



**18th Judicial District Plan for Handling Dependency and Neglect
Cases and the Role of Dependency and Neglect Court
Specialist/Facilitator**

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I. Introduction

The procedure for handling dependency and neglect [D&N] cases in The Eighteenth Judicial District is set forth below. This plan incorporates the requirements of Colorado Statutes, Chief Justice Directives 98-02, 96-08, the recommendations in the *Child Abuse and Neglect Cases in the Colorado State Courts* report dated June 27, 1996, the recommendations contained in *Child Abuse and Neglect in the Colorado Courts 1996-2000 – A Reassessment* dated September 2002, and the experiences of this and other jurisdictions in improving practice in D&N cases.

Expediting D&N cases is accomplished through the early development of treatment plans, early provision of services, and meaningful reviews of progress toward treatment and permanency goals on a periodic basis.

II. Benefits and Keys to Expediting Permanency:

Achieving permanency in a timely manner is in the best interest of children and benefits all involved parties. Many of the benefits achieved through expedition of permanency are enumerated below. In order to facilitate expedited permanency, certain key actions should be undertaken by the parties and the Court.

A. Benefits to Expediting Permanency

1. Better and more permanent outcomes for children and families;
2. Greater “ownership” of the treatment plan by respondent parents, who have participated in its development;
3. Less delay in achieving permanency by identifying high risk cases early on and proceeding with concurrent permanency planning or early termination as appropriate;
4. Earlier placement of children in permanent homes;
5. Reduced foster care costs;
6. More productive use of professionals’ limited time by better coordinating and consolidating case staffings, meetings, and conferences;
7. More efficient use of judicial resources and professionals’ time by reducing the number of court appearances and making every hearing a meaningful event;
8. More efficient docket management and case tracking; and
9. Greater accountability of all participants involved in the D&N process.

B. Keys to Expediting Permanency

1. Front-loading D&N cases through:
 - a. Early identification, notification and involvement of respondents and interested family members in the D&N process;
 - b. Early assessment; and
 - c. Early development of appropriate treatment plans.

2. Making every hearing a meaningful event with defined objectives and/or specific actions to be taken, including ensuring that the professionals have regular contact with the child(ren);
3. Affording the parties opportunities throughout the case to collaborate and to resolve issues consensually in a non-adversarial, problem-solving environment;
4. Focusing on permanency from the beginning and throughout every stage of the case; and
5. Avoiding continuances whenever possible. A continuance will not be routinely granted and will only be granted when there is sufficient basis as delineated by statute (or when a “manifest injustice” will occur if not granted, pursuant to CJD 6-08).

III. Temporary Protective Custody

1. **Purpose:** To provide an ex parte process to allow the Court to determine whether children should be removed from their home or protective orders entered in order to protect children from possible abuse or neglect pending a hearing at which all parties are provided notice and an opportunity to be heard.
2. **Process**
 - a. **Timing.** Pursuant to C.R.S. § 19-3-405, the Court shall make a judicial officer available by telephone at all times to issue temporary protective custody or protection orders when necessary to protect child(ren) from abuse or neglect.
 - b. **Critical Tasks.** The following tasks will be completed:
 - i. Findings regarding placement, including reasonable efforts to prevent the need for such where the child(ren) has(have) been removed from the home or a finding that no reasonable efforts are necessary because of the emergency nature of the situation.
 - ii. Entry of protective orders as may be appropriate pursuant to the provisions of C.R.S. § 19-3-405(2)(b).
 - iii. Order the notification of respondents of the time set for the Preliminary Protective Proceeding and order for distribution of application for Court Appointed Counsel.
 - iv. Entry and distribution of written findings at the time order is issued.

IV. Preliminary Protective Proceeding/Advisement

1. **Purpose:** In cases where a child(ren) has(have) been removed, the purpose of the Preliminary Protective Proceeding (“PPP”) is to determine legal and physical custody of the child(ren). In every case, regardless of whether a removal has occurred, the purpose of the PPP is to ensure that all respondents that can be identified, are identified. In cases where one or more respondents appear, the Court must ensure they understand the D&N process, including potential consequences of the D&N Petition and permanency options. The Court should also ensure respondents are represented by counsel, and appoint counsel for any indigent respondents that request

counsel. The Court must appoint a Guardian *ad Litem* (“GAL”) for the child(ren), and for any respondent that may require a GAL. Finally, the Court must undertake an early case assessment and order services and an interim treatment plan “up front” whenever possible.

