

Fall

# OCR NEWSLETTER

*OCR updates serve to inform OCR attorneys and other interested professionals of recent court decisions, studies, and current events relating to child advocacy, OCR activities, GAL activities, and resources and events that may be beneficial to you or your clients. Please feel free to email the OCR with any feedback or information that you wish to have posted in the next update.*

## Court Opinions

The summaries below highlight aspects of cases relevant to child representation, but they are neither official nor complete court opinions. Decisions may be subject to multiple interpretations, and attorneys should consult with the original decision prior to citing it. The full text of many of the following decisions can be accessed on the Colorado Court of Appeals website, <http://www.courts.state.co.us/coa/coaindex.htm>, or the Colorado Supreme Court website, <http://www.courts.state.co.us/supct/supctcaseannctsindex.htm>. If you are not able to access a decision online, please feel free to contact the OCR’s Staff Attorney, Sarah Ehrlich, (303-860-1517, ext. 106), for assistance.

### Colorado Supreme Court

*In the Interest of A.H.*, No. 09SA22, 216 P.3d 581 (Colo. 2009) – The father claimed that the district court wrongfully denied him custody of his child, A.H., after the Department failed to prove that he was an unfit parent and dismissed him from the dependency and neglect case. The trial court issued a rule to show cause, and the respondents argued that relief was not appropriate under C.A.R. 21 because the father had other available remedies that he failed to exercise. Father should have appealed under the appellate rule for D&N actions, C.A.R. 3.4.

Father and mother never married and had a daughter. They separated after the daughter was born, and father was not named on the birth certificate. He had little contact with his daughter until the dependency and neglect action where the department found the child dependent and/or neglected as to the mother. The father exercised his right to a jury trial and prevailed. The father was dismissed from the proceedings for lack of jurisdiction, and the court did not grant his request for custody. Father did not file an appeal or intervene as a party to the proceedings as the court suggested for three months after the order. He asserted that C.A.R. 3.4 was not an adequate and Father filed his appeal using C.A.R. 21, arguing that the trial court lacked jurisdiction to make any custody determination regarding his daughter. The supreme court determined that relief under C.A.R. 21 was not available in this case. The court created an appellate process specifically for Dependency and Neglect actions under C.A.R. 3.4 to address the timeliness of appellate actions and C.A.R. 21 is limited to only those circumstances where there is no other remedy, and the father did not present specific facts to demonstrate the need for using C.A.R. 21. The court solidified that the expedited appellate process under C.A.R. 3.4 adequately protects a parent’s interest in timely review of orders in D&N proceedings. The order was final and appealable in this case because the trial court stated in both in writing and verbally that this was a “classic appealable order.” While the father may have missed the deadlines for filing of an appeal, he still has a remedy available to petition the court for visitation or custody of his daughter. The court noted that relief under C.A.R. 21 may be utilized in dependency actions, but a party must specifically demonstrate a compelling need to use C.A.R. 21 instead of C.A.R. 3.4.

Dissent: Justice Martinez, Justice Coats and Justice Bender dissent. The minority believes that the juvenile court proceeded without jurisdiction, and that after a jury determination failing to find the child dependent and neglected, mother’s no fault admission was not a proper basis for the adjudication. The dissent notes that the court of appeals has repeatedly found a no-fault admission is insufficient to support a D&N adjudication and it is the child’s status that is the crux of the issue as to whether the court has jurisdiction. A no-fault admission is not enough to support a finding of dependency or neglect when a jury has not found that the child is dependent or neglected. The dissent views C.A.R. 21 review as proper in this case on the basis that the juvenile court proceeded without jurisdiction to enter orders regarding the child and her parents.

