

DISTRICT COURT, WELD COUNTY, STATE OF COLORADO
Court Address: 901 9th Avenue, Greeley, Colorado 80631
Mailing Address: P.O. Box 2038, Greeley CO 80632-2038

ADMINISTRATIVE ORDER 13-09

▲ COURT USE ONLY ▲

Case No. 13 CV 01

Division: 1

**ORDER ADOPTING DISTRICT PLAN FOR HANDLING DEPENDENCY AND NEGLECT
CASES**

The 19th Judicial District hereby adopts the attached plan for handling dependency and neglect cases. This Plan replaces the District Plan for Handling Dependency and Neglect Cases adopted on August 23, 2012, through Administrative Order 12-06.

Dated: August 23, 2013


James F. Hartmann
Chief Judge
Nineteenth Judicial District



**WELD DISTRICT COURT
ADMINISTRATIVE ORDER 13-09**

SUBJECT: District Plan for Handling Dependency and Neglect Cases

To: Nineteenth Judicial District Juvenile Court Judges and Magistrates, Clerk of Court, State Court Administrator's Office, Weld County Attorney, Weld County Department of Social Services, Dependency and Neglect Contract Attorneys, Guardians ad litem, Weld CASA and Child Welfare Collaborative members

From: Marcelo Kopcow DATE: August 13, 2013
Presiding Juvenile Court Judge

I. Introduction

The procedures for handling dependency and neglect [D&N] cases in Weld County District Court are set forth below. This plan incorporates the requirements of applicable Colorado statutes and case law, 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, and the experiences of other jurisdictions in expediting D&N cases. Although there are many similarities in philosophy and process, the Nineteenth Judicial District's Family Treatment Court's [hereinafter FTC] protocol supplements and amends this District Plan in many respects. The FTC's Protocol is appended to this document as Appendix A. This plan replaces District Plan for Handling Dependency and Neglect Cases adopted on August 23, 2012, by Administrative Order 12-06. This plan will be reviewed and updated yearly by the Best Practice Court Steering Committee.

The following is a list of practices utilized in the Nineteenth Judicial District to achieve expedited outcomes of D&N cases and/or provide enhanced settlement opportunities:

- Court facilitated meetings to discuss treatment plan progress with parents who may be struggling with participation, sobriety, and/or meaningful change despite reasonable support and intervention, and to identify and recommend additional services that might be available to assist the parents. Those participating at such meetings include the parties, service providers, foster parents, teachers, mentors, relatives, attorneys, Guardians ad litem [GAL], caseworkers, and any other community support person identified by the parent. This process is designed to facilitate collaborative decision-

- making and problem-solving to ensure success for the caretakers and permanency for children.
- A security officer is not permanently assigned to the courtroom; however, if the participants are aware of potential issues in a particular case where the presence of a security officer is requested, that information should be brought to the court's attention prior to the hearing to allow the court to arrange for appropriate security.
 - Making every hearing a meaningful event with defined objectives and/or specific actions to be taken in order to eliminate delay and empower parents to participate in treatment planning and engagement in treatment as soon as possible.
 - Affording parties opportunities to collaborate and to resolve issues consensually at all stages of the case in a non-adversarial, problem-solving environment that is directed by a neutral party. This can be met in the form of mediation, facilitator meetings, and/or family group conference settings.
 - Focusing on permanency from the outset and at every stage of the case with a family-focused/child-centered approach to each case.
 - Making the emergency hearing more meaningful and family friendly by having parents and family view a video advisement of rights, providing assistance with completing an application for court appointed counsel, and ensuring that parents have adequate time prior to the emergency hearing to meet with their attorney(s), caseworker and the guardian ad litem.
 - Offering, and ordering when necessary, parents a first visit within 48 hours of the emergency hearing if the children are removed from the home, ensuring expedited contact between parents and children.
 - Distribution of written court orders to all parties at the conclusion of each hearing. Such orders shall be in clear and concise language that is understandable to most parents.

This plan may result in the following benefits to all parties involved in the D&N process:

- Expedited placement of children in safe and permanent homes.
- Earlier development of treatment plans and quicker participation by parents in their treatment plans.
- Greater "ownership" of and earlier participation in treatment plans by parents who have participated in its development and who have participated in open discussions about their treatment progress with their caseworker, attorney, the guardian ad litem, and the CASA.
- Earlier identification of high-risk cases, the need for amended treatment plans, and the need for concurrent permanency planning.