2. Process

a. Timing:

- i. In cases that are initiated by removal of a child(ren), the Preliminary Protective Proceeding/Advisement hearing must be held within **SEVENTY-TWO** hours of removal of the child(ren) (exclusive of weekends and holidays), unless an earlier hearing is mandated by statute.
- ii. The usual time for the Court to call the PPP docket is 1:15 PM (Monday, Wednesday, and Friday, in ACJC Courthouse II). Respondent parents are required to appear by 12:15 PM for advisement. These times are subject to modification by the Court. In Douglas County, these times are scheduled on an as-needed basis. Parents are to appear at the time on the written notice.
- iii. In cases initiated by the filing of a D&N Petition, the PPP should be held as soon as possible, ideally within **SEVEN** days.

b. Critical Tasks. The following tasks will be completed at or before the Preliminary Protective Proceeding.

- i. Appointment of a GAL for the child(ren) and any respondent that may require a GAL;
- ii. Appointment of CASA in EPP cases (in Douglas County, a CASA is appointed in all cases);
- iii. Preparation and filing of a DHS report;
- iv. Preparation of an Interim Treatment Plan for submission to the Court;
- v. Advise respondents as to their rights, potential consequences of the D&N Petition, and permanency options;
- vi. Appointment and notification of respondent parents’ counsel;
 1. Applications for Court Appointed Counsel and affidavits regarding putative fathers and potential kinship placements should be completed before the hearing;
 2. Respondent Parents’ Counsel should be available to meet with prospective clients at least one hour prior to the hearing;
 3. A Respondent Parent is entitled to one appointment of a Court Appointed Counsel paid by the State if the Respondent Parent qualifies. If the Respondent Parent later requests that the Court Appointed Counsel withdraw, the Respondent Parent is not entitled to another Court Appointed Counsel. The Respondent Parent may however either hire private counsel or proceed pro se, without counsel.

- vii. Filing and service of the D&N Petition and Case Management Order upon all parties who are present and distribution of Expedited Permanency Planning Sheet and obtaining parental signatures;
- viii. Identification and notification of all respondents, including putative fathers;
- ix. Inquire as to whereabouts of non-appearing respondents, make efforts to locate and notify them, and authorize service by publication, if appropriate;
 - x. Inquire as to identity and location of respondent parents if not named in the Petition and amend Petition accordingly;
 - xi. Inquire as to identification and investigations of potential kinship placements and distribute relative affidavits for completion;
 - xii. Inquire as to the possible applicability of Indian Child Welfare Act (ICWA), provide respondents with ICWA affidavit and require completion within **SEVEN** days;
 - xiii. Inquire as to prior domestic relations orders, enter orders regarding temporary custody, parenting time, and adoption of Interim Treatment Plan, enter protective orders if necessary and set plea/disposition or adjudicatory hearing within applicable timeframes (ideally within **FOURTEEN TO THIRTY** days for EPP; **FORTY-FIVE** days for non-EPP);
- xiv. Inquire as to UCCJEA and determination whether jurisdictional issues exist;
- xv. Order parties to participate in Alternative Dispute Resolution (ADR) if appropriate;
- xvi. Add any Special Respondents to the case;
- xvii. Findings regarding placement, including reasonable efforts to prevent the need for such where the child(ren) has(have) been removed from the home or a finding that reasonable efforts are not necessary because of the emergency nature of the case;
- xviii. Entry of protective orders as needed including orders regarding monitored sobriety, evaluations, release of familial information, provision of services, and child-centered visitation issues including visitation with respondents, siblings, and other persons of importance to the child(ren);
 - xix. For allegedly drug involved respondents, the setting of appointments for evaluation of the respondents' drug or alcohol issues and early engagement in treatment.

c. Non-Appearing Respondents. In the event a respondent parent does not appear at the PPP, a continued advisement hearing is to be set within **TWENTY-ONE to THIRTY** days for the purpose of advisement and appointment of counsel, or the respondent's advisement will be set for the next scheduled hearing. In Douglas County, default hearings will be set in open court with written notice provided to the Respondent parent. Proper notice of the hearing and D&N Petition is to be personally served pursuant to

statute or rule on any non-appearing respondent by the Arapahoe County Attorney's Office, unless the respondent cannot be located.

In cases involving respondents whose whereabouts are unknown, service may be issued via publication in a newspaper of general circulation upon Court approval. An automatic default date will be set for the first Friday of every month after sufficient publication has been provided. If at all possible, this motion should be filed at the first hearing and/or after appropriate diligent search.

Sufficient publication entails giving the abandoning respondent at least **FIVE** days before a default finding is made. If the first Friday of the month is less than **TWENTY** days from the date of publication, the default date will be set for the first Monday of the next month. A default docket will be made available the first Friday of every month.

