. S.N.*, 2014 CO 64, ¶ 7, 329 P.3d 276, 279 (quoting *A.M. v. A.C.*, 2013 CO 16, ¶ 10, 296 P.3d 1026, 1030), and they may only be initiated by the State. *R.M.P.*, ¶ 33, 569 P.3d at 1209. Domestic relations proceedings, by contrast, address matters such as APR and are initiated by private parties. § 14-10-123(1).

¶45 Thus, although Father cannot, in my view, seek recourse through a dependency and neglect proceeding, he may initiate a domestic relations action regarding an APR. And although I acknowledge that Father is not guaranteed counsel when seeking an APR, *see* Maj. op. ¶ 23, that fact alone should not prompt this court to depart from established procedure.

¶46 The majority’s approach invents a new procedural path for appellate review of a temporary custody order. At first glance, the majority’s approach may appear to offer greater due process to address an unfortunate set of circumstances for Father. But the majority’s approach creates more problems than it solves. It is true that as a practical matter, the Child is no longer with Father. But the majority never explains how, as a matter of logic or law, the temporary order continues to have *legal* effect on its own, outside of the (dismissed and closed) dependency and neglect proceeding. Simply put, the temporary order granting Mother custody is

a legal nullity. There is nothing to appeal. Faced with that reality, the majority's ruling necessarily forces the reopening of a dependency and neglect proceeding solely to resurrect the temporary order so it can be reviewed. But it does so directly contrary to our holding in *R.M.P.* See ¶¶ 24–25, 569 P.3d at 1207–08. As the majority acknowledges, “The State, through county departments of human services, has the sole authority to initiate and prosecute dependency and neglect proceedings.” Maj. op. ¶ 16 (citing *R.M.P.*, ¶ 24, 569 P.3d at 1207). Here, ACDHS has made it clear that it has no interest in pursuing a dependency and neglect proceeding. None of this makes logical or procedural sense. And it is entirely unnecessary. The domestic relations process offers Father and Mother a ready forum capable of providing ongoing, flexible, and meaningful resolution as their family dynamic evolves over time. Permanence, adaptability, and long-term support for families are hallmarks of domestic relations proceedings. The majority unnecessarily attempts to fit a square peg into a round hole given the ready availability of a procedurally appropriate alternative remedy, one that is the best long-term option for families.

¶47 For these reasons, I respectfully dissent, and I would affirm the court of appeals' order dismissing the case for lack of jurisdiction.