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## Colorado Court of Appeals Cases

### Adjudication

*In the Interest of S.G.L. and Concerning E.L.*, 214 P.3d 580 (Colo. App. 2009) – Father appeals from the order adjudicating his daughter dependent and neglected and argues: 1) his actions or omissions did not cause the child to lack proper parental care or render her environment injurious, and 2) the evidence involving him was therefore insufficient to support an adjudication. Father argues there was insufficient evidence to support an adjudication that the child lacked parent care or would lack care in the future. On July 23, 2008 the People filed a dependency and neglect petition and the court determined that the People proved the child lacked proper parental care through the father's actions or omission. Mother admitted the allegations in the petition concerning the child's lack of parental care. The district court sustained the allegations as to the father solely on the conduct of the mother even though father and mother never lived together.

In Colorado, a child is neglected or dependent if the child lacks parental care through actions or omissions of the parent or if the child's environment is injurious to his or her welfare. § 19-3-102(1)(b)-(c), C.R.S.2008, *Id.* at 583. Each parent has a right to a jury determination to prove the disputed facts in the petition, and an admission by one parent is not necessarily dispositive of allegations disputed by the other named parent. *Id.* If the petition is sustained, the district court may enter an order of adjudication which relates to the status of the child. Adjudication may be based on current, past, or prospective harm. Once the child is deemed dependent and neglected by preponderance of the evidence, the court has the power to impose a treatment plan. The court does not have the power to impose a treatment plan on a parent whose child has not been found to be dependent and neglected by that parent.

The court of appeals concluded that the facts found by the district court were insufficient to support the court's dependency and neglect adjudication based on lack of present or future care by the father. The court of appeals found that the facts were inadequate to support the adjudication based on the lack of present or future parental care, as there was no evidence that father was engaging in illegal activity or endangerment to the child. The court agreed with father that he was not involved in providing an injurious environment to the child because father denied the allegations in the petition as to the environment. The court of appeals notes that if a child could be found dependent and neglected in such circumstances it would essentially eliminate the People's burden to prove their allegations against father by a preponderance of the evidence. The court of appeals concludes that the district court erred, and the case is reversed and remanded with instructions to dismiss the petition.

### Anders Issue

*In re C.Z.*, 2009SC621, 2009 WL 2357924, Colo.2009.— Certiorari granted on August 03, 2009. This case is currently pending before Colorado's Supreme Court, and oral arguments were held on December 2. At issue in this case is whether Colorado should adopt a procedure under *Anders v. California*, 386 U.S. 738 (1967), for dependency and neglect appeals that would apply to an indigent parent's appeal of an order terminating parental rights when appointed counsel believes there are no viable issues for appeal and, the appeal, in the attorney's assessment, is frivolous. See, e.g., *Linker-Flores v. Ark. Dep't of Human Servs.*, 194 S.W. 3d 739, 745-748 (Ark. 2004) (compiling cases). An *Anders* procedure allows and requires public defenders in such circumstances to file a brief stating that they believe an appeal is without merit but also listing any issue that they believe arguably has merit. This protects the client's right to counsel and the attorney's ability to comply with all ethical obligations (duty of loyalty to client, duty to not file frivolous petitions with the court). All parties to C.Z. are in agreement that adoption of an *Anders* procedure is appropriate for dependency cases. Procedurally, this case is somewhat unusual as the Court of Appeals used a R. 50(b) to send the case up to the Colorado Supreme Court without deciding the issues. The OCR, along with several county attorney's offices, filed amicus briefs in support of adopting an *Anders* procedure for D&N appeals.