V. Adjudicatory Hearing/Trial

1. **Purpose:** The purpose of an adjudicatory hearing is to determine whether the evidence sustains the allegations in the D&N Petition. If the D&N Petition is sustained, the child(ren) will be adjudicated dependent or neglected. If the Petition is not sustained, the D&N Petition will be dismissed. If a respondent does not contest the allegations in the D&N Petition, an admission will be accepted and the child(ren) will be adjudicated dependent or neglected.
2. **Process:**
 - a. **Timing.** The adjudicatory hearing will be held as soon as practicable, but no longer than **SIXTY** days from the filing of the D&N Petition in an EPP case and **NINETY** days in a non-EPP case, unless the Court finds that the best interest of the child(ren) will be served by granting a delay, as allowed by C.R.S. § 19-3-505(3), according to the Court's discretion.
 - b. **Critical Tasks.** The following actions will be taken at the adjudicatory hearing:
 - i. Advise parties of their rights;
 - ii. Accept admissions or denials of the Petition;
 - iii. Enter default judgment as to any non-appearing party who has been properly served;
 - iv. If removal has occurred or placement is continued, the Court will make appropriate findings regarding placement and whether reasonable efforts to prevent or eliminate the need for placement have been made;
 - v. Order ADR to resolve issues that may otherwise require contested plea/dispositional hearings;
 - vi. Order service on any party who has not been served;
 - vii. Inquire of any parties who did not appear at the PPP hearing regarding paternity, ICWA and UCCJEA;

- viii. Make ongoing inquiries regarding an unresolved ICWA, paternity or UCCJEA issues;
 - ix. If the Petition is admitted, conduct dispositional hearing (see below) or schedule the dispositional hearing within **THIRTY** days from the date of the first plea.
- c. Critical Tasks if the Petition is Denied. If the allegations in the Petition are denied, the following actions will occur:
- i. A trial date will be set;
 - ii. A pretrial order will be entered that includes the following:
 - a) Deadlines for discovery and for endorsement of witnesses and exhibits;
 - b) An order for ADR (in Douglas County, ADR will be ordered if the District has available mediators);
 - c) A date for pretrial conference at which a plea will be taken if the parties have reached agreement;
 - iii. If the matter is not resolved before the trial date, the adjudicatory trial will occur. If the allegations in the case are not sustained at trial, the case will be dismissed. If the allegations are sustained at trial, the following actions will occur:
 - a) A decree will enter;
 - b) Proceed to dispositional hearing or set the hearing within **THIRTY** days.

VI. Dispositional Hearing

1. Purpose. To hear evidence on the question of the proper disposition best serving the interests of the child(ren) and the public, and upon hearing such evidence to enter a decree of disposition. If the proposed disposition is a termination of parental rights, a termination of parental rights hearing will be set.

In cases where the decree does not terminate the respondents' rights, a treatment plan will be prepared by the caseworker. This plan will be developed with input from the parties, will include a social history, and will be filed with the Court and provided to the respondents, counsel, GAL's, and the Court at least **SEVEN** days prior to the dispositional hearing. The Court shall approve a treatment plan at the dispositional hearing or modify it as appropriate.

If the Court determines that no appropriate treatment plan is possible, the Court shall conduct a permanency hearing.

2. **Process:**

- a. Timing. If the dispositional hearing does not occur at the adjudication hearing, it shall occur within **THIRTY** days of the date of the first adjudication.

- b. Preparation. A treatment plan, as part of the Family Services Plan, will be prepared by the DHS caseworker and each respondent. The Family Services Plan with the treatment plan shall be submitted to the Court and the parties no later than **SEVEN** days prior to the dispositional hearing. This plan will be developed in consultation and collaboration with respondents unless the respondent refuses to participate or is otherwise unavailable. The treatment plan shall be written in clear, concise and understandable language, with a copy interpreted into each respondent's native language on a case by case basis according to the Court's determination, after consideration of all relevant factors.

- c. Critical Tasks. The following actions will be taken at the dispositional hearing:
 - i. Set a Permanency Planning hearing. An initial Permanency Planning Hearing shall occur within **NINETY** days of the dispositional hearing;
 - ii. Accept admissions to the Petition;
 - iii. Enter default judgments as to any non-appearing party who has been served;
 - iv. Authorize service by publication, where appropriate;
 - v. Determine the case management track and enter any appropriate orders;
 - vi. If a treatment plan has been submitted at the time of the adjudication:
 - 1. Inquire as to respondents' participation in the development of the treatment plan;
 - 2. Review the terms of the treatment plan with the respondents and inquire as to the respondents' willingness and ability to comply with the terms of the treatment plan;
 - 3. Advise the respondents of benefits to the children and respondents of meaningful progress with treatment;
 - 4. Advise the respondents as to the potential consequences of not complying with the treatment plan, including termination of parental rights;
 - 5. Adopt the treatment plan or make a finding that no appropriate treatment plan can be developed under the circumstances; and
 - 6. Set an appearance review or permanency planning hearing, as appropriate.
 - vii. If a treatment plan has not been submitted at the time of the adjudication:
 - 1. Set a Dispositional Hearing within **THIRTY** days;
 - 2. Inquire as to staffing held and efforts to resolve issues and develop treatment plans; and
 - 3. Order the parties to participate in ADR, if deemed necessary or appropriate;
 - viii. If a case is contested:
 - 1. Hear disputed issues and make judicial findings and orders adopting or amending the treatment plan or set the matter for a contested hearing;

2. Determine whether parties should participate in a Case Management Conference or mediation and, if so, set a Case Management Conference or mediation in Court; and
3. Set the matter for a contested hearing within the statutory timeframes. Set for hearing on motion if the allegation is that no appropriate treatment plan can be devised to remedy parental unfitness.

