

ACKNOWLEDGEMENT OF ADVISEMENT OF RIGHTS IN DEPENDENCY AND NEGLECT CASES

The undersigned hereby acknowledges that he or she has viewed the video detailing his or her rights in Dependency and Neglect cases as set forth below, and that he or she has received a copy of the Toolkit for Families in Dependency and Neglect Cases and a copy of this document.

YOUR RIGHTS

You have the right to be represented by an attorney at all stages of the proceedings.

If you are a parent, guardian or legal custodian and you qualify for a court- appointed attorney, an attorney will be appointed to represent you at no cost to you. If you do not qualify for a court appointed attorney, you may hire an attorney of your choice at your own expense.

You have the right to have your case heard before a magistrate, a judge or a jury of six people from the El Paso County community.

The county attorney must prove the case against you by a preponderance of the evidence. This means that it is more likely than not that your child is dependent or neglected as defined under Colorado law.

The petition filed by the Department of Human Services contains the specific allegations against you. You will receive a copy of this petition and the allegations against you will be explained during your court hearing.

You have the right to deny any or all of the allegations contained in the petition that alleges why your child or children are dependent or neglected.

You have the right to admit any or all of the allegations contained in the petition that alleges why your child or children are dependent or neglected, but any admissions you make must be made freely and voluntarily.

If you proceed to trial, you have the right to cross examine the witnesses presented against you, call witnesses to testify on your behalf, including using the subpoena power of the court to compel them to come to court and testify, and you have the right to testify and present evidence on your own behalf.

If you go to trial and the Department of Human Services fails to prove its case against you, your children will be returned to you and the case will be over.

If the Department of Human Services proves its case against you or you admit one or more of the allegations contained in the petition, a treatment plan will be prepared to address the problems that led to the dependency and neglect case being filed against you. You have a right to participate in the preparation of that treatment plan. If you do not agree with the proposed treatment plan, you have the right to request a hearing and the court will decide what the appropriate treatment plan should be. Once a treatment plan is adopted by the court, the plan becomes an order of the court. Your failure to comply with the terms of the plan could result in your being held in contempt of court and fined, jailed or both or you could lose your parental rights. If you successfully complete the treatment plan within the time allowed by law, your child or children will be returned to you.

If one or more of the allegations in the petition are admitted or proven in court, the court may do any of the following: (a) Place the child or children in the legal custody of one or both parents, of a relative, family member or the legal guardian; (b) Place the child or children in the legal custody of the Department of Human Services or for placement in a foster care home or child care facility; or (c) Order the child or children to be examined by a physician, surgeon, psychiatrist or psychologist or receive other special care and be placed in a hospital or other suitable facility. The court is not bound by any promises or representations made by anyone as to which of these alternatives the court will select for your child or children.

If the magistrate, judge or jury finds that your child or children are dependent or neglected, you have the right to appeal that decision.

If you fail to comply with the treatment plan, or if the treatment plan does not fix the problems that brought your family to court to begin with, under Colorado law, a motion to terminate your parental rights may be filed.

If a motion is filed to terminate your parental rights, a separate hearing will be held before the judge or magistrate to determine if your legal relationship as the parent of your child or children should be terminated. You **do not** have the right to a jury trial in a termination proceeding. If your parental rights are terminated, your child or children would be available for adoption by someone else.

You have the right to have an attorney represent you in any termination proceeding and if you cannot afford an attorney and qualify for a court-appointed attorney, an attorney will be appointed to represent you at no charge to you.

You have the right to cross examine the witnesses against you, call witnesses to testify on your behalf, including using the subpoena power of the court to compel them to come to court and testify, and you have the right to testify and present evidence on you own behalf.

In order to terminate your parental rights, the case against you must be proven by clear and convincing evidence. Clear and convincing evidence means that the judge or magistrate must have a firm belief or conviction that the allegations contained in the motion to terminate your parental rights are true. The evidence required is greater than a preponderance of the evidence, but less than beyond a reasonable doubt which is required in criminal cases.

You also have the right to appeal the decision of the judge or magistrate if your parental rights are terminated.

You have the right to have an attorney represent you on any appeal. If you cannot afford an attorney and qualify for a court-appointed attorney, an attorney will be appointed to represent you on appeal at no cost to you.

Every parent shall complete the Indian Child Welfare Affidavit and return to the court within 7 days following the shelter hearing.

If you, your child or children are a registered member of a Native American Indian tribe or are eligible to become a member of a Native American Indian tribe, you may be entitled to additional rights and protections under the Indian Child Welfare Act. You must advise the court of this in order to receive these additional rights and protections.

You will be given a Relative Resource form. It is important that you provide the names, addresses and telephone numbers of any relatives or family members who can provide a temporary home for your child or children. The form must be completed within seven days of today's date and returned to your caseworker. If you do not provide this information promptly, your child or children may not be able to be placed with a relative or family member on a temporary or permanent basis should the need arise to do so later in your case.

Dated this _____ day of _____, 20____.

Print Your Name

Signature