

Office of the State Court Administrator



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TO: District Court Judges
FROM: Chief Justice Mary Mullarkey 
DATE: July 10, 2007
RE: Compliance with Social Security Act

I. Compliance with Social Security Act

In order for the Judicial Department to qualify for the Court Improvement Program (CIP) Grant the Chief Justice must issue a mandate to lower courts requiring them to ensure that notice of all court proceedings to foster parents, pre-adoptive parents or relative caregivers is being provided consistent with section 438 of the Social Security Act.¹ Statutory language in §19-3-702(2) requires the court to issue written notice and §19-3-502(7) and 19-2-906(1.5) have been updated to require that notice be provided for all hearings to child/juvenile, foster parents, pre-adoptive parents or relative care givers.²

II. Requirement to Ensure Notice

The court is encouraged to collaborate closely with the child welfare agency to ensure that there is an effective mechanism for notice and that there is follow-up to ensure that notice is being provided to the necessary individuals.³ Although courts must ensure that such notice is taking place, the courts themselves are not required to issue the notices.

¹ ACYF-CB-PI-07-03

² Senate Bill 07-226

³ ACYF-CB-PI-07-03

III. Procedures to Ensure Notice

To comply with the requirements of federal law and program instruction (ACYF-CB-PI-07-03) all courts shall:

A) Provide Written Notice (Permanency Hearings Only where written notice has not been waived on the record)

1. Provide written notice or order the county department of social services to provide written notice in accordance with the provisions set forth in §19-3-702(2).
2. Routinely review the certificate of mailing to ensure that notice is being provided.

B) Provide Informal Notice (may be used for all hearings except Permanency Hearings)

1. Order the county department of social services to provide informal notice in accordance with the provisions set forth in §19-3-502(7) and 19-2-906 (1.5) (i.e. telephone, letter, fax).
2. Follow-up at subsequent hearing to ensure that notice was provided.

C) Provide Notice on the Record (may be used for all hearings except Permanency Hearings)

1. Provide notice on the record to child/juvenile, foster parents, pre-adoptive parents or relative caregivers if they are present at the hearing.

IV. Study the Utilization of Technology to Automate the Notice Process

The Colorado State Court Administrator's Office, Division of Judicial Business Integrated with Technology Services (JBITS) shall study the viability of automating the process of providing written notice to child/juvenile, foster parents, pre-adoptive parents or relative caregivers and developing a reporting mechanism. The CIP Technology sub-committee shall file a report to the Court Improvement Coordinator by April 1, 2008 outlining the viability, a cost-benefit analysis and proposed timeframes for implementation so that the report can be incorporated into the 2008 CIP strategic plan.

V. Process and Compliance Assessment

The CIP Legislation and Rules Sub-committee shall assess the rate of compliance with the notice provisions and the procedures being used statewide. Efforts should be made to coordinate with the Colorado Department of Human Services, Administrative Review Division (ARD) to survey child/juvenile, if age appropriate, foster parents, pre-adoptive parents, or relative caregivers, local courts, and local departments of social services. The CIP Legislation and Rules Sub-committee shall file a report to the Court Improvement Coordinator by April 1, 2008 so that the report can be incorporated in the CIP strategic plan.