VII. Reviews

1. **Purpose:** To review the need for continued placement (if the child(ren) has(have) been removed) and make findings about whether reasonable efforts have been made to reunify the family and prevent placement; to review progress on and the need for modification of the treatment plan; to review progress of the children and their well being in placement and assess the need for services to the children; to update and review visitation issues, protection orders and the continued appropriateness of the permanency goal; to make findings on whether DHS has made reasonable efforts to finalize the permanency goals.

2. **Process:**

- a. **Periodic Review Hearing.** Following the dispositional hearing, the Court will hold review hearings as necessary or at the request of parties, generally every **NINETY** days as long as there are not critical or emergent issues that merit more frequent reviews. Under no circumstances shall a child(ren)'s case be reviewed less frequently than every **SIX** months. In certain circumstances, the case may proceed directly to permanency planning or termination.

Written notice of a review hearing is to be sent by the Court to any party, foster parents, or other custodial adult who was not present when the review was set in open Court.

A written report must be filed by DHS and served on the parties and counsel at least **SEVEN** days prior to any scheduled review. The report should include a placement history, discuss the developments in the case since the last hearing or review, staffings that have been held, and address each of the actions set forth in Paragraph b, below.

- b. **Critical Tasks.** Some or all of the following actions will be taken at every review hearing:
- i. If removal has occurred or placement is continued, the Court will make appropriate findings regarding placement and reasonable efforts to eliminate the need for placement, and sign the Out of Home Placement orders;
 - ii. If removal has occurred or placement is continued, the Court will find whether reasonable efforts have been made to place a child(ren) in a timely manner in accordance with the permanency plan;

- iii. Determine the continued appropriateness of the permanency goal and goal dates;
 - iv. Determine whether the treatment plans require modification in light of additional information or changed circumstances;
 - v. Review progress on treatment plan goals;
 - vi. Review visitation and interaction between respondents and child(ren), as well as between siblings.
 - vii. If the child(ren) has(have) been in placement for **FIFTEEN** of the last **TWENTY-TWO** months, the Court will consider ordering a show cause as to why a motion for termination of parental rights has not been filed;
 - viii. In EPP cases, if the disposition is other than termination of parental rights or reunification, the Court will consider, on a case by case basis, ordering a show cause hearing as to why a motion for termination of parental rights has not been filed.
 - ix. Set the next review date, or Permanency Planning Hearing, if applicable.
- c. In Court/Paper Review. Where there is a paper review, the Court report should include a specific recommendation as to the date, time and type of the next review or hearing.

VIII. Permanency Planning Hearing

1. Purpose: To adopt a definitive permanent plan for each child(ren) and direct that significant steps be taken to implement the plan. Accordingly, the parties should be prepared to take whatever steps are necessary to finalize the permanency planning goal by the goal date established by the Court.
2. Process:
 - a. Timing. In an EPP case, the permanency planning hearing must be held within **THREE** months of the dispositional hearing. In a non-EPP case, state and federal law require the permanency planning hearing to be held within **TWELVE** months of removal. Subsequent permanency planning hearings shall occur no less frequently than every **TWELVE** months.
 - b. Critical Tasks
 - i. Required Consultation with Child(ren). Pursuant to C.R.S. § 19-3-702(3.7), the court must consult with the child(ren) in an age appropriate manner to determine the child(ren)'s wishes regarding the permanency plan. This "age appropriate" consultation may be accomplished by the child(ren)'s attendance in Court; by *in camera* conference with the Court; by face-to-face consultation or observation by the guardian ad litem, caseworker or CASA volunteer.
 - ii. Permanency Planning Goals. The Court shall enter a permanency planning goal as well as a goal deadline. The Court shall order the

agency to make reasonable efforts to finalize the permanency goal by the goal deadline. Possible permanency planning outcomes (in the order of desirability) include:

1. Remain home;
 2. Return home at or before the Permanency Planning hearing;
 3. Return home within **SIX** months of the Permanency Planning hearing;
 4. Return home more than **SIX** months after the Permanency Planning hearing;
 5. Adoption through relinquishment to enable adoption or other permanent living arrangement;
 6. Adoption by a relative or non-relative following termination of the respondent-child relationship to enable the child(ren) to be adopted or to achieve another permanent living arrangement;
 7. Allocation of parental rights and responsibilities to an appropriate relative or non-relative;
 8. Other planned permanent living arrangement (OPPLA) long-term foster care;
 9. OPPLA emancipation through independent living.
- c. Findings. If removal has occurred or placement is continued, the Court shall make appropriate findings regarding placement and whether reasonable efforts to eliminate the need for placement have occurred. If supported by the evidence, the court must find that the Department continues to make efforts to finalize the permanency plan. If a goal other than return home or adoption is adopted by the Court, the Court must make findings that there are compelling reasons not to adopt such a goal. See C.R.S. § 19-3-702.

