



ADMINISTRATIVE ORDER
STATE OF COLORADO
EIGHTH JUDICIAL DISTRICT

PROCEDURE FOR SEEKING EMERGENCY HEARINGS IN DEPENDENCY AND
NEGLECT MATTERS

ORDER 2023-4

This Administrative Order replaces Order 2018-5. Dependency and neglect matters affect the rights and liberties of children and their families. In any given case of this nature, an emergency motion may be before the court because there is a legitimate need for a court to determine whether emergency orders are necessary and time is of the essence. These cases have a multitude of interested parties given the impact the decisions have on the lives of many individuals. It is imperative in a request for an emergency motion that all parties receive notice and an opportunity to be heard. Emergency hearings regarding dependency and neglect matters are generally held every Tuesday and Thursday at 1:15 p.m. in Courtroom 2C. To insure a streamline set of procedures, and pursuant to the authority granted to chief judges through Chief Justice Directive 95-01, the following Administrative Order applies to any emergency filing in dependency and neglect matters:

I.

Motions Requesting Emergency Hearings in Existing Dependency and Neglect Cases

1. Any party filing a motion requesting an emergency hearing in an existing case shall notify the court, all counsel, and pro se parties immediately of their intention to file. By no later

than 9am on the day the hearing is being requested, all counsel and pro se parties shall be notified of the intention to seek an emergency motion by phone and email. This requirement is to increase the likelihood each party can be present and prepared to address the issue and it provides time for rearrangement of schedules.

2. Motions, including all accompanying documentation, requesting an emergency hearing in an existing dependency and neglect case must be filed in the main clerk's office no later than 10am for a same day emergency hearing before a judicial officer. The motion should be distributed to all counsel of record and pro se parties immediately upon filing.
3. Parties include all counsel of record, pro se parties, and the court-appointed guardian *ad litem*/counsel for youth for the child(ren). For purposes Administrative Order 2023-4, parties must be notified by phone and email that an emergency motion has been filed and a request has been made to hear the motion that day. Notification is sufficient by contacting a pro se party's last known email and phone number. At the time of filing the emergency motion, a certificate of service must be filed with the court, signed by counsel or their office staff, confirming the above notice requirements have been complied with.
4. If the above requirements are not met, the motion must be filed as an *ex parte* motion under C.R.S. § 19-3-405. If the criteria for entry of an *ex parte* order have been met, the court will issue an *ex parte* order which shall include a date for a hearing on the issue.
5. The court will determine if the motion qualifies for an emergency hearing.

II.

Motions Requesting Emergency Hearings in New Dependency and Neglect Matters

1. Each week, there are respondent parent counsel and guardian ad litem/counsel for youth on call to be assigned to any new filings. As soon as the County Attorney's office knows they intend to file an emergency motion, the court, on call respondent parent counsel, on call guardian ad litem/counsel for youth, and the parents/guardians of the subject child(ren) shall immediately be notified the motion is being filed. Respondent parent counsel and the guardian ad litem/counsel for youth who are on call must be notified of the filing by the county no later than 9am on the day the motion is filed.
2. All new emergency filings must be filed in the main clerk's office by 10am on the day of the requested hearing. A copy filing and the caseworker's letter/report must be e-mailed

to the respondent parent counsel, the guardian *ad litem*/counsel for youth, and any pro se party (unless there is no available contact information).

3. The filing must include a certificate of service signed by counsel or their office staff confirming the above notice requirements have been met.
4. If the above requirements are not met, the motion should be filed as an *ex parte* motion pursuant to C.R.S. § 19-3-405. If the criteria for entry of an *ex parte* order has been met then the court will issue an *ex parte* order, which shall include a date for a hearing on the issue.

III.

Police Holds Pursuant to C.R.S. § 19-3-401 and §19-3-403

1. When a child is taken into temporary custody by law enforcement and placed with the county department of social services, a hearing must be held within 72 hours of the child(ren) being removed. These actions will be referred to as “police holds.”
2. Once law enforcement issues a police hold, only they can release the police hold without a court order. No other party or agency can release the police hold without a court order. Until a court order is issued, no child(ren) subject to a police hold may be returned to a parent/guardian from whom they were removed.
3. Hearings on police holds will be heard on the designated emergency docket. Appropriate parties shall be notified pursuant to the previous sections of this Order.

SO ORDERED this 9th day of August, 2023.



Susan Blanco
Chief Judge, Eighth Judicial District