- Reduced foster care costs.
- More productive use of professionals' time and allocation of agency costs by providing facilitation and other settlement opportunities in order to resolve issues, thereby avoiding lengthy contested hearings.
- More efficient use of judicial resources and professionals' time by reducing the number of unproductive court appearances.
- More efficient docket management and case tracking.
- Greater accountability and an increased level of support and collaboration with all parties involved in the D&N process.
- The opportunity to gather all players of a family's support system (personal and professional) into collaborative meetings in order to treat children and families with a holistic, team-oriented approach rather than with isolated partnerships.
- Greater understanding by parents of the dependency and neglect court process and how to navigate the child welfare and community support systems.

The following sections outline the process for handling D&N cases in the juvenile court of the Nineteenth Judicial District. Participants in the FTC are subject to a somewhat different and more intensive process, which is outlined in Appendix A.

II. Preliminary Protective Hearing/Emergency Hearing

1. Purpose: To make findings and enter protective orders regarding placement of the child(ren). To ensure that all respondent parents are identified, given the opportunity to be represented by counsel, and to ensure their understanding of the D&N process (including potential consequences and permanency options). To facilitate early case assessment and provision of services.

2. Participants

1. Required

- a. Judicial Officer
- b. Court clerk
- c. Family Court Facilitator
- d. Parents
- e. Counsel for parents
- f. Guardian ad litem
- g. Assistant County Attorney
- h. WCDHS Caseworker
- i. Court reporter or electronic recording device

2. May be necessary or appropriate
 - a. Able and willing relatives
 - b. Court interpreter
 - c. Tribal representatives
 - d. Special Respondents

Incarcerated or detained parents may appear by telephone for certain hearings pursuant to the policy attached as Appendix C. All other parents may file written motion seeking to appear by telephone for good cause shown

Process

1. Timing: In cases that are initiated by removal of a child, the Preliminary Protective Proceeding/Advisement hearing is held within 72 hours of removal of the child (exclusive of weekends and court holidays), unless an earlier hearing is mandated by statute.
2. Critical Tasks. The following tasks will be completed at or before the Preliminary Protective Proceeding/Advisement hearing (also called “Emergency” hearing).
 - a. Appointment of a GAL.
 - b. Video or oral advisement of respondents as to their rights and potential outcomes of the D&N court process and signing and filing of written advisement.
 - c. Appointment of respondent parents' counsel, if eligible for appointment.
 - d. Filing and service of the D&N Petition and Summons.
 - e. Addition of any Special Respondents to the case.
 - f. Findings regarding placement, including reasonable efforts to prevent the need for such where the child(ren) has(have) been removed from the home.
 - g. 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 parents, siblings, and other persons of importance to the child(ren).

- h. For parents alleged to be involved with illegal drug activity, the in-court setting of appointments for evaluation of the parent's drug or alcohol issues and early engagement in treatment.
 - i. Diligent inquiry regarding the paternity of children, the whereabouts of non-appearing parents, and efforts to locate and notify them.
 - j. Order specific date and time for initial visit within 48 hours if the children have been removed from home.
 - k. Diligent inquiry regarding the applicability the Indian Child Welfare Act (ICWA) and the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).
 - l. Completion of Indian Child Welfare Act Declaration of Non-Indian Heritage form JDF 568, if parents indicate no tribal heritage or affiliation.
 - m. Order parents to provide information on relatives and other caregivers by filling out and filing form JDF 559.
 - n. Entry of orders to expedite the process of identifying able and willing relatives so that kinship placement may be expedited. In most cases placement orders shall be flexible enough to permit change of placement to a relative prior to the next scheduled hearing upon agreement of the GAL and Weld County Department of Human Services [Hereinafter "WCDHS"] caseworker when WCDHS has temporary custody of the child(ren).
 - o. Set a date for adjudicatory hearing within 21 to 28 days.
 - p. Appointment of a CASA when appropriate and available.
 - q. Distribute Summons, Petition, Order Appointing Guardian ad Litem, Order for Temporary Custody, Order of Protection and any other orders to all parties who are present.
3. Visitation/Parenting Time. Except in extraordinary circumstances, visitation shall be ordered pursuant to the visitation protocol set forth in Appendix B
4. Non-Appearing Respondents. In the event a respondent parent does not appear at the Preliminary Protective Proceeding/advisement hearing, the county attorney shall immediately attempt personal service or seek to serve by certified mail or publication.