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## Role of the GAL

*In the Interest of E.D., M.D., A.D.*, No. 09CA0576, October 29, 2009.— The children, through the GAL, appealed an order dismissing Arapahoe County DSS and keeping the case open under the supervision of the guardian. The court of appeals affirmed in part but remanded for the court to close the D&N case and terminate jurisdiction. The department moved to dismiss the case at the APR hearing. The GAL objected, but the court agreed with the department and allocated parental responsibilities jointly to father and mother. The trial court entered an order for the father to file the case as a Domestic Relations action and granted the departments' motion for dismissal, and also ordered the case to remain open under the supervision of the GAL. The GAL argued that the court committed reversible error when it dismissed the department from the case plan. The court of appeals held that the evidence supported the dismissal of the department because there were no longer child protection issues in the case; the department was not providing services to the family and the GAL did not object to the children remaining in the custody of the parents. The court of appeals determined, however, that the case could not remain under the supervision of the GAL because there is no statutory authority to allow for the GAL to remain on the case. The GAL is the attorney at law who serves to "give children a voice in the court system." 13-91-102(1)(a). The Children's Code provides that a case may remain open if the child is adjudicated dependent or neglected with or without protective supervision. Protective supervision is defined as a legal status created by court order under which a child may remain in the home, but protective supervision does not grant the legal authority to the GAL to provide supervision and assistance. The court of appeals concluded that the trial court erred in ordering the case to remain open under the supervision of the GAL, and remanded the case with directions for the court to close the dependency and neglect case and terminate jurisdiction.

## UCCJEA/Child Custody

*In re the Parental Responsibilities Concerning L.S.*, No. 08CA1872, Oct. 15, 2009- Mother and Father dispute the custody determination regarding their daughter. Previously, a Nebraska court awarded Father custody and issued a warrant for the arrest of the mother for keeping the child in Colorado. A Colorado district court awarded mother custody and refused to enforce the Nebraska orders. The issues involve whether the Colorado district court had jurisdiction over the child, and if so, whether the Colorado court must follow the orders of the Nebraska court. On appeal, the court of appeals determined that Colorado courts have home state jurisdiction, yet are bound by the Nebraska court orders.

The child was born in Colorado, and the parties separated. Father stipulated that the child had lived in Colorado and that all custody matters would be under Colorado jurisdiction. In 2004, the father took the child to Nebraska for a visit but refused to return the child. He subsequently filed a separation action in Nebraska, and in 2005 the Nebraska court ordered temporary custody to mother. Also in 2004, mother filed for dissolution of marriage in Adams county, but the action was dismissed by a district court judge because Nebraska had jurisdiction. In 2006, the Nebraska court issued a decree dissolving the marriage and awarded father custody of the daughter. The mother did not appear. In April of 2007, the Nebraska court relied on a provision in the UCCJEA ruling that it could exercise jurisdiction even if Nebraska was not the home state. The provision allows for one state to exercise jurisdiction if the home state declines jurisdiction, if the other court is a more appropriate forum and if the other court has significant contacts with the parents and child. A home state is one in which a child has lived with a parent for at least six consecutive months. In order to challenge Nebraska's jurisdiction, mother filed an additional action of dissolution of marriage in La Plata County, Colorado. The La Plata court determined that it had jurisdiction because Colorado was the child's home state, and that Colorado had UCCJEA jurisdiction and that Nebraska did not. The UCCJEA gives deference to the home state jurisdiction. The court of appeals concluded that the district court had jurisdiction because Colorado had home state jurisdiction, and that no Colorado court had ever declined jurisdiction. A Nebraska court could only have jurisdiction under the UCCJEA if a Colorado court declined jurisdiction. Father argued that the Adams County court declined jurisdiction, but the court of appeals disagreed because the minute order from Adams County dismissing the dissolution action never made any reference to child custody. The court of appeals (utilizing the Full Faith and Credit cases that establish judicial finality) found that the Colorado courts must enforce the prior Nebraska orders because the Nebraska court based its jurisdiction consistent with the UCCJEA and PPKA, even if the ruling was factually incorrect. Under the Full Faith and Credit rule, a "judgment is entitled to full faith and credit - even as to questions of jurisdiction," when the questions have been fully and fairly litigated and decided in the original court. The court notes that injustice may occur if the Nebraska court continues jurisdiction and enters orders involving this child and directs the Colorado district court on remand to communicate with the Nebraska court. If the Nebraska court relinquishes jurisdiction, the Colorado court may exercise exclusive jurisdiction in the custody proceeding.



**Mesa State College and CU -Boulder are Guardian Scholar Program Schools. A Guardian Scholar school provides former foster youth with housing and individual support. See <http://www.colorado.edu/guardianscholars/>**



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## More Cases...