At any permanency hearing, the Court shall determine: whether procedural safeguards to preserve parental rights have been applied in connection with any change in the child(ren)'s placement or any determination affecting parental visitation of the child(ren); whether reasonable efforts have been made to finalize the permanency plan that is in effect at the time of the permanency hearing; if a child(ren) resides in a placement out of state, whether the out-of-state placement continues to be appropriate and in the best interests of the child(ren); and if the child(ren) is sixteen years of age or older, whether the permanency plan includes independent living services. C.R.S. § 19-3-702(3.5).

- d. **Permanent Allocation of Parental Responsibilities (PAPR):** The Permanency Custody motion may be filed before the Permanency Planning Hearing. If uncontested, the motion may be heard at this time. Otherwise, the matter should be set for hearing as soon as practicable.
- e. Set Hearing. The court will set the next hearing or review date.

IX. Termination of the Respondent-Child Legal Relationship

1. Purpose: To obtain judicial findings as to whether there are statutory grounds to sever the respondent-child legal relationship and whether termination is in the best interests of the child(ren).
2. Process:
 - a. Timing.
 - i. The motion to terminate the respondent-child relationship may be filed at any time following the dispositional hearing but should be filed prior to the child(ren) being out of home for **TWELVE** months, unless the Court has previously found good cause to go outside of the one year guideline, in EPP cases only;
 - ii. The hearing on the motion shall be set no sooner than **THIRTY** days and not later than **120** days from the filing of the motion unless good cause exists to set beyond **120** days;
 - iii. The motion for appointment of an expert witness shall be filed within **TEN** days after the motion to terminate parental rights is filed;
 - iv. Expert reports must be distributed to all parties at least **TEN** days prior to the termination trial;
 - v. Any request for placement with family members must be filed no later than **TWENTY** days after the motion to terminate parental rights has been filed. C.R.S. § 19-3-605.
 - b. Critical Tasks.
 - i. The Court will determine whether the statutory criteria for terminating the respondent/child legal relationship have been met.
 - ii. If the Court grants the motion to terminate parental rights, a post termination review must be held within **NINETY** days.
 - iii. If the Court denies the motion, DHS will be ordered to continue making reasonable efforts to reunite the family.

X. Post-Termination Review Hearing

1. Purpose: To review the status and progress of the child(ren) and to review and amend, if necessary, the permanency plan in order to serve the best interests and needs of the child(ren).
2. Process
 - a. Timing. The post-termination review hearing shall occur within **NINETY** days of the initial order of termination of parental rights. A post-termination report shall be filed by DHS and the GAL. These reports shall be served on the remaining parties and counsel at least **SEVEN** days prior to the hearing. The frequency of subsequent reviews or permanency planning hearings shall be set based upon the facts and circumstances of each case but in no event shall a subsequent review hearing be set further than **180** days from the initial review.

- b. Findings. The Court will determine if the permanency plan and goal date remain appropriate and whether reasonable efforts have been made to finalize the permanency goal by the goal date.
- c. Setting. A review hearing will be set within **180** days until the child(ren) has(have) been adopted and the case is dismissed.
- d. Report. A critical task is to receive the required report from the GAL regarding the child's status.

XII. Case Management Tracks

Overview: Not all D&N cases must proceed along the same procedural track or within the same timeframe. The case management tracks outlined below are designed to expedite permanency in those cases that can proceed to permanency sooner than **TWELVE** months and to reduce future delays in achieving permanency by pursuing concurrent permanency planning where appropriate. The Court will make a determination as to the appropriate case management track at the Plea/Dispositional Hearing, based on the preliminary permanency goals and the facts and circumstances of the case. This tracking may be contested at any time, by any party. Possible case management tracks include:

A. Informal Adjustment

1. Application: Pursuant to C.R.S. §19-3-501, the Court may make an informal adjustment without a petition if: the child(ren), respondent parents or other guardian are informed of their rights, including being represented by counsel at every stage of the proceeding; the facts are admitted; and written consent is obtained from the respondents or guardian and from the child(ren) if the child(ren) is/are of sufficient age and understanding. Efforts to effect informal adjustment may extend no longer than **SIX** months.