5. Family Treatment Court (FTC) Referral. In cases where the primary alleged factual basis include use or abuse of drugs or alcohol, the Court may inquire of the parents, parents counsel, GAL, caseworker, and Assistant County Attorney whether the case is appropriate for referral to the Nineteenth Judicial District Plan for Handling of Dependency and Neglect Cases.

Any parent, parent's counsel, GAL, caseworker, or Assistant County Attorney may request an evaluation for FTC. The Court, taking into consideration input from all sources, including the requests of any party and documentation in the file, may order the parent or parents be evaluated for FTC. If already agreed-upon or ordered, the Court shall assure the FTC evaluation occurs as soon as practicably possible. In those cases where an FTC evaluation is agreed-upon, ordered, or already underway, the Court shall order the affected parent or parents to visit and observe the next regularly scheduled family treatment court session. At subsequent hearings the Court shall inquire as to the outcome of any evaluation and whether the parent or parents entered FTC.

III. Adjudicatory Hearing/Trial

- A. Purpose: To enter an admission to one or more of the allegations in the Petition or to contest the Petition and obtain a judicial finding whether the allegations have been proven.
- B. Process.
 1. Timing. Except in extraordinary circumstances, the adjudicatory/plea hearing shall be heard within 21 – 28 days of the PPP. The hearing may be continued for a non-appearing party if the court determines that party has not been served or if the absence is otherwise reasonable, if counsel has been unsuccessful in meeting with his/her client, and/or if a party is in need of counsel. However, the adjudicatory hearing *must* be completed within 60 days of service of the D&N Petition in an Expedited Permanency Planning (EPP) case and 90 days in a non-EPP case unless the court determines that a continuance is in the best interests of the child(ren).
 2. The Family Services Plan Social History Assessment shall be provided to the court and all parties at least one week prior to the adjudication/plea hearing.
 3. The following actions will occur during the adjudicatory hearing:
 - a. Advise parties of their rights.
 - b. Accept admissions to the Petition.
 - c. Enter default judgment as to any non-appearing party who has been properly served.

- d. If removal has occurred or placement is continued, the Court will make appropriate findings regarding placement and whether reasonable efforts to prevent the need for placement have been made.
 - e. Order mediation to resolve issues that may otherwise require contested plea/dispositional hearings.
 - f. Order service on parties who have not been served.
 - g. Inquire of parties who did not appear at the PPP hearing regarding paternity, ICWA and UCCJEA and require the parent to fill out JDF 557.
 - h. Schedule the dispositional hearing for 21 to 30 days from the date of the first plea.
4. If the allegations in the Petition are denied, the following actions will occur:
- a. A trial date will be set;
 - b. Deadlines for discovery and for endorsement of witnesses and exhibits will be established;
 - c. Mediation will be ordered;
 - d. A pretrial conference will be set at which a plea will be taken if the parties have reached agreement;
 - e. 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:
 - 1) A decree will enter;
 - 2) Proceed to dispositional hearing or set the hearing within 30 days.

IV. Dispositional Hearing

- A. Purpose: To enter a treatment plan that addresses the needs of the family and children and is designed to remedy the issues that caused the children to be declared dependent or neglected.
- B. Process:

