

Chief Judge Directive 03-08

IT IS FOUND AND CONCLUDED with respect to out-of-home placement of children by county departments of human or social services in Colorado Children's Code case:

1. Section 19-1-115(3)(a), 6 CRS (2003) prescribes that all out-of-home placements are subject to the approval of the Court.
2. Section 19-3-213(1)(a), 3 CRS (3223) prescribes that the guardian ad litem and parties be notified by the county department prior to any change in placement of a child to the extent possible.
3. State Department of Human Services Regulation 7.304.53(B)(4) prescribes that the county department notify the Court and the parents of any change in placement before the change unless the child is in immediate danger.

IT IS THEREFORE ORDERED that the county departments in the Eleventh Judicial District shall obtain Court approval of any out-of-home placement change by use of the Report of Special Action form unless the child is in immediate danger or some other emergency exists. Under exigent circumstances, the Report of Special Action shall be filed to request Court approval on the first business day subsequent to the emergency change in placement. The county department shall indicate in the Report of Special Action whether the guardian ad litem has agreed or disagreed with the proposed change in placement.

IT IS FURTHER ORDERED that all visitation and parenting time with a child in out-of-home placement may be as agreed to by the county department caseworker and guardian ad litem in dependency or neglect cases without order of Court. All visitation and parenting time with a child in out-of-home placement may be as agreed to by the county department caseworker, probation officer, and guardian ad litem in delinquency cases without order of Court. In the Absence of such full agreement, Court approval of visitation or parenting time shall be obtained in advance of visitation and parenting time.

IT IS FURTHER ORDERED that the county department may provide a copy of all Reports of Special Action to the parties in the same manner as other county department Reports to the Court. Any Judicial Officer may modify the procedure set forth herein for cases assigned to their own Division of District Court.

DONE this 13th day of November, 2003.

/s/ Kenneth M. Plotz
Eleventh Judicial District

Copy: District Judges, District Magistrates, Special County Attorneys, and
GALS.