DISTRICT COURT, LARIMER COUNTY, COLORADO 201 Laporte Avenue, Suite 100 Fort Collins, CO 80521 Telephone: (970) 494-3500	
ADMINISTRATIVE ORDER CONCERNING THE FILING OF MOTIONS REQUESTING EMERGENCY HEARINGS IN DEPENDENCY AND NEGLECT CASES	**COURT USE ONLY**
ADMINISTRATIVE ORDER 2018-5	

Effective September 21, 2018, all 8TH Judicial District filings requesting an emergency hearing on the dependency and neglect docket pursuant to Article 3 of the Children's Code (C.R.S § 19-3-101 et. seq.) shall be in accordance with this administrative order:

I.

Motions Requesting Emergency Hearings in Existing Cases

1. Motions requesting an emergency hearing filed in an existing dependency and neglect case (Article 3 of Children's Code C.R.S. § 19-3-101 et. seq.) must be filed in the clerk's office by 10:00 a.m. on the day that the case is requested to be set for an emergency hearing.

2. By 9:00 a.m. on the morning of the requested hearing, or earlier if possible, all previously appointed or privately retained counsel of record for the respondent parents or other respondents and the court-appointed guardian *ad litem* for the child or children must be notified by phone and/or email that an emergency motion has been filed and a request has been made to hear the motion that day. To the extent possible all unrepresented parties should be notified at the same time as counsel. A conferral pursuant C.R.C.P. Rule 121 should be made at the earliest time possible.

3. The emergency motion, and all accompanying documentation, must be served on all counsel of record prior to filing the motion.

4. At the time of filing the emergency motion, a notice must be filed with the court signed by counsel or another representative of the county confirming that the notice requirements set forth in paragraph (2) have been met.

5. If the requirements of paragraphs (1) (2) and (3) are not met the motion will be treated as an *ex parte* motion under C.R.S. § 19-3-405. If the criteria for entry of an *ex parte* order have been met then the Court will issue an *ex parte* order under C.R.S. § 19-3-405. Whether an *ex parte* order is issued or not the emergency motion will be heard on the next emergency motion day provided the requirements set forth in paragraphs (1) (2) and (3) are met.

6. Paragraphs (1) (2) and (3) above are minimum requirements. Any party filing a motion requesting an emergency hearing shall notify the court and all counsel in the case as soon as they know they intend to file an emergency motion. The motion should be filed and distributed to all counsel of record as soon as possible.

II.

Motions Requesting Emergency Hearings in New Case Filings

1. All new dependency and neglect case filings, under Article 3 of the Children's Code, C.R.S. § 19-3-101 et. seq., must be filed in the clerk's office by 10:00 a.m. if an emergency hearing is requested to be heard that day.

2. Respondent parent counsel and the guardian ad litem who are on the rotation for the week are to be notified of the new case by the county no later than 9:00 a.m. on the day the case is filed. A copy of the caseworker's letter, or report, which is filed with the case must be e-mailed to the respondent parent counsel and the guardian *ad litem*.

3. Along with the filing of the case a notice must be filed with the court signed by counsel or another representative of the county confirming that the notice requirements set forth in Paragraph (2) have been met.

4. If the requirements of paragraphs (1) (2) and(3) are not met the motion will be treated as an *ex parte* motion under C.R.S. § 19-3-405 . If the criteria for entry of an *ex parte* order

have been met then the court will issue an *ex parte* order pursuant to C.R.S. § 19-3-405. Whether an *ex parte* order is issued or not, the new case filing and accompanying motion will be heard on the next emergency motion day provided the requirements set forth in paragraphs (1) (2) and (3) are met.

5. Paragraphs (1) (2) and (3) above are minimum requirements. As soon as they know they intend to file a new case county representatives should notify respondent parent counsel and the guardian ad litem who are listed for the week that the case is being filed and the court.
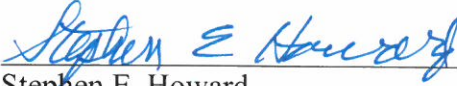
III.
Police Holds Pursuant to C.R.S. §§ 19-3-401 and 19-3-403

1. A hearing on children removed from their parent or custodian and taken into custody by law enforcement and not placed in the custody of the department of human services must be held within 48 hours of the child or children being taken into custody. C.R.S. § 19-3-403 (2). These actions will be referred to as "Police Holds."

    a. Children removed from their parents pursuant to a Police Hold between 12:00 p.m. on Friday and 5:00 p.m. on Monday will be set for a hearing on the next Tuesday.

    b. Children removed from their parents pursuant to a Police Hold between 5:00 p.m. on Monday and 5:00 p.m. on Tuesday will be set for a hearing on Wednesday.

    c. Children removed from their parents pursuant to a Police Hold between 5:00 p.m. on Tuesday and 5:00 p.m. on Wednesday will be set for a hearing on Thursday.

    d. Children removed from their parents pursuant to a Police Hold between 5:00 p.m. on Wednesday and 5:00 p.m. on Thursday will be set for a hearing on Friday.

2. All new case filings pursuant to a Police Hold must be filed in the Clerk's office by 10:00 a.m.

3. Respondent parent counsel and the guardian ad litem who are on rotation for the week are to be notified of the new case by the county by 9:00 a.m. on the day the case is filed. A copy of the caseworker's letter or police report initiating the police hold which is filed with the case must be e-mailed to the respondent parent counsel and the guardian *ad litem*.

4. Along with the filing of the case a notice must be filed with the court signed by counsel or another representative of the county confirming that the notice requirements set forth in Paragraph (3) have been met.

SO ORDERED this 21st day of September, 2018.

Stephen E. Howard
Chief Judge, Eighth Judicial District