1. Timing: No earlier than 21 nor more than 30 days from the date of the adjudication.
2. A treatment plan, as part of the Family Services Plan, will be prepared by the WCDHS caseworker and submitted to the court and the parties no later than 7 days prior to the dispositional hearing. This plan will be developed in consultation and collaboration with parents unless the parent refuses to participate or is otherwise unavailable. A cover letter shall be included with the treatment plan summarizing the progress and challenges faced by the children and the parents since the adjudicatory hearing, and stating the extent to which the parents participated in the development of the plan.
3. The following actions will be taken at the dispositional hearing:
 - a. If the plan is contested, hear disputed issues and make judicial findings as to what the treatment plan should include or set the matter for a contested hearing;
 - b. Review the terms of the treatment plan. Enter findings that the treatment plan submitted or as amended is reasonable and appropriate;
 - c. Advise the respondents of the potential consequences of not complying with the treatment plan, including termination of parental rights;
 - d. Advise of the benefits of meaningful progress with treatment;
 - e. Enter orders regarding the treatment plan;
 - f. If a motion for termination of the parent-child relationship based upon an assertion that no reasonable treatment plan can be formulated has been filed, the court will set a hearing to determine whether, by clear and convincing evidence, no appropriate treatment plan can be devised and whether the best interests of the child would be served by a termination of the parent-child relationship. If a motion to determine that no reasonable treatment plan can be formulated has been filed that asserts that a permanent placement through allocation of parental responsibilities with a relative or other willing person would serve the best interests of the child(ren), the court will set a hearing to determine whether, by clear and convincing evidence, no appropriate treatment plan can be devised.
 - e. Set a Permanency Planning hearing. An initial Permanency Planning Hearing shall occur within 90 days of the dispositional hearing.

V. Reviews

A. Purpose:

1. Review the need for continued placement (if the child has been removed) and make findings about whether reasonable efforts have been made to reunify the family and prevent placement;
2. Review treatment plan progress and whether there is a need to modify the plan;
3. Review progress of the children and their wellbeing in placement and assess the need for services to the children;
4. Update and review of visitation issues and protection orders and the continued appropriateness of the permanency goal.
5. Make findings on whether WCDHS has made reasonable efforts to finalize the permanency goals.

B. Type of Review

1. Periodic Review Hearing. Following the dispositional hearing, the Court will hold review hearings as necessary or at the request of parties, generally every 60 to 120 days as long as there are not critical or emergent issues that merit more frequent reviews. Under no circumstances shall a child's case be reviewed less frequently than every 180 days.
2. Review Reports. Following dispositional hearing, a written court report for review is required for all court hearings (except for a pretrial conference) unless specifically waived by the judicial officer in advance.
 - a. A written Family Services Plan court report must be prepared by the WCDHS caseworker, filed with the Court, and served on the parties and counsel seven days prior to the court date. The report will include a brief social history, removal history, findings of the most recent foster care review, discussion of the most recent progress and developments in the case since the last hearing or review, and a review of each of the pertinent actions set forth in subsection C below.

C. Critical Review Tasks

1. Some or all of the following actions will be taken at every review hearing:

- a. 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.
- b. If removal has occurred or placement is continued, the Court will find whether reasonable efforts have been made to place a child in a timely manner in accordance with the permanent plan (P.L. 105-89).
- c. Determine the continued appropriateness of the permanency goal and goal dates.
- d. Determine whether the treatment plans require modification in light of additional information or changed circumstances.
- e. Review progress on treatment plan goals.
- f. Review visitation and interaction with child.
- g. If the child has been in placement for 15 of the previous 22 months, the Court will consider whether compelling reasons exist for the WCDHS to not file a motion for termination of parental rights. In such case, the Family Service Plan review letter must include the attachment of the ASFA Review for Termination of Parental Rights/5A Review form explaining why a motion for termination has not been filed.
- h. Set the next review date, or Permanency Planning Hearing, if applicable. Although generally review hearings will be scheduled a minimum of every 90 days, in no event shall the review be scheduled longer than 180 days from the last hearing.
- i. “Aging Out Youth”: If the child or children are over the age of fourteen (14) and subject to any Other Permanent Planning Living Arrangement (“OPPLA”) or “other than return home” plan, the court may inquire as to the child’s plan to complete his or her emancipation plan as set forth below in Section VII. Inquires may include whether the child has their critical documents, whether and how the child plans to complete/further their education, whether the child has access to appropriate post-court involvement housing, whether the child has appropriate employment skills and training, whether the child has a plan for post-court involvement medical/dental/mental health care, whether the child has post-court involvement system of support from meaningful adults in their lives, and whether the child is aware and actively utilizing community resources. The Court may further assist and implement

all or parts of those plans by issuing appropriate orders as are in each child's best interest.