### Kinship Adoption

*In the Interest of C.A.B.L.*, No. 08CA1899, November 12, 2009 – Appeal of a district court order upholding Magistrate's termination of parent-child legal relationship and district court determination that it lacked jurisdiction to review Magistrate's decree of adoption. The court of appeals holds that the unique circumstances doctrine is applicable to kinship adoptions to allow the for the filing of appeals outside CAR4(a). While the Magistrate should have allowed the testimony of the mother's expert, the failure to do so was harmless error. The court of appeals holds the mother timely appealed the district court order and that in a kinship adoption appeal under CAR 4(a) the unique circumstances doctrine allows the court to accept late appeals filed outside of the seventy five day timeframe.

In 2005, the grandmother filed a petition for kinship adoption. The matter was set before a magistrate who terminated mother's rights. Mother sought review from the district court and the court of appeals. The court of appeals dismissed the appeal because there was not a final appealable order. In 2007, the magistrate granted the kinship adoption and mother filed a petition for review in district court. The magistrate advised the mother to seek review within the district court, and relying on that the mother filed for review with the district court and not the court of appeals. (Title 19 does not clearly set forth the procedure for appellate review in kinship adoption cases.) The magistrate's orders also did not include the required notice provision that the order or judgment was issued with consent. The appellate review for kinship cases set before a magistrate is not plainly set forth specifically in statute, and CRM 7(a) and (b) do not specify a procedure either. By July 30, 2008, the trial court concluded that it did not have jurisdiction because the matter was set in front of the magistrate on consent and such matters are to be appealed directly to the court of appeals. In September of 2008, the mother filed her appeal notice, but the court of appeals believed a final appealable judgment was entered in 2007. The court of appeals believed that unless the unique circumstances doctrine applied in this case that they lacked jurisdiction over the appeal. The court asked the mother to address whether the unique circumstances doctrine can be applied to the filing of a late appeal after a judgment becomes final. After review, the court of appeals concludes the unique circumstances doctrine may be applied in this instance.

The court of appeals has jurisdiction because the mother timely appealed from the July 2008 order pursuant to CAR 4(a). The timely filing of an appeal is a prerequisite to appellate review. CAR 4(a) provides that the notice of appeal must be filed with the appellate court within 45 days from the date the judgment or order was entered. The court may use the unique circumstances doctrine to extend the deadline for the filing for a notice of appeal. The doctrine allows an appellate court to grant relief in the rules of procedure if the party relied on an erroneous court ruling, but it is rarely utilized. The doctrine was created in *Converse v. Zinke*, 635 P.2d 882, 886 (Colo. 1981) and allows an appellate court to grant relief from mandatory language in the rules of procedure when the failure to comply was due to the party's reliance on an erroneous district court ruling. The doctrine was applicable in this case because no viable alternatives existed, the magistrates' failure to properly advise the mother and a lack of notice all contributed to the mother not filing a timely appeal. The court determined under the unique circumstances doctrine, the mother's appeal is timely and the holds that the unique circumstances doctrine may apply to the filing of an appeal in a kinship adoption proceeding under C.A.R.4(a).

At issue was also whether mother's expert could testify, but the magistrate refused to allow the testimony because mother did not provide notice to call the expert, and also because the expert was a social worker the testimony would be inadmissible under § 13-90-107. Mother's fundamental liberty interest is at stake because this case involves not only the kinship adoption, but also involves the termination of parental rights. Termination of parental rights is a precursor to adoption, thus, the right to appeal is of the utmost importance to the parent. Because Mother's liberty interest was due to the lack of testimony by the expert, the court of appeals found that the fairness of the termination procedure was impaired and the court of appeals determined it was reversible error and reversed the order granting the decree of adoption.

