

NOTICE OF RIGHTS AND REMEDIES FOR FAMILIES

Your child(ren) have been, OR are being removed from your home pursuant to Colorado Revised Statute, Title 19, C.R.S., the Colorado Children's Code. This notice provides you with important information. This is an important document, please read it carefully. If English is not your primary language, or you are hearing impaired you may request an interpreter for all proceedings. If you know or have reason to know your family is of American Indian heritage, the Indian Child Welfare Act (P.L 95-608) applies.

The United States Constitution and State of Colorado Constitution guarantee your right to due process which includes a fair hearing.

PARENTAL RIGHTS:

1. You have a right to receive this NOTICE OF RIGHTS AND REMEDIES and a juvenile court order.
2. You have a right to an attorney. If the court decides you cannot afford to pay an attorney one will be provided for you at no cost. You are entitled to petition the court to appoint an attorney of your choosing that may or may not be granted by the court.
3. You have the right to participate with the County Department of Social Services (referred to hereinafter as D.S.S.) caseworker in developing a case plan. All parties will be requested to sign the case plan.
4. You have the right to a Detention Hearing within 48 or 72 hours to determine if your child(ren) should return home. This hearing MUST be held either within 48 or 72 hours, excluding Saturdays, Sundays and holidays. If the court decides that your child(ren) should not return home, your children may be placed with their grandparents or other appropriate relatives, or remain in foster care with the County D.S.S. You have the right to testify and present witnesses in the court as to why the child(ren) should be allowed to return home, or whether they should be placed with their grandparents or other relatives. You have the right to compel witnesses by subpoena, to attend all court proceedings, and to ask questions of any witnesses. If the petition is granted, the child(ren) are adjudicated dependent and neglected; legal custody of your child(ren) may be given to the County D.S.S. Families may make later formal requests, at any time, for a hearing to regain legal custody of their child(ren).
5. You have the right to a Juvenile Judge instead of a magistrate at all proceedings of the court except the initial Detention hearing.
6. You have the right to have the Dependency and Neglect Petition filed with the court no later than 10 working days after child(ren) are removed (Rules of Juvenile Procedure, Rule 4-A).
7. You have the right to a jury trial
8. You have the right to have the People prove that the allegations of the petition are true by a preponderance of evidence. In the case of an Indian child(ren) the standard is clear and convincing evidence. If the petition is not granted, the court can order the state to pay all your costs.
9. You have a right to appeal any final decision of the court, unless you agree to a finding that your children are, "Dependent and Neglected" (this would include an admission of "no fault of your own"). In that case, you lose your rights to a jury trial, to subpoena witnesses and to appeal the court's finding of "Dependent and Neglected".

NON-EMERGENCY REMOVAL:

If your child(ren) are being removed in a non-emergency, you are to receive a copy of the juvenile court order authorizing the removal and stating the reasons why your child(ren) are being removed along with a copy of this notice. If your child(ren) is removed from some place other than the home, you are to receive the order the same day.

Specific reason for non-emergency removal:

EMERGENCY REMOVAL:

If your child(ren) have been or being removed under Colorado Statute, 19-3-401, you will receive a copy of the court order forthwith. The reason for emergency removal is (reason cited from Colorado Statute, 19-3-401):

Taking children into custody. (1) A child may be taken into temporary custody by a law enforcement officer without order of the court:

___(a) When the child abandoned, lost, or seriously endangered in such child's surrounding or seriously endangers others and immediate removal appears to be necessary for such child's protection or the protection of others.

___(b) When there are reasonable grounds to believe that such child has run away or escaped from such child's parents, guardian, or legal custodian; or

___(c) When an arrest warrant has been issued for child's parent or guardian on the basis of an alleged violation of section 18-3-304, C.R.S. No child taken into temporary custody pursuant to this paragraph (c) shall be placed in detention or jail.

(1.5) An emergency exists and a child is seriously endangered as described in paragraph (a) of subsection (1) of this section whenever the safety or well-being of a child is immediately at issue and there is no other reasonable way to protect the child without removing the child from the child's home. If such an emergency exists, a child shall be removed from such child's home and placed in protective custody regardless of whether reasonable efforts to preserve the family have been made.

(2) the taking of a child into temporary custody under this section shall not be deemed an arrest, nor shall it constitute a police record.

Specific reason for removal:

REASONABLE EFFORTS:

The law requires that reasonable efforts be made before, during, and after removal of child(ren) with parents, as described in 19-1-103, C.R.S.

(89) "Reasonable efforts..." means the exercise of diligence and care throughout the state of Colorado for children who are in out of home placement, or are at imminent risk out-of-home placement, to provide, purchase, or develop the supportive and rehabilitative services to the family that are required both to prevent unnecessary placement of children outside of such children's homes and to foster, whenever appropriate, the reunification of children with the families of such children. Services provided by a county or city and country in accordance with section 19-3-208 are deemed to meet the reasonable effort standard described in this subsection (89). Nothing in this subsection (89) shall be construed to conflict with federal law.

State what reasonable efforts have been made to prevent the removal of the child(ren) from the home or explain why these efforts were not made:

TERMINATION OF PARENTAL RIGHTS:

If you do not comply with the treatment plan ordered by the court your parental rights may be terminated at a separate hearing. The standard of evidence for termination of parental rights is clear and convincing in all cases, except in the cases of Indian Child(ren) where the standard is beyond a reasonable doubt. If the petition is not granted, the court can order the state to pay all your costs.

While your child(ren) is placed out of the home you have the right to visit your child(ren) as permitted by the court and be advised of their well-being. There will be regular court-ordered reviews. Periodic reviews take place at the county department of social services. Reviews in court can be requested by you or required by the court.

GRIEVANCE PROCEDURES:

If you have a grievance concerning the conduct of county department of social services personnel, in performing their duties related to this matter, contact your County Department of Social Services. Pursuant to 19-3-211 C.R.S., the county governing body has established a child welfare conflict resolution process to address your grievance, if you are the subject of a report of child abuse or neglect or the parent(s), guardian, or legal custodian of a child who is the subject of such report.

COUNTY SPECIFIC AND IMPORTANT TELEPHONE NUMBERS:

Caseworker (name and telephone number):

Law Enforcement Officer (name and telephone number):

County Department of Human Services Director: Katie Griego 720-523-2000

County Grievance Coordinator: Kari Daggett 720-523-4247

Other local resources: