

IN THE DISTRICT AND COUNTY COURTS
SEVENTH JUDICIAL DISTRICT
STATE OF COLORADO

ADMINISTRATIVE ORDER 97-7 - PROCEDURES REGARDING D&N CASES

WHEREAS, On December 2, 1996, Anthony F. Vollack, the Chief Justice of the Colorado Supreme Court, issued Chief Justice Directive #96-08 entitled "Directive Concerning the Processing of Dependency and Neglect Cases;"

AND WHEREAS, Under CJD 96-08 each judicial district in the state of Colorado was directed to develop policies to "improve the timeliness and quality of the courts' handling of dependency and neglect cases," and to submit a plan to the Chief Justice by January 31, 1997;


AND WHEREAS, for the purpose of carrying out the provisions of said CJD 96-08, the undersigned, as Chief Judge, appointed a committee on December 13, 1996, chaired by the Magistrate, Dennis Friedrich, to develop the required policies and a plan to address the handling of dependency and neglect cases in the Seventh Judicial District;

AND WHEREAS, the appointed committee, in conformity with CJD 96-08, developed the "Seventh Judicial District Plan to Improve the Timeliness and Efficient Handling of D & N Cases," which is attached to this Order and is made a part hereof by this reference, and said Plan was submitted to the undersigned on January 29, 1997;

AND WHEREAS, the undersigned believes that the Plan satisfies the objectives of CJD 96-08, and that the Plan should be adopted and implemented throughout the Seventh Judicial District.

NOW THEREFORE, the committee's plan known as "Seventh Judicial District Plan to Improve the Timeliness and Efficient Handling of D & N Cases" attached to this Order is hereby adopted as an Administrative Order for application throughout the Seventh Judicial District. All judges within the Seventh Judicial District, who deal with dependency and neglect cases, are expected to promptly implement the provisions of the Plan.

Date: January 29, 1997.



Chief Judge, 7th Judicial District

cc: District Judges: RAB, RJB, JSP
Magistrates: DF, JWS
Judicial District Administrator, Clayton
County Departments of Social Services in the 7th Jud. District
Delta, Montrose, Gunnison-Hinsdale, Ouray-San Miquel

Seventh Judicial District Plan to Improve the Timeliness and Efficient Handling of D&N Cases

The following is a Plan developed to improve the timeliness and quality of the courts' handling of dependency and neglect (D&N) cases in the Seventh Judicial District. The Plan was developed in collaboration with representatives from the Department of Social Services, County Attorneys, Guardians Ad Litem (GAL) and Court Magistrates. The Seventh Judicial District will make diligent efforts to include all D&N cases in these guidelines. Variance from the provisions of this Plan, may be allowed to preserve the best interests of the child or for good cause shown

I. EARLY DEVELOPMENT OF CASE PLANS.

A. Each Department of Social Services shall develop and submit to all parties a proposed treatment plan within thirty days of the shelter hearing or the filing of a D&N Petition, whichever is first. The format of the proposed treatment plan shall be based upon the latest version of the FAMILY SERVICES PLAN that is required in all cases by the State Department of Human Services. It is understood that the final treatment plan might address different issues and suggest different solutions than the proposed treatment plan. The Department of Social Services will notify all parties when it is felt it is in the best interest of the child not to submit a proposed treatment plan and why.

B. A GAL shall be appointed in every D&N case prior to the first hearing. The GAL shall participate in shelter care hearings whenever possible. The Department of Social Services shall file a motion and proposed order for the appointment of a GAL along with the filing of the petition.

The Department shall be required to notify the Court as soon as possible, when a shelter hearing is needed, to expedite the appointment of counsel. The attorney for the Department of Social Services and the Court shall make diligent efforts to contact a private attorney to be at the shelter hearing to represent the respondents. These attorneys will come from a list established by the Court and maintained by the Court and the attorney for the Department. It is recognized that this representation is only until the Court can determine if the respondents qualify for Court appointed representation. It is also recognized that respondent parents may obtain their own representation at their own expense.

C. Whenever possible and appropriate, the Department of Social Services shall conduct relative placement studies within thirty days of the shelter hearing. The agency will seek such orders from the Court as are necessary to effect the efficient processing of the studies. In order to expedite notice to absent parents and the timely processing of placement studies, respondent parents shall be ordered at the first hearing to provide the Court and Department of Social Services with the names and address of non-custodial parents and other relatives who may be suitable for placement.

II. EXPEDITING THE TIMING OF PLACEMENT, ADJUDICATION AND DISPOSITION HEARINGS.

A. The Departments of Social Services shall make diligent efforts to file the D&N Petition at the first hearing on the case. When allowed by statute or by agreement of the parties, the Court shall conduct the advisement of rights at the first hearing. This procedure shall not limit the opportunity for informal adjustment.

B. In order to expedite dispositional hearings, the Departments of Social Service shall submit a proposed treatment plan to all parties at least 15 days prior to the adjudicatory hearing if the

matter is contested. If an adjudication is entered by admission or other means, the Department shall submit a proposed treatment plan to the Court and the parties within 15 days thereafter. The parties shall submit written objections which detail the objections and any counter proposals within ten days of service of the proposed treatment plan. If there is no timely written objection to the proposed treatment plan, the Court may adopt the treatment plan and vacate any dispositional court hearing that has been set.

To assist the parties, the Court is encouraged to adopt an order establishing case management, including a recommendation of a settlement conference when appropriate.

III. HEARINGS AND REPORTS

A. The attorneys for the Departments of Social Services will attach a copy of this Plan to all D&N Petitions that are served upon any party.

B. The GAL shall appear at all hearings and report orally on the status of the case. If the GAL has good cause not to appear at an evidentiary hearing subsequent to the shelter hearing, the Court shall require the GAL to file and serve on counsel for the agency and parents a written report and recommendation at least five days in advance of the hearing. The Court is aware that a GAL may not be available at a shelter hearing because of short notice.

C. Any reports filed by the Departments of Social Service not otherwise addressed in this Plan shall be filed and served on all the parties at least five days before the hearing.

D. Departments of Social Services are encouraged to use the combined Family Services Plan/Treatment Plan format as developed by the Department of Human Services.

IV. CONTINUANCES

Continuances will be granted by a Judicial Officer only upon a finding that it is in the best interest of the child.

V. AMENDMENTS TO THE PLAN

At the direction of the chief judge, this Plan will be reviewed periodically to determine if change or modification is necessary or appropriate.