## Adjudication

*People in the Interest of N.D.V.*, No. 09CA0522, Dec. 17, 2009 – Mother appealed from the judgment terminating her parental rights. The case began in June of 2007 when the court accepted mother's admission and deferred adjudication. Between 2007 and May 2008, the court entered various orders regarding the mother's treatment plan and the placement of the child. The department filed a motion to terminate parental rights on June 6, 2008. At that time, the court had not yet entered an adjudicatory order, yet the petition stated the child had been adjudicated dependent or neglected. The deferral expired on June 14, and in September the court denied the department's motion to terminate. Subsequently, the department filed another motion to terminate on Nov. 6, 2008. At the termination hearing, the mother did not object to the status of the adjudication or to the proceedings. The court terminated mother's parental rights, finding that the child was adjudicated dependent or neglected as to the mother in June 2007. The mother contended that under §19-3-604(a)-(c), the court failed to satisfy the jurisdictional requirements and because the deferred adjudication order expired, the court was without authority to enter any orders other than sustaining or dismissing the petition. Mother also argued § 19-3-505 serves as a bar to additional proceedings and limits the courts jurisdiction. The court of appeals disagreed under § 19-1-104(1)(b), where a juvenile court's subject matter jurisdiction is based on the fact of the child being neglected or dependent and when a parent admits the child is dependent or neglected, the court's acceptance of the admission provides the necessary jurisdictional basis for additional proceedings. The court disagreed with mother that the requirements of § 19-3-603 were jurisdictional because the court's failure to enter an adjudicatory order did not affect jurisdiction and mother voluntarily entered into two termination proceedings without objection to the lack of an adjudicatory order. Therefore, mother waived any procedural errors regarding section § 19-3-604(1)(c). Mother also argued that without adjudication as prescribed by § 19-3-505, the court could not hold a termination hearing. The court of appeals held the purpose of an adjudicatory hearing was to determine if the allegations were supported by a preponderance of the evidence. § 19-5-505(b) allowed for a deferred adjudication and did not address subject matter jurisdiction but rather confirmed that proof of the child's status established the court's jurisdiction. When a court accepts a parent's admission that the child is dependent or neglected, the child's status is established and the court has jurisdiction to conduct further proceedings. If the trial court failed to enter an adjudicatory order, the court does not lose jurisdiction in the matter. The court also found that mother waived the issue of whether 19-3-505(5) established a procedural prerequisite to conducting a termination hearings.

The dissent maintains that the court did not have jurisdiction to terminate the parent child relationship because the court did not acquire subject matter jurisdiction to terminate the parent child relationship without adjudication. In writing the dissent, Judge Lichtenstein relied on the General Assembly's statutory grant of subject matter jurisdiction in dependency and neglect proceedings where the filing of the petition grants limited jurisdiction on the court to intervene prior to adjudication and grants continuing jurisdiction once a child has been adjudicated dependent or neglected.

## Delinquency—9th Circuit

*U.S. v. Juvenile Male*, 581 F.3d 977 (9<sup>th</sup> Cir. 2009) - The issue in this case is one of first impression: whether the retroactive application of the Sex Offender Registration and Notification Act ("SORNA") provision covering those who were adjudicated juvenile delinquents because of the commission of certain sex offenses before SORNA's passage violates the Ex Post Facto Clause of the U.S. Constitution. The court held that the retroactive application of SORNA is punitive and unconstitutional for juvenile offenders. S.E. was adjudicated a delinquent under 18 USC § 5301 et seq. for engaging in non-consensual sexual acts. S.E. was sentenced to two years of detention followed by a supervised release program until age 21. He moved to a pre-release facility but was released after failing to participate in a required job search. In 2007, S.E.'s supervised release was revoked after he failed to reside at the pre-release center, and the judge imposed additional terms including registration as a sex-offender. (The court limits the discussion to juveniles who are adjudicated under the Federal Juvenile Delinquency Act, and does not address those who are adjudicated delinquent in any state proceedings.)

SORNA was enacted in 2006 as part of the Adam Walsh Child Protection and Safety Act. Generally, SORNA established a national system for sex offender registrations and includes juvenile delinquency adjudications of aggravated sexual abuse if the offender is 14 years of age or older. Congress authorized the Attorney General to determine whether SORNA should be applied retroactively. The Attorney General determined that SORNA was applicable to all sex offenders, "including sex offenders convicted of the offense for which registration is required prior to the enactment of that Act." Retroactive punishment in a statute or regulation violates the ex post facto clause in the constitution.

