

District Court, County of Weld, State of Colorado 901 9 <sup>th</sup> Street, P.O. Box 2038 Greeley, CO 80632-2038 (970) 475-2400	
THE PEOPLE OF THE STATE OF COLORADO IN THE INTEREST OF:  Child(ren),  and Concerning,  Respondent(s) and  Special Respondent (s).	Δ COURT USE ONLY Δ  Case No. _____  Division _____
<b>WRITTEN ADVISEMENT OF LEGAL AND CONSTITUTIONAL RIGHTS          (Dependency and Neglect)</b>	

A Petition has been filed with the District Court for Weld County, Colorado, alleging that the child(ren) named in the Petition is/are dependent or neglected. You have been named as a Respondent in this action because you are the biological or adoptive parent, guardian, legal custodian, stepparent or caretaker of the child. WHEN YOU RECEIVE THE SUMMONS AND PETITION FOR DEPENDENT OR NEGLECTED CHILDREN, PLEASE READ THEM CAREFULLY. The Summons will inform you of the date, time and place of the next hearing. You are ordered to appear before a District Court Magistrate or Judge at that time. The Petition in Dependency or Neglect will inform you of the reason(s) the People of the State of Colorado are alleging that your child(ren) is/are dependent or neglected.

The following is an advisement of your legal and constitutional rights in this action. YOU SHOULD READ THIS ADVISEMENT CAREFULLY AND ANSWER THE QUESTIONS AT THE END OF THE DOCUMENT. In signing this document you are stating only that you understand your rights. You are not admitting anything. If you have any questions about this advisement, please ask the Magistrate or Judge for further explanation. YOU MUST BRING THIS ADVISEMENT WITH YOU TO YOUR FIRST COURT APPEARANCE AND GIVE IT TO THE COURT.

**RIGHT TO COUNSEL**

- (1) You have the right to hire a lawyer to represent you at every stage in this case at your own expense.
- (2) If you are a biological or adoptive parent, guardian or legal custodian of the child(ren), you may request the Court appoint a lawyer to represent you if you cannot afford to hire a lawyer. If the Court finds that you qualify for the services of a court-appointed lawyer, it will appoint a lawyer to represent you at no cost to yourself.

**RIGHT TO A HEARING BEFORE A DISTRICT COURT JUDGE**

All cases are heard before a District Court Magistrate or Judge. If you do not wish to have this case heard by the Magistrate, you have the right to request it be heard by a District

Court Judge. However, this right to a hearing before a District Court Judge will be waived unless either (1) the request is made at the time the case is set for a hearing, if no lawyer is present with you at that time, or (2) a written request is made within five days after receiving notice of the hearing, if the setting was done outside the presence of your lawyer or on written notice.

### **RIGHT TO REVIEW OF RULINGS BY MAGISTRATE**

If this case is heard by a District Court Magistrate, you have the right to have any ruling of the Magistrate reviewed by a District Court Judge. Requests for review must be filed with the Court within five (5) days after you receive notice of the Magistrate's ruling. If you fail to file a request to review within this five (5) day period, the ruling becomes a final order. A request to review a ruling of the Magistrate is a mandatory prerequisite to filing an appeal with the Colorado Court of Appeals or the Colorado Supreme Court.

### **RIGHT TO JURY TRIAL**

If the allegations in the Petition are denied, this case will be set for an adjudicatory hearing to determine whether the People of the State of Colorado can prove by a preponderance of the evidence that the allegations in the Petition are true. You have the right to have this adjudicatory hearing before a Judge, Magistrate, or jury of six (6) persons. If you want to have the adjudicatory hearing before a jury, you must request a jury at the time that you deny the allegations and the matter is set for the adjudicatory hearing. If you don't make your request for a jury at that time, you will have waived your right to a jury, and the hearing will be before either a District Court Judge or Magistrate.

### **RIGHT TO PRESENT EVIDENCE AND TO QUESTION WITNESSES**

(1) You have the right to be present and to participate in all hearings at every stage in this case. You have the right to see, hear and question all witnesses called to testify in any hearing. You also have the right to present evidence. At your request, the Court will issue subpoenas requiring persons you designate to appear at the hearing and to testify.

(2) If the child(ren) is/are determined by the Court to be dependent and neglected, the Court may consider written reports relating to the mental, physical and social history of the child(ren), along with other evidence, for the purpose of determining the proper treatment plan for you and the appropriate placement of the child(ren) in this case. You have the right to request the Court to order the authors of such reports to appear as witnesses so that you may question them.

