

To: Craig Welling, Chair, Juvenile Rules Committee

From: David Furman, Chair, ICWA Rules and Resources Subcommittee

Date: August 3, 2023

Subject: *The Colorado Rules of ICWA Procedures*

The Indian Child Welfare Act (ICWA) Rules and Resources Subcommittee has finalized a proposal for the Colorado Rules of ICWA Procedures. We are asking members of the Juvenile Rules Committee to approve a motion to send these rules to the Supreme Court for their approval as stand-alone rules, independent from the Colorado Rules of Juvenile Procedure.

We make this request because, as we note in the Application section of the rules, ICWA “proceedings may include, but are not limited to, matters brought under the Uniform Dissolution of Marriage Act, the Colorado Probate Code, and the Colorado Children’s Code.”

The Subcommittee followed the federal *Guidelines for Drafting and Editing Court Rules*, by Brian A. Garner. This was for consistency and clarity and to draft the rules in a plainer, modern style.

The Subcommittee met approximately 23 times from February 2021 to June 2023. Subcommittee members included national and state level ICWA experts, although 35 people from various backgrounds assisted in helping to draft the rules.

The subcommittee also made a recommendation to the Supreme Court Advisory Committee on the Practice of Law to address ICWA in the rules regulating pro hac vice attorneys in Colorado, which resulted in changes to C.R.C.P. 205.3.

Thank you.

-Dave