The court next analyzed whether the use of SORNA's juvenile registration provision is punitive. In order to consider whether a statute is punitive, the court used the factors set forth in *Kennedy v. Mendoza-Martinez*, 372 U.S. 144 (1963). (For the purposes of this summary this is only a brief list of factors) – "whether the sanction involves an affirmative disability or restraint;" whether it was historically a punishment; whether the behavior is already a crime, and whether it is excessive. The court held that SORNA's application imposes a serious disability because otherwise confidential delinquency records are made public by SORNA and the in-person and very public verification provision is overly burdensome to juvenile offenders. The registration requirement subjects juvenile offenders to "public notoriety" and "lifetime condemnation" and have far reaching consequence for education, housing and employment. The court addressed that registration is harsh in light of the low rate of recidivism for juvenile offenders. The court vacates the judgment order that pertains to the registration of S.E. as a sex offender.

*People v. Rector*, No. 06CA0747, July 9, 2009— Defendant Rector appealed from a conviction finding her guilty of one count of felony child abuse. The court of appeals concluded that the expert witness for the people was improperly permitted to testify that the injuries to the child were caused by child abuse. The decision was reversed and remanded. Foster parent Rector and her husband cared for 3 year old T.D. T.D. was injured in Rector's care and Rector was convicted of felony child abuse for causing his injuries under § 18-6-401(1)(a) and (7)(a)(III). Rector testified that she did not witness the child's injury. Prior to the trial, she sought to preclude the prosecution's medical experts from assuming that T.D.'s injuries were the result of child abuse in accordance with *People v. Shreck*, 22 P.3d 68 (Colo. 2001). Several doctors testified about the severity of the child's injuries, and that they were unlikely to have been caused by a fall off the bed. Rector contended that the trial court abused its discretion in admitting the expert testimony because the court did not hold the *Shreck* hearing or make a determination about the reliability and prejudicial effect of the testimony under CRE 702 and 403. She also argued that the trial court erred in not instructing the jury on the definitions of medical and legal child abuse. The court of appeals agreed that the trial court abused its discretion in admitting the expert testimony without an adequate inquiry and specific findings. In this case, one Doctor testified that a subdural hematoma was rarely if ever caused by a fall, and that it was highly probable that physical abuse caused the injuries. The trial court abused its discretion by 1) not adequately or specifically finding whether the Doctor's conclusion was based on reliable scientific principles, 2) admitting into evidence without making findings under CRE 403, and not advising the jury of the difference between medical and legal child abuse. Instead, the jurors heard the Doctor's expert opinion about the ultimate legal issue. This required reversal because the crucial issue for the jury was the nature of the child's injuries, and the jurors were not instructed on this issue. The court also reversed on the *Schrek* issue because the trial court improperly denied Rector's request for an evidentiary hearing. *Schrek* requires the trial court to obtain information to make specific findings about the reliability of scientific measures and an expert's qualifications. While Rector requested an evidentiary hearing, the trial court did not grant the request or obtain information about the reliability of the Doctor's testimony. As the record was not sufficient, further proceedings are needed to determine if the Doctor may testify about the child's injuries and whether they were caused by child abuse and if his conclusions were scientifically reliable.

### Guardian Income

*Sidman v. Sidman*, No. 08CA2454, Oct. 29, 2009 – The guardians of child, D.I.S., appeal from the district court's order considering the guardian's income in the determination of child support to be paid by the parents and requiring the guardians to pay for travel with the child to see the parents out of state. The guardians assert that their income should not be included in the determination of child support to be paid by the parents, that their capital gains should not have been included in the determination of child support, and that the district court erred when it ordered the guardians to travel to Massachusetts at their own expense so that the child could have parenting time. The Court of Appeals held the district court erred when it considered the income of the guardians in the determination of child support because the factors considered in § 14-10-115 do not include the financial resources of a non-parent with whom the child is living, and only the parents' incomes can be included in the determination of child support. The district court also erred when it required the guardians to travel with the child to Massachusetts at their own expense. § 14-10-115(11)(a)(II) specifies that travel expenses for a child shall be divided between the parents and makes no mention of the guardian to pay for such expenses. The order is reversed and the case is remanded.

