

Rule Change #2000(23)

**Colorado Rules of Juvenile Procedure
Part Two. General Provisions
Part Three. Delinquency
Part Four. Dependency and Neglect
Part Six. Adoption and Relinquishment**

C.R.J.P. 2.1 Attorney of Record
C.R.J.P. 2.2 Summons—Service
C.R.J.P. 2.3 Emergency Orders
C.R.J.P. 3.5 Jury Trial
C.R.J.P. 3.8 Status Offenders
C.R.J.P. 4.5 Contempt in Dependency and Neglect Cases
C.R.J.P. 6 Petition in Adoption
C.R.J.P. 6.2 Decree in Adoption

**Amended and Adopted by the Court, En Banc, December 14, 2000,
effective January 1, 2001.**

BY THE COURT:

**Gregory J. Hobbs, Jr.
Justice, Colorado Supreme Court**

Rule 2.1. Attorney of Record

(a) [*** NO CHANGE]

(b) The clerk shall notify an attorney appointed by the court. An written notation order of appointment shall appear in the file.

Rule 2.2. Summons—Service

(a) When the person to be served ~~has no residence within the State of Colorado and the place of residence is not known, or when the person cannot be found within the state~~ cannot be found after due diligence, service may be by a single publication pursuant to C.R.C.P. 4(g).

(b) [*** NO CHANGE]

COMMITTEE COMMENT

Under Rule 2.2, a single publication is sufficient. There is no need for four weeks of publication.

Rule 2.3. Emergency Orders

(a) [*** NO CHANGE]

(b) Where the need for emergency orders arises, and the court is not in regular session, the judge or ~~commissioner~~ magistrate may issue such orders orally, by facsimile, or by ~~telephone,~~ electronic filing. ~~Such~~ which orders shall have the same force and effect ~~as if written,~~ Oral orders shall be followed promptly by ~~the same to be followed by~~ a written order ~~to~~ entered on the first regular court day thereafter.

(c) [*** NO CHANGE]

Rule 3.5. Jury Trial

(a) ~~At the time a plea of not guilty is entered to the charges in the petition in delinquency, a juvenile or district attorney may demand a jury of not more than six, or the court may order such a jury to try the case, as provided by law. Unless a jury demand is made, it shall be deemed waived. In any action in delinquency in which a juvenile is alleged to be an aggravated juvenile offender, as described in section 19-2-516, C.R.S. or is alleged to have committed an act that would constitute a crime of violence, as defined in section 16-11-309, C.R.S., if~~

committed by an adult, the juvenile or the district attorney may demand a trial by a jury of not more than six persons except as provided in section 19-2-601(3)(a), C.R.S., or the court, on its own motion, may order a jury trial, with the exception that a juvenile is not entitled to a trial by jury when the petition alleges a delinquent act which is a misdemeanor, a petty offense, a violation of a municipal or county ordinance, or a violation of a court order. When requesting a jury trial pursuant to this rule, a juvenile is deemed to have waived the right to have an adjudicatory trial within 60 days and is subject instead to an adjudicatory trial within 6 months. Unless a jury is demanded pursuant to subsection (1) of section 19-2-107, C.R.S., it shall be deemed waived.

(b) [*** NO CHANGE]

Rule 3.8. Status Offenders

ADDITION TO COMMITTEE COMMENT

Runaways who are in violation of their probation do not fall under this rule.

Rule 4.5. Contempt in Dependency and Neglect Cases

The citation, copy of the motion, affidavit, and order in contempt proceedings pursuant to C.R.C.P. 107, shall be served personally upon any respondent or party to the dependency and neglect action, at least ten days before the time designated for the person to appear before the court. Proceedings in contempt shall be conducted pursuant to C.R.C.P. 107, except that the time for service under subsection (c) shall be not less than ten days before the time designated for the person to appear.

COMMITTEE COMMENT

The old rule read twenty days; however, given the new time constraints imposed by other statutes and policies in dependency and neglect cases, contempt proceedings should be dealt with accordingly. The committee believes that this will not infringe upon the respondents' ability to respond. Respondents' counsel can always request more time in exceptional cases.

Rule 6. Petition in Adoption

(a)(1)-(7)[*** NO CHANGE]

(b)(1)-(2)[*** NO CHANGE]

(b)(3) Where adoption of a foreign-born child is sought, ~~a certified English translation of the foreign law in effect at the time the child was deemed available for adoption and~~ the parties must present certified copies of the original documents with certified translations of the actual documents adjudicating the child as available for adoption;

(b)(4)-(5)[*** NO CHANGE]

Rule 6.2. Decree in Adoption

(a)(1)-(2)[*** NO CHANGE]

(a)(3) A finding that the child is available for adoption; that written consents of all persons, as provided by law, are on file with the court and are valid; that the rights of all ~~parents and the rights of the father(s) of illegitimate children,~~ whether known or unknown, have been terminated or that such parents ~~and fathers~~ have been given notice of a right to a hearing on fitness, pursuant to Section 19-3-102, C.R.S.;

(a)(4)-(7)[*** NO CHANGE]

(b) The former name of the child shall not be stated in the final decree, pursuant to Section 19-5-210(3), C.R.S.