VI. Permanency Planning Hearing

- A. Purpose: To adopt a definitive permanent plan for each child and direct that significant steps be taken to implement the plan.
- B. Process
1. Timing. In an EPP case, the permanency planning hearing must be held within 3 months of the dispositional hearing. Although under state and federal law the permanency planning hearing must be held within 12 months of removal in a non-EPP case, the practice of the Nineteenth Judicial District is to hold the permanency planning hearing within 90 days of the dispositional hearing for all children. If reunification is the permanency goal and the child has not been returned within 6 months of the initial permanency planning hearing, a second permanency planning hearing will be held at that time.
 2. Written notice of the permanency planning hearing shall include a statement concerning the proposed permanent plan for the child(ren). A written permanency plan/court report and any proposed amendments to the treatment plan must be filed by WCDHS and served on the parties and counsel at least one week (7 days) prior to the Permanency Planning hearing.
 3. The purpose of the permanency planning hearing is to establish a definitive, long-term goal regarding the permanent placement of the child. Accordingly, the parties should be prepared to take whatever steps are necessary to implement a permanency plan goal by the goal date established by the court. Possible permanency planning outcomes include, but are not limited to:
 - a. Remain home where the child has not been removed.
 - b. Return home at or before the Permanency Planning hearing;
 - c. Return home within 6 months of the Permanency Planning hearing;
 - d. Return home more than 6 months after the Permanency Planning hearing;
 - e. Adoption through relinquishment to enable adoption or other permanent living arrangement;

- f. Adoption by a relative or non-relative following termination of the parent-child relationship to enable the child(ren) to be adopted or to achieve another permanent living arrangement;
 - g. Allocation of parental rights and responsibilities to an appropriate relative or non-relative;
 - h. Emancipation through independent living;
 - i. Other planned permanent living arrangement (OPPLA) such as long-term foster care.
5. If the permanency plan is not to return home, the court may suspend the parent's treatment plan and modify or suspend visitation as appropriate.
 6. If removal has occurred or placement is continued, the court shall make appropriate findings regarding placement and reasonable efforts to eliminate the need for placement. If supported by the evidence, the court must find that the Department continues to make efforts to finalize the permanent plan.
 7. For children with OPPLA or "other than return home" plans, the Court will make appropriate inquires as set forth above.
 8. The court will schedule the next hearing or review date.

VII. Benchmark Hearings:

A. Purpose: Weld County is committed to improving outcomes for our youth emancipating from Foster Care and celebrating their achievements as they transition to adulthood. Benchmark Hearings are held to coordinate emancipation efforts, to ensure the child's goals and needs are identified early and all parties are making a coordinated effort to finalize emancipation.

B. Process:

1. Timing/Participants: Juveniles who are at risk for emancipation from foster care shall be identified by the Court, G.A.L., CASA or D.H.S. to participate in the process. An initial benchmark hearing shall occur around the juvenile's 16th birthday and a finalization hearing when the child is ready to emancipate (typically between 18-21). The parties will participate in an emancipation planning meeting outside of Court prior to the initial benchmark hearing, sometime between the juvenile's 14th and 15th birthday. Hearings may be requested by the Court, D.H.S., G.A.L. or CASA. Hearings shall be set during the last hour of a dedicated D & N Motion day in order to minimize the impact on the juvenile's school attendance.

2. The juvenile shall be in attendance for these hearings unless the Court finds exceptional circumstances exist to excuse the juvenile. A standard Benchmark order (Appendix C hereto) shall be utilized at these hearings and will identify what has been accomplished, the

plan for items not yet accomplished and who will be responsible for those actions along with deadlines. The Court shall set regular permanency plan reviews to track progress related to the emancipation plan as well as make standard findings and orders.

3. At the finalization hearing every effort will be made to create an atmosphere of celebration and recognition of the juvenile's accomplishments. Courtroom rules will be relaxed to allow food and beverages as well the opportunity for supports to speak without being a named party (when appropriate). Invitations/notices will be extended to parties identified by the juvenile and the G.A.L. will help coordinate for the final hearing. The juvenile shall be provided a certified copy of the final order of emancipation immediately following the conclusion of the hearing.

VIII. Termination of the Parental-Child Legal Relationship

A. Purpose: To obtain a judicial finding as to whether there are statutory grounds to sever the parent-child legal relationship and whether termination is in the best interests of the child.