*Update: In the Matter of D.I.S. and Sidman v. Sidman*, No. 09SC483 Petition for Certiorari was granted on 1) Whether a parent relinquishes his or her fundamental liberty interest in the care, custody and control of his/her child by consenting to guardianship, and whether it was error to place the burden on parents to prove by a preponderance of the evidence that termination of a non-parents guardianship would be in the best interest of the child where parents had originally consented to the guardianship.



On the U.S. Supreme Court Docket: *Abbott v. Abbott*, 495 F.3d 1081 (5th Cir. 2008), this international child custody case is set for oral arguments on Jan. 12, 2010. The issue is whether a *ne exeat* clause confers a "right of custody" within the meaning of the Hague Convention on International Child Abduction.



### BLOGS and WEBSITES

[AbovetheLaw.com](http://AbovetheLaw.com)

[Howappealing.law.com](http://Howappealing.law.com)

[Legalethicsforum.com/blog](http://Legalethicsforum.com/blog)

[www.fosterclub.com](http://www.fosterclub.com)

## FEDERAL and STATE LEGISLATION

Information on Federal Legislation can be found at <http://thomas.loc.gov/>

⇒ *Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009 - Amends the Juvenile Justice and Delinquency Prevention Act of 1974 (Act) to reauthorize through FY2014 the juvenile delinquency prevention programs of such Act.*

Senators Patrick Leahy (D-VT), Arlen Specter (R-PA), Herb Kohl (D-WI), and Dick Durbin (D-IL) introduced S. 678 on March 24, 2009 to reauthorize the JJDP. The Senate Judiciary Committee approved S.678 by a 12-7 vote on December 17, 2009. The full Senate is likely to consider S. 678 early in 2010.

The JJDP provides federal funding for delinquency prevention programs and initiatives to improve state and local juvenile justice systems, operation of a federal agency (the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP)) dedicated to training, technical assistance, model program development, as well as research and evaluation, to support state and local efforts. The reauthorization expands requirements for state plans to include: alternatives to detention for juveniles who are status or first-time minor offenders, use of community-based services to address the needs of at-risk youth, programs to improve the training, and retention of professionals working in juvenile delinquency prevention programs, and the identification of racial and ethnic disparities among juveniles in the system.

⇒ *The 2010 Legislative session will begin on January 13. To read copies of agency budgets, please go to [http://www.state.co.us/gov\\_dir/leg\\_dir/jbc/jbcstaffdocs.htm](http://www.state.co.us/gov_dir/leg_dir/jbc/jbcstaffdocs.htm). If you are interested in following bills as they are introduced you may access the General Assembly web page at <http://www.leg.state.co.us/>.*

