

SUPREME COURT OF COLORADO

Office of the Chief Justice

DIRECTIVE CONCERNING THE PROCESSING OF DEPENDENCY AND
NEGLECT CASES

The following policies are adopted to improve the timeliness and quality of the courts' handling of dependency and neglect cases. This Directive specifies the responsibilities of judicial officers in managing this caseload. These policies are intended to encourage the early provision of services to children and families and reduce the times needed for courts to reach all major case events, including, as appropriate, the return home of children, approval of other permanent plans, and termination of parental rights.

Elements of this Directive affect procedures of departments of social services, county attorneys, guardians ad litem, respondent parents' counsel, and service providers. Therefore, each district is to work collaboratively with representatives of those groups to develop procedures to implement these policies. Districts are to meet with these individuals and have a plan in place by January 31, 1997.

1. Early Development of Case Plans.
 - a. Each district shall collaborate with the local department of social services to develop mechanisms to have interim treatment plans available 30 days after the child's removal or the filing of the petition, whichever is earlier. To the extent possible, interim treatment plan formats should be based on the revised discrete plan formats to be introduced statewide in early 1997.
 - b. Each district shall develop procedures to appoint a guardian ad litem in all cases prior to the first hearing in any case. Guardians ad litem shall participate in shelter care hearings whenever possible.
 - c. Respondent parents should be ordered at the first hearing conducted in the case to provide the court and agency with the names and addresses of noncustodial parents and other relatives in order to expedite notice to absent parents and to permit departments of social services to conduct a relative placement study within 30 days of the shelter hearing whenever possible.
2. Expediting the Timing of Adjudication and Disposition Hearings.
 - a. Each district shall collaborate with local departments of social services, county attorneys, guardians ad litem, and respondent parents' counsel, to develop procedures to ensure that petitions are filed at the first hearing conducted in all or most actions. When the petition is available at the first hearing, the court shall conduct the advisement at that hearing.
 - b. Each district shall collaborate with their local departments of social services, county attorneys, guardians ad litem, and respondent parents' attorneys to develop procedures to facilitate case disposition on the same day as adjudication.
 - c. If disposition does not occur at the same time as adjudication, then it should take place within 30 days.

3. Hearings and Reports.

- a. Courts shall employ case management techniques designed to allow an early determination of the issues that will require the presentation of evidence at the hearing or trial.
- b. Courts shall require guardians ad litem to appear at all hearings and report orally on the status of the case. If the guardian ad litem has good cause not to appear, the court shall require the guardian to file and serve on counsel for the agency and parents a written report, in lieu of appearance, at least five days in advance of the hearing. Sanctions may be imposed when the report is not filed and served as required.
- c. Courts shall require reports from departments of social services to be filed and served at least five days in advance of hearings. Sanctions may be imposed when the report is not filed and served as required.
- d. Courts shall encourage departments of social services to use the new combined Discrete Case Plan/Court Treatment Plan formats for court reports. The new formats will be distributed by the Department of Human Services in the near future with a requirement that the new formats be used statewide after April 1, 1997.

4. Continuances

Continuances will be granted by a Judicial Officer only upon a finding that a manifest injustice would occur in the absence of a continuance.

5. Reports.

Each district shall provide to the State Court Administrator a report of its progress in implementing the elements of this Directive six months from the date of the issuance of the Directive. For any element not implemented, an explanation of the reasons for not adopting the procedure as well as a description of any alternative report.

Signed this day of Dec