Types of Cases. Uncontested cases in which the parties agree as to the treatment issues and the respondents demonstrate a commitment to addressing such issues by cooperating with DHS, voluntarily participating in recommended services designed to keep the child(ren) in the home or to return the child(ren) within **SIX** months, and participating in regular visitation with the child(ren), if removed from the home. In informal adjustments, the respondents must admit the factual allegations underlying DHS intervention as required by statute at the PPP. In deferred adjudications, the respondents must enter admissions to the Petition at the PPP or Pretrial Conference but no adjudicatory order will enter at that time.

2. Review Guidelines: Review should be accomplished every **NINETY** days.

B. Continued Petitions

1. Application: Uncontested cases where the respondents agree as to the treatment issues and demonstrate a commitment to addressing such issues by cooperating with DHS, voluntarily participating in recommended services designed to keep the child(ren) in the home or

to return the child(ren) within **SIX** months, and participating in regular parenting time with the child(ren), if removed from the home. The Court may allow another **SIX** months, but at the end of **ONE** year shall adjudicate or dismiss the case. The respondents must enter admissions to the petition at the Plea/Dispositional Hearing but no adjudicatory order will be entered at that time.

2. Review Guidelines: An Appearance Review should be conducted at least every **NINETY** days but can occur at any time upon the request of a party.

C. Protective Supervision Cases

1. Application: Where the child(ren) is/are not removed from the home, but DHS maintains supervision.

2. Review Guidelines: In cases where the child(ren) is/are not removed from the home, no Permanency Planning Hearing or placement review is mandated by statutes. Ideally, the Court will review these cases every **NINETY** days at the discretion of the Court or as determined by the needs of the particular case, to determine if continued supervision by DHS and the Court is warranted.

D. Reunification Cases

1. Application: Where child(ren) has(have) been temporarily removed by Court order and reunification with at least one respondent is identified as the preliminary permanency goal, that respondent agrees to a treatment plan that is reasonably calculated to achieve reunification within **TWELVE** months from the removal of the child(ren).

2. Review Guidelines: Reviews should be conducted every **NINETY** days, and the Permanency Planning Hearing should take place within **NINETY** days of the Disposition Hearing in all EPP cases and within **TWELVE** months of the Disposition in all non-EPP cases.

E. Concurrent Permanency Planning Cases

1. Application: Uncontested cases where at least one respondent has appeared, expressed a desire to work toward reunification, and agreed to a treatment plan; but certain risk factors are present, suggesting that reunification may not be successful.

a. Such risk factors include: history of prior involvement of DHS for similar issues, history of severe physical abuse or a habitual pattern of physical injury toward child(ren), history of sexual abuse where perpetrator is in denial, chronic substance abuse (prior treatments have been unsuccessful), adolescent respondent functioning at a low level, custodial

parent(s) is(are) unable to identify and meet the child(ren)'s needs due to a developmental disability/mental illness/physical or mental incapacity, and removal and/or termination of parental rights as to other children.

b. Under C.R.S. § 19-3-312(5), concurrent permanency planning is required if the petition alleges that the child(ren) is dependent or neglected under C.R.S. § 19-3-102(2) (habitual pattern of child physical or sexual abuse). In these cases, DHS should explore alternative permanency plans concurrently with reunification. The use of a Family-Centered Meeting to develop an alternative plan with the family is encouraged.

c. Review Guidelines: Reviews should be conducted at **THREE, SIX, and TWELVE** months

F. Termination Cases

1. Application: Where no appropriate treatment plan can be developed for either respondent due to abandonment, under C.R.S. § 19-3-604(1)(a), or parental unfitness, under C.R.S. § 19-3-604(1)(b). The Arapahoe/Douglas County Attorney's Office should file the appropriate motion prior to the plea date. A finding that no appropriate treatment plan can be developed should be made at the Plea/Dispositional Hearing. Efforts should be made to place the child(ren) in a potentially permanent kinship placement or foster/adoption home as soon as possible.

2. Review Guidelines: Where the Court finds that no appropriate treatment plan can be devised, a Permanency Hearing must be heard in **THIRTY** days, unless a Motion for Termination is filed within **THIRTY** days, pursuant to C.R.S. § 19-3-702(1). An initial review should be conducted at **NINETY** days. If there are interested family members, a Family Group Conference or CMC should occur prior to the review. If no alternative plan is developed by the family, the Court should enter an order that a Motion for Termination be filed and set for hearing.

G. Contested Cases

1. Application: Where a respondent denies the petition and requests an adjudicatory trial be set.

2. Review Guidelines: Trial is set by the Court within statutory timeframes, and it may be tried before the Court or a jury.