B. Process:

1. The motion to terminate the parent-child relationship may be filed at any time following the dispositional hearing. The hearing on the motion shall be set no sooner than 30 days and not later than 120 days from the filing of the motion unless good cause exists to set beyond 120 days.
2. A motion for appointment of an expert witness for a Respondent shall be filed within 15 days of the filing of the motion to terminate.
3. Expert reports must be distributed to all parties at least 15 days prior to the termination trial, as required by statute.
4. Continuances will be granted only upon a finding that a manifest injustice will occur in the absence of a continuance.
5. If the child remains in placement following the termination trial, the court will determine whether reasonable efforts have been made to place the child in a permanent placement in accordance with the established or amended permanency goal.
6. If the motion is granted, the petition shall be amended to remove the parents as respondents and they shall no longer appear at post-termination review hearings.
7. If the motion is denied, the court will amend the treatment plan if necessary and either reaffirm or revise the permanency goal. Absent extraordinary circumstances, the WCDHS caseworker for the parents shall

be replaced with another worker, although the caseworker may remain as the caseworker for the children.

8. The court will set a post-termination review hearing within 90 days of the order terminating the parent-child relationship for the purpose of reviewing the placement plan and for determining whether reasonable efforts have been made to finalize the permanency goal.

IX. Post-Termination Review Hearing

- A. Purpose: To review the status and progress of the child and to review and amend, if necessary, the permanent plan in order to serve the best interests and needs of the child.
- B. Process
 1. Timing. The post-termination review hearing shall occur within 90 days of the initial order of termination of parental rights. A post-termination report shall be filed by WCDHS and the GAL. These reports shall be served on the parties and counsel at least one week 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.
 2. The court will determine if the plan is appropriate and whether reasonable efforts have been made to finalize the permanency goal. A review hearing will be set within 180 days until the child has been adopted and the case is dismissed.

X. Adoption Hearing

- A. Purpose: To provide a permanent legal home for the child and grant to the adoptive parents all of the rights and responsibilities of a parent pursuant to statute.
- B. Process:
 1. Timing. The adoption hearing shall be held as soon as possible after the child becomes free for adoption. In the case of an order entered by a District Court Magistrate, if no motion for review is filed, the child is free for adoption 15 days after the entry of a written decree of termination of the parent-child relationship. If a motion for review is filed, the child is not free until a final ruling from the reviewing District Court Judge. In the case of an order entered by a District Court Judge, if no appeal is filed, the child is free for adoption 21 days after the entry of a written decree of termination of the parent-child relationship or an order affirming the order of a magistrate that terminates the parent-child relationship. If an appeal is filed, the child is not free until a final mandate is issued by the appellate

court. In cases where a relinquishment petition is granted, the child is not available for adoption until the relinquishing parent fails to file a motion to set the final order of relinquishment aside within 90 days after an uncontested relinquishment order is entered.

2. When hearing an adoption Petition for a child in foster care, the court will determine that:
 - a. Either parental rights have been voluntarily relinquished or that the parent-child relationship has been involuntarily terminated and the appeal process is complete;
 - b. Fingerprint based criminal records checks of all adopting parents have been completed and show that the parent is not ineligible to adopt a child pursuant to the provisions of C.R.S. § 19-5-207(2.5)(a) and 19-5-208(5).
 - c. All required consents to adoption are provided and are genuine;
 - d. Home studies and/or court-ordered reports are properly reviewed and indicate that the adopting parents are of good moral character and have the ability to support and educate the child;
 - e. Adoptive parents understand that adoption is permanent and irreversible;
 - f. In cases involving children with special needs, adopting parents have been advised of all the necessary services and special circumstances surrounding the child, accept the adequacy of adoption subsidies, and are aware of services and assistance that is available after the adoption
3. The Report of Adoption is issued to the Bureau of Vital Statistics.

XI. Continuances

Continuances are granted only if good cause is shown and only when the best interests of the child(ren) will be served by granting the continuance. If the continued case involves one or more children who were under six at the time the Petition was filed, the court shall make the findings set forth in C.R.S. § 19-3-104. The hearing shall be rescheduled at the earliest available time.

