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| DISTRICT COURT  JEFFERSON COUNTY, COLORADO  100 Jefferson County Parkway  Golden, Colorado 80401    **PEOPLE OF THE STATE OF COLORADO**  **In the Interest of:**    **JUVENILE:**    **And Concerning:**    **RESPONDENTS:**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **Guardian ad Litem for Juvenile:**  **Diana M. Richett**  **13921 West Warren Drive**  **Lakewood, Colorado 80228**  **Phone: 303-989-6295**  **Fax: 303-989-6295**  **Atty.Reg. #11849** | **COURT USE ONLY** |
| Case Number:        Division: **S (Rm. 2D)** |
| **GUARDIAN AD LITEM’S MOTION REQUESTING THAT THE COURT ORDER THE DIVISION TO**  **FILE A DEPENDENCY AND NEGLECT ACTION REGARDING THE SUBJECT CHILD IN THIS ACTION** | |

Pursuant to § 19-3-501(2), the Guardian ad Litem for the Juvenile in the above-entitled case is requesting that the Court order the Jefferson County Division of Children, Youth and Families to file a dependency and neglect petition as to the Juvenile J.D.

The Guardian also is requesting that the Court hear this motion at the Juvenile’s review hearing on July 16, 2014, at 11:00 a.m.

As grounds, therefore, the Guardian states that:

1. The fifteen-year-old Juvenile in this case was placed on probation

through Adams County court case 13JD on August 26, 2013 for attempted sexual assault on a child. On November 22, 2013, the case was transferred to Jefferson County. The Juvenile has been out of the home since March 27, 2013. After a substantial time in the detention center, the Juvenile was placed at Shiloh Home. On May 22, 2013, the Adams County magistrate ordered the Juvenile’s custody placed with the Jefferson County Division of Children, Youth and Families.

1. The Juvenile was born with Vacterl Syndrome. He is blind in one

eye, has vocal issues, spinal deformities and was born with a hole in his heart. At the age of ten, he was sexually abused by a male cousin and is diagnosed with posttraumatic stress disorder.

1. There have been numerous founded and unfounded reports on the

family due to abuse and neglect. In 2004, a dependency and neglect petition, case number 04JV, was filed in Adams County. Reportedly, respondent mother was driving with her children while under the influence of drugs and was in an abusive relationship. The children, including Jacob, were placed in foster care for nine months before being returned to respondent mother.

1. On June 27, 2013, a petition in dependency and neglect, case number

13JV was filed as to the Juvenile’s brother. This child was adjudicated on August 15, 2013, when Respondent mother admitted the child’s environment was injurious to his welfare. Respondent mother has had substance abuse issues with alcohol and methamphetamine although she has demonstrated periods of sobriety. That child remains in Respondent mother’s care and custody while the Division has protective supervision. On June 24, 2014, the Jefferson county magistrate granted the motion for a change of venue of the dependency case to Weld County.

1. The Juvenile initially was placed at Shiloh on June 4, 2013 before

being unsuccessfully discharged in October 2013 due to his aggressive and disruptive behaviors which included poor boundaries, instigating peers, using inappropriate sexual language towards peers and staff, and threatening to harm himself and others. After the filing of a revocation which resulted in the Juvenile’s probation being revoked and regranted and a period in detention, the Juvenile was returned to Shiloh on November 22, 2013 and remains at the facility at this time.

1. While J has had briefs periods of good behavior, overall his

behavior continues to be poor and out of control. His aggression is very high; he continues to verbally and physically threaten peers and staff, makes profane and sexually inappropriate comments towards his peers, refuses to be re-directed by staff or take accountability for his actions. He has daily incident reports and has stated he is done with treatment. According to his therapist, he is unable to do relapse prevention as he is still abusive. He knows his coping skills but chooses not to use them. On June 26 2014, the Juvenile’s therapist made an official discharge request due to J’s behaviors. Currently, the Juvenile’s team is considering whether to move the Juvenile to the Shiloh Longmont campus or Jefferson Hills in Aurora. This issue as well as whether a petition to revoke/modify J’s probation will be addressed at the review hearing.

1. Noteworthy, is that J reports he feels like he is all alone. He has

no hope and nothing to work towards. At the staffing on April 25, 2014, the therapist reported that Respondent mother has not been involved for four months, she will schedule sessions and then not show up which impacts J. At the hearing on May 21, 2014, J told the court that he acts out because his mother is not participating and that but for the professionals in attendance he had nobody there for him. Respondent mother did not attend that hearing nor the prior review hearing on March 26 which resulted in the court appointing a Guardian ad Litem. Respondent mother cites her health and car issues as affecting her participation in her son’s treatment. Respondent mother’s focus on her own health issues during therapy interferes with J’s ability to hold his mother accountable for not being there for him.

1. J’s multi-disciplinary team has discussed Respondent mother’s

lack of involvement in his treatment and the need to change his permanency plan to a different goal than return home. It does not appear that there are any other family options.

1. On June 24, 2014, therapist advised the Guardian that

she received a call the night before from a Jefferson County caseworker regarding Respondent mother. She said that the caseworker was fearful that Respondent mother had relapsed and is actively using. Reportedly Respondent mother told the caseworker that she had been participating in relapse prevention through Shiloh. Ms. W. stated that this was completely inaccurate because she had not seen Respondent mother for the past two and a half months and that relapse prevention is not offered to parents by Shiloh. This referral is still being investigated. Therapist Jennifer W strongly supports the filing of a dependency and neglect petition as to Jacob.

1. Pursuant to §19-3-501(2), the court may authorize and may order the

filing of a dependency and neglect petition.

1. The focus of a delinquency action is on public safety and assisting

the juvenile in becoming a productive member of society. The focus of a dependency and neglect proceeding, on the other hand, is on the family with the safety and protection of the children being of paramount concern.

1. The Guardian believes there are grounds to support a dependency

and neglect action in that J. lacks proper parental care through the omissions of his mother who has failed or refused or is simply unable to provide her son the care he deserves and participate in his treatment which directly affects his behavior and emotional well-being. Further, there are grounds to support the fact that Jacob, if returned home, would be beyond his mother’s control.

1. The Guardian does not believe that J’s needs and issues can be

adequately addressed through the delinquency action alone. J needs a realistic permanency goal and the support, services and assistance to achieve that goal. He is at risk for being committed and lost in the system.

1. Venue is proper in Jefferson County pursuant to §19-3-201(1) as the

child is residing in Jefferson County, is in the custody of the Jefferson County Division of Children, Youth and Families and is on probation with Jefferson County and routinely appears in the Jefferson County court through the delinquency action.

1. The Guardian has spoken briefly to County Attorney about the

filing of a dependency action and she did not appear receptive to this.

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DIANA M. RICHETT #11849

Attorney at law

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(303) 989-6295 Dated:

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CERTIFICATE OF MAILING

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I certify that on July 8, 2014, a copy of the Guardian’s Motion Requesting that the Court Order the Filing of a Dependency and Neglect was mailed to: Alexis King, esq. (by fax at 303-271-6888); and Jennifer Mullenbach, esq. (by fax at 303-271-8937).

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