XIII. Alternative Dispute Resolution Methods

A. Case Management Conferences

- 1. Purpose:** To provide an opportunity for the parties to meet face-to-face in a non-adversarial, problem-solving environment. During a Case Management Conference (CMC), parties are encouraged to share information, discuss issues, and identify preliminary permanency goals. (note: Douglas County does not have a case facilitator for D&N; this section does not apply to Douglas County).
- 2. Process:**
 - a.** A CMC is a meeting facilitated by the D&N Court Specialist/Facilitator at which the parties, professionals, and other interested parties have an opportunity to share information and discuss and resolve issues in the case. Participants may include the respondent parents, caseworkers, GALs, counsel, service providers, therapists, foster parents, and/or other custodial adults, special respondents, CASA volunteers, probation officers, and any other person working with the child(ren) and/or family.
 - b.** A CMC is facilitated by the D&N Court Specialist/Facilitator, a neutral person, who helps a group work together more effectively, helps parties stay on task, and be more efficient and productive.
 - c.** A CMC can be requested at any time during the D&N case process, by a party, counsel, or other professional involved with the family. The D&N Court Specialist/Facilitator arranges the conference. The Court may also order parties to participate in a CMC at any stage of the proceeding, including but not limited to:
 - i.** Cases in which a denial is entered at the Plea/Dispositional hearing;
 - ii.** Cases in which no treatment plan or interim services plan is adopted or agreed upon;
 - iii.** Cases in which concurrent permanency planning is ordered by the Court;
 - iv.** Cases in which a motion to terminate parental rights is filed.
 - d.** Following the CMC, the D&N Court Specialist/Facilitator will file a report with the Court indicating the date of the conference and whether or not the issues were resolved. The D&N Court Specialist/Facilitator may also communicate to the Court which issues could not be resolved during the CMC and may set a future hearing on the Court's docket.
 - e.** The D&N Court Specialist/Facilitator will also set a conference time as soon as reasonably possible for all parties to attend. The County Attorney, all caseworkers, respondent parents, respondent counsel, and any other persons deemed appropriate are required to attend, unless previously excused by the Court.

- i. Topics that may be discussed at the conference include, but are not limited to: adjudication agreements, treatment plan agreements, temporary, permanent, and kinship placement of the minor child(ren), if applicable, and any other issue requested by any party to the case.
- ii. Although participation in person is preferred, parties may participate by telephone, if necessary. Input from interested persons unable to attend the CMC in person or by telephone will be solicited by the D&N Court Specialist/Facilitator prior to the CMC.

B. Mediation

1. **Purpose:** To provide all parties with a safe and confidential conflict resolution process, led by a professionally trained mediator. Mediation allows parties to communicate better, analyze their conflicts and their options, and develop a mutually satisfactory solution. Specifically, unlike LINKS (discussed more extensively below), if parties do not reach an agreement in mediation, the conversations remain confidential and cannot be used in Court. Moreover, mediations are intended to engage the parties more actively, by including all parties more equally in the meetings, using more conversational terms, and avoiding legal jargon and acronyms.
2. **Process:**
 - a. Timing: Mediation can be used at every stage of a case. Mediations have frequently resulted in parties stipulating to parenting plans, which advances the Court's goal of expedited permanency. If the Court has the time, the agreements may be read into the record immediately following the mediation session.
 - b. Mediations are ordered by the Magistrate or Judge or pursuant to an agreement from all parties. They are scheduled by the D&N Court Specialist/Facilitator or the Court, based on the availability of funding and a mediator.
 - c. Currently, mediation is limited funding to a maximum of **TEN** hours per month, so mediation should be reserved for those cases in conflict and usually in situations where there is a conflict over the terms of adjudication and/or formulation of and continuing compliance with the treatment plan and permanency goal(s).
 - d. Each session is set for **TWO** hours and led by a professional mediator. If the entire time allotment is not used in one month, the remaining time can be rolled over to the next month.
 - e. After a D&N mediation, the parties may submit the written agreements to the Court for approval. Parties may read the agreements into the record

immediately following a mediation, as long as it is followed by a written agreement being submitted to the Court within **SEVEN** days.

- f. If mediation is held by pro se parties, the D&N Court Specialist/Facilitator is responsible for following up with pro se parties to make sure all agreements are submitted to the Court within **SEVEN** days.
- g. The mediator should submit a compliance report to the Court within **SEVEN** days after the mediation.