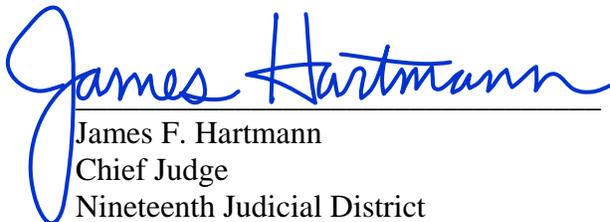
XII. Conclusion

The court expects all parties, attorneys and professionals involved with dependency and neglect cases to comply with the terms of the Nineteenth Judicial District's District plan for handling Dependency and Neglect Cases. Not all the timelines outlined in this plan

are statutorily required. However, they are benchmarks established for the Juvenile Court of the Nineteenth Judicial District, are in the best interests of children and families and are expected to be successfully attained. This plan's effectiveness will be formally evaluated annually based upon the goals outlined in the Introduction. Any comments or suggestions should be addressed, in writing, to: Laurie Strand, P.O. Box 2038, Greeley, CO 80632, E-mail: laurie.strand@judicial.state.co.us



Marcelo A. Kopcow
Presiding Judge of the Juvenile Court
Weld County District Court



James F. Hartmann
Chief Judge
Nineteenth Judicial District

Appendix A

FAMILY TREATMENT COURT PURPOSE, EXPECTATIONS, AND REQUIREMENTS

- The purpose of the 19th Judicial District Family Treatment Court (FTC) is to reunify and strengthen families by treating the parent's drug issues in a manner designed to achieve both lifelong sobriety and healthy parenting.
- The FTC is made up of Members (the chosen parents) and a Team (those providing essential support services to the Members, lawyers for the Members and the Department of Social Services, and a judicial officer). Participation by a parent in the FTC program is voluntary by the parent and discretionary with the court.
- If a parent is found to be eligible, and wants to become a Member of the FTC, he/she will be required to sign various releases, waivers, and confidentiality agreements. Upon acceptance, the parent will become a Member of the FTC, and will begin participating in intensive treatment and weekly Progress Reviews.
- Absent unique circumstances, a deferred adjudication will enter upon entry of a plea in FTC cases.
- The FTC program lasts approximately one year.
- Progress Reviews are held once a week. Attendance is required as part of treatment. At the progress review, Members report to the Team about how they are progressing with treatment during the previous week. Progress reviews focus on non-adversarial problem solving related to the process of recovery and family reunification.
- Other parties from each Member's case will generally not be permitted to attend or participate in the weekly Progress Reviews. If the Team determines that the presence of others may be helpful to a Member's own success, those persons may be permitted to attend the Progress Reviews.
- FTC cases will be heard in one division.
- The other parent will not participate in the FTC unless he/she is also accepted into the program. Parents involved in the FTC must be committed to developing a responsible, drug free lifestyle and healthy parenting skills.
- All Members will be involved in intensive substance abuse treatment and monitored sobriety. Abstinence from the use of drugs and alcohol is required. Motivation is required. Employment, job training, or otherwise demonstrating an ability to provide for one's family is required before graduation from the program.
- Progress will be rewarded, and non-compliance will result in sanctions. Although sanctions may include jail, other graduated sanctions are most often used in lieu of jail. Failure to appear at a Progress Review without being excused by the court will result in a bench warrant. Any non-compliance with FTC expectations will result in a sanction, and may result in expulsion from the FTC. A Member will be expelled from the program if he/she is unwilling or unable to commit to a responsible, drug free and pro-social lifestyle. In most cases a Member will be expelled if he/she is charged with a criminal offense after having been accepted into the program. If a Member is expelled from the program, an adjudication will enter and the case will be transferred to the non-specialized court docket

- Successful completion of the FTC (where a parent demonstrates a commitment to remaining drug free, is able to provide healthy parenting and to support oneself and child(ren)) will result in graduation from the program and may result in dismissal of the case.

