

**Colorado Supreme Court Rules of Juvenile Procedure Committee
Minutes of May 12, 2017 Meeting**

The Rules of Juvenile Procedure Committee was called to order by Judge Ashby at 9:34 a.m. in the supreme court conference room on the fourth floor of the Ralph L. Carr Judicial Center. Members present or excused from the meeting were:

Name	Present	Excused
Judge Karen Ashby, Chair	X	
David P. Ayraud	X	
Magistrate Howard Bartlett		X
Kelly Boe		X
Cynthia Cavo	X	
Jennifer Conn		X
Sheri Danz	X	
Traci Engdol-Fruhworth	X	
Judge David Furman		X
Ruchi Kapoor	X	
Andi Truett (for Shana Kloek)	X	
Wendy Lewis		X
Judge Ann Meinster		X
Judge Dave Miller	X	
Chief Judge Mick O'Hara	X	
Trent Palmer		X
Professor Colene Robinson		X
Magistrate Fran Simonet	X	
Judge Traci Slade	X	
Magistrate Kent S. Spangler	X	
Karen Stall		X
John Thirkell	X	
Chief Judge Jeffrey Wilson	X	
Non-voting Participants		
Justice Allison Eid, Liaison	X	
Terri Morrison		X
J.J. Wallace	X	

Attachments & Handouts

- (1) Last three rules of Adjudication Subcommittee Proposal
- (2) Additional rule on non-appearing respondents
- (3) Post-termination rule

I. Call to Order

- A. The 3/24/17 meeting minutes were approved unanimously.

II. Chair's Report

- A. **Next meeting:** July 28, 2017 @ 9:30 AM Supreme Court Conference Room, 4th floor. Judge Ashby noted that Fridays are jeans day at the court of appeals and invited committee members to wear jeans to the next meeting.

III. Old Business

A. Draft Rules-Adjudication Proposal-David Ayraud & Sheri Danz

1. 4.2.11 Responsive Pleadings and Motions (& Alternative subsection (e));
 - a. The committee discussed pros/cons of the alternate version of the rule and concluded that inclusion of the longer version reinforces and emphasizes the requirements of CRCP 121 § 1-15 and are worth noting in the hopes that practitioners will follow it.
 - b. Motions is a rule that might be generally applicable to all areas: pre-adjudication is talking about a motions rule too.
 - c. The committee discussed (e)(3). The committee felt this language was helpful to remind practitioners to include legal authority and felt comfortable leaving discretion with the trial court ("may") to deny a motion without legal authority feeling that trial courts would not punish pro se parties that did not include legal authority.
 - d. Various edits to the language and structure of the rule were made (see version of the rules provided for the 8/4/17 meeting)
2. 4.2.13 Summary Judgment;
 - a. The committee agreed that three parties could move for summary judgment: petitioner, respondent, GAL. It was determined that the rule did not appear to need to identify these parties.
 - b. The committee discussed the difficulties of departing from C.R.C.P. 56.
 - c. The committee did not see any harm in leaving partial summary judgment in the rule (but acknowledged that the applications might be limited given the nature of adjudications).
 - d. The committee looked at the most recent supreme court case on summary judgment: *People In Interest of S.N. v. S.N.*, 2014 CO 64.
 - e. Some edits to the language of the rule (especially related to time for filing) were made (see version of the rules provided for the 8/4/17 meeting).
3. 4.2.14 Time; Continuances
4. 4.2.X Adjudication On Non-Appearing or Non-Defending Respondent (deferred until next meeting)

General Discussion:

- The committee discussed referring to existing civil rules or forming self-contained rules. The committee agreed to keep the rules self-contained for now to put the emphasis on the needs of juvenile (and to keep focus on where those needs might be different from other civil cases). The committee acknowledged difficulties with this approach. Once the discussion began on the proposed summary judgment rule, the committee recognized

relying on case law from C.R.C.P. 56 summary judgment would be helpful and changing the rule for juvenile may open the door to departing from that settled law.

- The rules generally applicable to all stages of a D&N case are becoming more clear: motions; evidence; time computation; summary judgment; CMOs. It would be helpful if the subcommittees shared their work in these areas. If your subcommittee is working on a rule that you think may be generally applicable to other stages of a D&N, please email your proposed rule (or any updates) to J.J. (jennifer.wallace@judicial.state.co.us) and she will email the rule to all the subcommittee chairs.
- For the next meeting, the committee anticipates much discussion about rule on adjudications for non-appearing parties. Committee members are invited to look at other states' law on this issue to help guide the discussion.

IV. New Business

A. Post-Termination Rule

- a. Discussion deferred until next meeting

Judge Ashby thanked the committee members for their active engagement. The Committee adjourned at 12:03 p.m.

*Respectfully Submitted,
J.J. Wallace*