## Resources

- ◆ Juveniles who Commit Sex Offenses Against Minors, Bulletin from the OJJDP— <http://www.ncjrs.gov/pdffiles1/ojdp/227763.pdf>.
- ◆ Indicators of School Crime and Safety : data on crime and safety at school from the perspectives of students, teachers, and principals. From the Bureau of Justice Statistics and the National Center for Education Statistics, this annual report examines crime occurring in school as well as on the way to and from school. Found at <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1762>.
- ◆ Strengthening Indian Country Through Tribal Youth Programs by Sarah S. Pearson, 2009. Found at <http://www.aypf.org/documents/TYPReportLongVersion.pdf>. The Report details how tribal youth programs are assisting youth and families throughout the country.
- ◆ The Future of Children: Preventing Child Maltreatment: [www.futureofchildren.org/futureofchildren/publications/docs/19\\_02\\_FullJournal.pdf](http://www.futureofchildren.org/futureofchildren/publications/docs/19_02_FullJournal.pdf). Webcast at [http://www.futureofchildren.org/futureofchildren/webcasts/19\\_02/](http://www.futureofchildren.org/futureofchildren/webcasts/19_02/).
- ◆ The Timing of Termination of Parental Rights: A Balancing Act for Children's Best Interests. Free at [www.childtrends.org](http://www.childtrends.org).
- ◆ While Adolescents May Reason as Well as Adults, Their Emotional Maturity Lags—from the ABA Child Law Practice. Study available online at [www.apa.org/journals/releases/amp-64-7-583.pdf](http://www.apa.org/journals/releases/amp-64-7-583.pdf).
- ◆ The Resource Guidelines: Supporting Best Practices And Building Foundations for Innovation in Child Abuse and Neglect Cases (2009). Available for download at [www.ncjfcj.org/vdir/source,RG2009](http://www.ncjfcj.org/vdir/source,RG2009).
- ◆ Reasonable Efforts Checklist for Dependency Cases Involving Domestic Violence (2008). Available online at [www.ncjfcj.org/vdir/source,newFVDpubs](http://www.ncjfcj.org/vdir/source,newFVDpubs).
- ◆ Guidelines on Meeting the Educational Needs of Children in Foster Care: [www.abanet.org/child/education/home.shtml](http://www.abanet.org/child/education/home.shtml).

## Conferences

AFCC 47th Annual Conference, June 2-5, 2010, Sheraton, Denver, CO—contact 608-664-3750 for more information or [afccnet.org](http://afccnet.org)

Save the Date—The OCR Spring Conference in Salida—May 20-21

NACC Conference: August, Hilton Austin, Austin, Texas Oct. 20-23, 2010

Juvenile and Family Law Conference, Las Vegas, NV, March 14-17, 2010, (conference brochure at [http://www.ncjfcj.org/images/stories/dept/cp/pdf/nc10\\_brochure\\_5x11\\_lr.pdf](http://www.ncjfcj.org/images/stories/dept/cp/pdf/nc10_brochure_5x11_lr.pdf))

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**Check out the web site**

**[www.Coloradochildrep.org](http://www.Coloradochildrep.org)**

Articles and periodicals are on file in the OCR library. The OCR has all the current and back issues of the Juvenile and Family Court Journal, The Child Welfare Journal and the Family Court Review. Stop by the office or call Melanie in order to check out materials.

- ◆ The Child and Family Services Review Composite Scores: Accountability off the Track by John Schuerman and Barbara Needell. This paper analyzes the history of the CFSR and dissects the national standards that are used in the CFSR process. <http://www.chapinhall.org/research/report/child-and-family-services-review-composite-scores-accountability-track>.
- ◆ Providing Interdisciplinary Services to At-Risk Families to Prevent the Placement of Children in Foster Care, Deborah J. Weimer, Juvenile and Family Court Journal, 60, no. 4 (Fall), 2009. The University of Maryland's new program uses student attorneys and social workers to support at-risk grandparent families in order to support kinship placements. The students provide representation for the grandparents and advice on public benefits and services.
- ◆ Bringing Back the Dads: Engaging Non-Resident Fathers in the Child Welfare System, American Humane, Vol. 24 No. 2, 2009.

**GAL Office in El Paso  
County just  
celebrated their  
ninth anniversary.  
Congrats to the  
office!**

### **OCR in Brief**

- ◆ Congratulations to Linda Weinerman, the new OCR Executive Director!
- ◆ Congratulations to Theresa Spahn who is the new Director of the O'Connor Judicial Selection Initiative at the Institute for the Advancement of the American Legal System.
- ◆ Congratulations to Randall Lococo who was appointed to serve as a Magistrate on the 19th JD bench.
- ◆ We wish Magistrate Yoder and Magistrate Norton a fond farewell as they are retiring from the bench.
- ◆ Congratulations to Magistrate Bowen and Judge James Hiatt who received CJI Judicial Excellence Awards on November 15, 2009.