Appendix B

WELD COUNTY VISITATION PROTOCOL

- Children and families shall be provided meaningful and safe visitation from the time The children enter foster care until reunification is accomplished or until further order of the court.
- Wherever used herein, the term “Visitation” shall mean and refer to the schedule developed and implemented for the time the child, parents, and, where applicable, siblings spend together.
- The Department of Human Services shall provide as much visitation as possible consistent with the best interests of the child both in terms of frequency and duration, and to provide that opportunity in such a place and manner so as to make it as natural as possible.
- The provisions contained in this document are presented as the minimum visitation and, when possible and appropriate, provision of more visits shall be made.
- Visitation should be based on the unique facts of each case. Decisions regarding visitation should be articulated to all relevant parties to the case, must be factually based, appropriately documented, and approved by the court.
- Should there be a conflict between what is in the best interest of the child and what is in the best interest of the parents, the best interest and well-being of the child shall always take precedence in developing and implementing visitation.
- At the emergency hearing, the court shall order a specific time for an initial visit within 48 hours of the hearing, and shall order ongoing visitation (e.g. twice per week). This Order shall remain in place until adjudication or until visitation is changed by the court, or (if approved by the court), expanded by the caseworker and the guardian ad litem.
- At the emergency hearing, visitation and/or contact may not be ordered for parents who do not appear at the emergency hearing, are incarcerated, have protection or restraining orders that prevent contact with the child, have not seen the child in a long time or if the judge determines it is not in the child’s best interests to have visits with a parent.
- A formal visitation assessment may be conducted if deemed necessary by the caseworker. Parties may also request that the court order a formal visitation assessment.
- Visitation should not be rigid, but should allow sufficient flexibility for change as circumstances warrant to ensure the safety and well-being of the child. Visitation may be expanded, or restrictions on visitation relaxed by agreement of the Department and Guardian ad litem. Minimal visitation cannot be reduced without a court order, unless by agreement.

- Visitation shall not be used as a threat or form of discipline to the child or to control or punish the parent.
- The particular relationship between the siblings in individual cases should always be considered because, generally speaking, sibling contact is at least as important as contact between children and their parents.
- If siblings cannot be placed together, visitation orders should make specific provisions for contact between siblings. It is not necessary that all siblings be present for all visits. Considering the children's ages and activities it may be perfectly appropriate to have some visits as a complete family unit, and some spent with various parts of the family unit. Provided, however that, the duration, length, or quality of visitation for one child or parent should not be sacrificed on account of another child or parent.

Appendix C

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| <p>DISTRICT COURT, WELD COUNTY, COLORADO 901 9TH AVENUE, P.O. BOX 2038 GREELEY, COLORADO 80632 TELEPHONE: (970) 475-2400</p> <hr/> <p>The People of the State of Colorado in the Interest of:</p> <p>_____</p> <p>child(ren)</p> <p>and</p> <p>_____</p> <p>Respondent Parents</p> <p>And</p> <p>_____</p> <p>Special Respondents</p> | <p>COURT USE ONLY</p> <hr/> <p>Case No. ___ JV _____</p> <p>Div. 7/9</p> |
| <p>BENCHMARK HEARING SUMMARY, FINDINGS, AND ORDERS</p> | |

This matter came before the Court for a Benchmark Hearing and Permanency Hearing on _____. The youth, _____, has a current permanency goal of _____. The Weld County Department of Human Services appeared through counsel, _____ with caseworker _____. The child was present with his/her G.A.L. _____. Respondent parents appeared/did not appear with counsel _____. The necessary topics for a successful emancipation were addressed as follows:

- _____ CHAFFEE referral made? Y / N Worker: _____
- _____ Emancipation Team Meeting Held on: _____
- _____ Caseworker: _____ (Youth Services Y/N)
- _____ CASA: _____
- _____ Court received a copy of: Credit Check
 Independent Living Plan
 Emancipation Planning Meeting Notes

1. **Vital documents:** Certified Birth Certificate, Tribal card, Social Security Card, State ID, Medical Records, Mental Health Records, Medicaid card, School Transcripts etc. Any missing vital documents will be obtained as follows (include party responsible):

2. **Personal Connections, Legal Connections, and Support Systems:**

3. **Community Resources:** The youth knows of the support systems in the community:

4. **Employment / Financial Plan and Credit Report** (does the juvenile have a bank account? Savings plan? Include Juvenile's career goals and current employment):

5. **Housing / Plan to Transition from Out of Home Placement:**

6. **Education Plan** (include date Juvenile obtained or plans to obtain GED or High School diploma, higher education plans if relevant and information related to the juvenile's FASFA application):

7. **Medical / Dental / Mental Health Services** (including emancipation medicaid):

8. **Additional issues and/or findings:**

_____.

The Court adopts the recommendations in the Court Report, and adopts the Permanent Plan of _____. The Court further orders

_____.

The next hearing(s) will address any deficiencies and shall be held on:

_____.

Done this _____ day of _____, 20_____.

District Court Judge/Magistrate