C. Listening to the Needs of Kids

1. **Purpose:** Listening to the Needs of Kids (LINKS) is a process intended to encourage extended families to get involved in D&N cases, as soon as possible. The early intervention and multi-disciplinary approach assures immediate and thorough attention and response to the issues that have brought a family to the process. (Note: Douglas County does not have a LINKS process).
2. LINKS is best applied where there are interested kin involved in the case who can offer family-based placement options and support for their child(ren). The process promotes partnerships, integrates services, reduces the likelihood of unnecessary placements, and improves the quality of placement and service provision decisions.
3. **Process:**
 - a. A case enters LINKS through a referral by the caseworker.
 - b. Every family, whether involved in the judicial process or not, that moves out of assessment and into permanency services will be involved in the LINKS process until their open involvement with Child Welfare has been resolved and closed.
 - c. A LINKS meeting is facilitated by a staff member within DHS, and after a meeting, the facilitator files a report with the Court, indicating the date of the meeting, the purpose, parties in attendance, and the case name and court case number.
 - d. Family members can bring their support systems and are joined by service providers, school personnel, a GAL (if one is assigned), probation if involved, DHS staff including supervisory staff and others as determined to be appropriate.
 - e. Any stipulations will be drafted by a designated party, reviewed by parties, and submitted to the Court as soon as possible.
 - f. This full review process is applied every **NINETY** days or as needed to ensure that proper focus is maintained on the safety elements of the case and that the road to reunification is sustainable.

- g. If there is a need to have a Family-Centered Meeting that involves more family members, any party on the case can make a referral to the Department for a Family Group Conference, Youth Centered Permanency Planning Meeting or a Preparation for Adulthood meeting.

XIV. Glossary of Terms

Caseworker – The person who works for the Department of Human Services whose job is to work with the respondents and make reasonable efforts to prevent or eliminate the need for placement of children out of the respondents' home. The Caseworker drafts the Treatment Plan, makes referrals for services needed by the respondents or the child(ren), visits the child(ren) at home or in placement, and generally manages the case.

County Attorney – The attorneys who represent the People of the State of Colorado.

Court Appointed Special Advocate [CASA] – A non-lawyer volunteer appointed by the Court. The CASA conducts an investigation, visits with the child(ren), and writes a report to the Court making recommendations in the best interests of the child(ren).

Department of Human Services [DHS] – The agency that investigates and pursues cases involving abuse or neglect through the court system. The Caseworker works for DHS.

Dependency and Neglect Case [D&N] – A civil case filed by the County Attorney where there is evidence that a child(ren) is not receiving the care he or she needs, and there is concern that the child(ren)'s well being or safety is at risk.

Diligent Search – A search for respondents or other kinship of a child(ren) involved in a D&N case. DHS is required to conduct a diligent search for family members who may be a resource for the child(ren) or family.

Expedited Permanency Planning [EPP] – The practice of handling the Court case and treatment of children under the age of six more quickly than cases involving older children.

Non-EPP Cases – Cases wherein no child(ren) is under the age of six at the time of the filing of the petition or cases where the children have not been removed from the home regardless of the age of the child(ren).

Family-Centered Meeting- A family centered meeting is when the parents, extended relatives, and kin work with the Department, Guardian ad Litem, and service providers to create a plan to address safety, permanency, and well-being for their children. This is a way to engage and partner with the family and the people who surround a family and to support the family in building a support network that will eventually sustain them after the case is closed.

Guardian ad Litem [GAL] – The lawyer appointed to represent the best interests of the child(ren).

Indian Child Welfare Act [ICWA] – This Act recognizes the sovereignty of American Indian Nations. Under the Act, notice must be given to any Native American Tribe where it is suspected that a child(ren) is a member or eligible for membership in the tribe.

Other Planned Permanent Living Arrangement [OPPLA] - A permanency option in which DHS maintains care and custody responsibilities for and supervision of the child(ren), and places the child(ren) in a setting in which the child(ren) is expected to remain until adulthood. Commonly, the child(ren) is placed in foster care or in the care of kinship.

Respondent – A respondent or legal guardian or custodian of a child(ren) in a D&N case.

Respondent Parent Counsel - A lawyer appointed to provide legal counsel and to represent the wishes of a respondent.

Special Respondent – A person in a D&N case, such as a boyfriend, girlfriend, step-parent, grandparent, or other kin of a child(ren) who is involved in the case either because they are accused of causing abuse or neglect of the child(ren) or because they have an interest in the welfare of the child(ren).

Parenting Time – Contact between a parent and child(ren). This is sometimes referred to as visitation. Although parenting time is often unsupervised, in D&N cases it is often supervised. Supervised parenting time may consist of monitoring by the supervisor or the supervisor may be in constant contact with the parent and child(ren) through the course of the visit.

XV. Conclusion

The Court expects all parties and professionals in Dependency and Neglect cases to comply with the terms of this District plan for handling Dependency and Neglect Cases. Not all of the timelines outlined in this plan are statutorily required. However, they are benchmarks established for the Juvenile Court of this District, are in the best interests of child(ren) and families, and are expected to be successfully attained. This plan's effectiveness will be formally evaluated generally each year or more frequently as needed based upon the goals outlined in the Introduction. Any comments or suggestions should be addressed, in writing, to: Magistrate Rebecca Moss, Arapahoe County Justice Center, 7325 South Potomac Street, Centennial, CO 80112.

Presiding Judge of the Juvenile Court
Eighteenth Judicial District

William Blair Sylvester
Chief Judge
Eighteenth Judicial District