### **TERMINATION OF PARENTAL RIGHTS**

The purpose of this case is to preserve and strengthen family ties whenever possible, including improvement of the home environment; to remove a child from parental custody only when the child's welfare and safety or the protection of the public would otherwise be endangered; and to secure for any child removed from his/her parent's custody the necessary care, guidance and discipline to assist the child in becoming a responsible and productive member of society. If the child(ren) has/have been determined by the Court to be dependent or neglected, the Court will adopt an appropriate treatment plan designed to correct the problems that brought this case before the court and to keep the child(ren) with, or return the child(ren) to, his/her/their family. However, if the parents have abandoned the child, or if the parents cannot

or do not successfully comply with the treatment plan within a reasonable period of time so that the child(ren) cannot live with his/her/their parents, termination of the parent-child legal relationship is a possibility. A separate hearing must be held before such termination is ordered. At that hearing the allegations in the termination motion must be proven by clear and convincing evidence. This is not a desired result of this case.

### **ADMISSION/DENIAL OF ALLEGATIONS**

- (1) After being advised of your rights you will be asked to either admit or deny the allegations contained in the Petition.
- (2) Any admission must be voluntary.
- (3) If the Petition is admitted, the Court is not bound by any promises or representations made by anyone to you about the treatment plan or any protective orders to be adopted by the Court.
- (4) If you deny the allegations, an adjudicatory hearing will be set within ninety (90) days of service of the Petition, or sixty (60) days if the Petition involves a child under the age of six years, unless the Court finds that good cause exists for a delay in the time of the adjudicatory hearing.
- (5) This is a civil proceeding. No admission made by you in open Court, or in writing filed with the Court, may be used against you in any criminal prosecution, except for purposes of impeachment or rebuttal.

### **DISPOSITIONAL ALTERNATIVES**

- (1) If a child is declared by the Court to be dependent or neglected, then the Court shall enter a dispositional order within forty-five (45) days, or thirty (30) days if the child is under the age of six years, unless the Court finds that the best interests of such child is served by a delay.
- (2) The dispositional order shall set forth a treatment plan concerning the child and the Respondents. The order shall designate custody and placement of the child, together with any evaluations, treatment, counseling or other conditions which the Court will require of the parties in order to address the protective issues concerning the child(ren).

### **NOTIFICATION OF RELATIVES**

The child may be placed with the child's grandparent, aunt, uncle, brother, or sister if in the Court's opinion such placement is appropriate and in the child's best interests. Parents of the child are ordered to provide, within fifteen (15) days after the hearing, the names, addresses, and telephone numbers, if known, of any relatives. The Court may order the Weld County Department of Social Services to make reasonable and timely efforts to contact such identified relatives about placement possibilities for the child unless the Court determines there is good cause not to notify or good cause to delay the notification of such relatives.

**DUTY TO SPEAK WITH THE COUNTY ATTORNEY**

If you do not have a lawyer representing you, you must contact the County Attorney (970-352-1551 x6503) no later than seven (7) days before the next hearing to discuss plea alternatives, so that you are prepared to enter a plea at the next hearing.

**QUESTIONS**

(please circle your answer)

- 1. DID YOU WATCH THE VIDEO ADVISEMENT?    YES                      NO
- 2. DID YOU UNDERSTAND THE VIDEO ADVISEMENT?    YES                      NO
- 3. DO YOU HAVE ANY MENTAL OR EMOTIONAL PROBLEMS THAT HINDER OR PREVENT YOU FROM UNDERSTANDING YOUR RIGHTS?    YES                      NO
- 4. DO YOU READ AND UNDERSTAND ENGLISH?    YES                      NO
- 5. HAVE YOU CAREFULLY READ AND UNDERSTOOD THIS ADVISEMENT?  
    YES                      NO
- 6. DO YOU HAVE ANY QUESTIONS CONCERNING THE MATTERS DISCUSSED IN THE VIDEO OR IN THIS ADVISEMENT FORM?    YES                      NO
- 7. ARE YOU, THE OTHER PARENT, OR YOUR CHILD A MEMBER OF, OR ELIGIBLE FOR MEMBERSHIP IN, AN INDIAN TRIBE? YES                      NO  
IF SO, WHAT TRIBE(S)? \_\_\_\_\_
- 8. DO YOU PLAN ON HIRING AN ATTORNEY OR APPLYING FOR COURT APPOINTED COUNSEL?    YES                      NO

YOUR PRINTED NAMED \_\_\_\_\_

\_\_\_\_\_   
Date

\_\_\_\_\_   
Signature of Respondent