

**Colorado Supreme Court Rules of Juvenile Procedure Committee
Minutes of April 7, 2023 Meeting**

I. Call to Order

The Rules of Juvenile Procedure Committee came to order around 9:00 AM via videoconference. Members present or excused from the meeting were:

Name	Present	Excused
Judge Craig Welling, Chair	X	
Judge (Ret.) Karen Ashby	X	
David P. Ayraud	X	
Jennifer Conn	X	
Traci Engdol-Fruhwirth		X
Judge David Furman	X	
Ruchi Kapoor		X
Magistrate Randall Lococo		X
Judge Priscilla J. Loew	X	
Judge Ann Gail Meinster		X
Trent Palmer		X
Josefina Raphael-Milliner	X	
Professor Colene Robinson		X
Zaven “Z” Saroyan	X	
Judge Traci Slade		X
Anna Ulrich	X	
Pam Wakefield	X	
Abby Young	X	
Non-voting Participants		
Justice Richard Gabriel, Liaison	X	
Terri Morrison		X
J.J. Wallace	X	
Special Guest: Sheri Danz		

Meeting Materials:

- (1) Draft Minutes of 2/3/2023 meeting**
- (2) Emails on Form Order Appointing CFY & Form Order (clean and redlined)**
- (3) Updated Memo & Redlined and Clean Rule Proposals on Order to Interview or Examine the Child & Feedback from David Ayraud**

II. Chair's Report

- A. The 2/3/23 meeting minutes were approved without amendment.

III. Old Business

- A. Drafting Subcommittee (Judge Welling and Judge Furman)

Judge Welling reported that the subcommittee continues to make steady progress. As in the past, when issues arise, the subcommittee will bring the issue to the attention of the larger committee. Judge Welling also indicated that the subcommittee continues to have good communication with the 1038 Subcommittee and both groups have avoided duplicating efforts.

- B. Proposed ICWA Rules (Judge Furman)

Judge Furman states that the subcommittee is in the process of finalizing the rules.

- C. HB22-1038 Right to Counsel for Youth (Anna Ulrich & Special Guest Sheri Danz)

Anna Ulrich explained the reasons behind drafting a form order and the steps that have been taken to create one, which included working closely with ORPC and other stakeholders. The Chair thank everyone for working together. Anna noted that the form order attempts to strike a balance between making sure a CFY or GAL has access to the information they need and making sure a CFY or GAL does not have access to information, such as the private records of parents, that they should not have. Anna asked if any committee members had questions.

One member asked if any trial judges participate in drafting the form order. Anna responded that three different trial judges/magistrates participated. Another member asked whether the child's records, such as medical records, should be automatically available to the CFY for a sixteen-year-old client or whether the sixteen-year-old client should first provide a release. Sheri stated that the form order was drafted to track the exact language of section 19-3-203(4). However, she added that CFYs are trained to offer thorough advisements to their clients on the CFY's role, how the client may direct a CFY, and that the client has the ability to say yes or no to something.

The committee unanimously approved the form order. It was previously determined that the form order should go out as a JDF. Judge Welling and J.J. will assist Sheri and Anna in moving the form toward JDF status.

Anna also reported that the 1038 committee is continuing its review of the draft rules. She announced that next up is looking at rules to implement youth participating in court hearings. She encouraged any members with experience with youth in court to contact her with feedback.

D. Subcommittee to redraft Rule on Order to Interview or Examine Child (Anna Ulrich)

Anna Ulrich recapped the history of this issue and directed everyone to the meeting materials. David Ayraud gathered some feedback on the proposed draft rule and submitted it for the committee's review. He summarized the feedback. Anna was uncertain of the next steps but suggested that the draft rule be sent back to the subcommittee to consider the feedback. She also asked David to participate in the meeting and asked him to invite any other county attorney willing to participate. The committee approved sending the proposal back to the subcommittee to discuss the feedback.

IV. New Business

The Chair reminded committee members that the June meeting has been cancelled. The next meeting will be the first Friday in August.

V. Adjourn

The meeting adjourned just around 9:38 AM. The next meeting is August 4 at 9 AM via Webex.

Respectfully Submitted,

*J.J. Wallace
Staff Attorney, Colorado Supreme Court*