

NOTICE OF RIGHTS AND REMEDIES FOR FAMILIES
REMOVAL or EMERGENCY PROTECTION ORDER

THIS IS AN IMPORTANT DOCUMENT. PLEASE READ IT CAREFULLY.
Podemos ofrecer una versión de este document en Español.

Parent(s), Legal Guardian(s), and/or Legal Custodian(s) AND Date(s) of Birth:		
Child(ren)'s Name/Date of Birth:		
Human/Social Services Caseworker Name:	Agency:	Phone#:
Law Enforcement Officer:	Agency:	Phone#:
INITIAL HEARING:		
Location:	Date:	Time:

NOTICE OF ACTION: Your child(ren) has been or is being removed from your home pursuant to Colorado Revised Statute 19-3-401 or 19-3-405(2)(a), OR a court entered an emergency protective order regarding your child(ren) pursuant to Colorado Revised Statute 19-3-405(2)(b).

Reminder to Law Enforcement Officers and Child Welfare Caseworkers: Attach a copy of the court order when available.

TEMPORARY CUSTODY: Your child(ren) has been or is being removed from your home because:

EMERGENCY PROTECTION ORDER: A court entered a temporary protection order regarding your child(ren) stating:

NOTICE OF RIGHTS:

1. You have a right to receive this Notice of Rights and Remedies.
2. If you believe your child(ren) is a registered member of, or eligible for membership in, a federally-recognized American Indian Tribe, then the Indian Child Welfare Act, which governs the removal of American Indian children from their families, may apply. Distinct rights and protections are afforded under the act which is codified at 25 USC §§ 1901-1963.
3. The United States Constitution and the Colorado State Constitution provide you due process rights, which include a right to notice of hearings and an opportunity to be heard.
4. You have a right to attend all hearings.
5. You may request an interpreter for hearings if English is not your primary language or you are hearing-impaired.
6. You have a right to an attorney. If you are unable to financially secure an attorney you have the right to ask the court to appoint you an attorney. If a court decides you qualify for court-appointed counsel, it will provide you an attorney at no cost to you.



7. You have a right to receive copies of written court orders once they are available.
8. **Reasonable Efforts:** The law requires that reasonable efforts be made to prevent a child's removal from the home and to reunite the child and the family upon removal unless an exception applies under C.R.S. § 19-1-115(7). "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 of 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 home and foster, whenever appropriate, the reunification of children with the families of such children. (C.R.S. § 19-1-103(89)).
9. **Initial Hearing:** You have a right to a prompt hearing to determine if your child(ren) should return home OR if the temporary emergency protection orders should remain in place. This hearing **MUST** be held:
 - a. within 72 hours, excluding Saturdays, Sundays and holidays when temporary custody of your child(ren) is placed with the county department of social services or when an emergency protection order is entered (C.R.S. § 19-3-405); OR
 - b. within 48 hours, excluding Saturdays, Sundays, and legal holidays, if your child(ren) is placed in a shelter facility or temporary holding facility not operated by the department of human services(C.R.S. §§ 19-3-401 or 19-3-403(2)).

If the court decides that your child(ren) should not be returned to your home, your child(ren) may be placed/continue to be placed with suitable relatives, kin, or kin-like placements, in a shelter facility designated by the court, or in foster care. C.R.S. § 19-3-403
10. You have a right to testify during hearings.
11. You have a right to subpoena witnesses, which includes the right to require witnesses to appear at, and testify during, hearings.
12. You have the right to question all witnesses directly, or through your attorney if you are represented
13. You have a right to have a petition in dependency and neglect filed no later than fourteen (14) days after your child(ren)'s removal, unless the court orders otherwise (Colorado Rule of Juvenile Procedure 4(a)).
14. **Dependency and Neglect Trial:** You have a right to a court or jury trial to determine if your child(ren) is dependent or neglected. During that trial, the county department of human/social services must prove that your child(ren) is dependent and/or neglected by a preponderance of the evidence. If you admit that your child(ren) is dependent or neglected, then you waive your rights to a trial, to subpoena and question witnesses, and to appeal the court's findings and orders of adjudication.
15. You have a right to have your case heard by a judge instead of a magistrate, except for the initial hearing regarding temporary custody or temporary emergency protection orders.
16. **Treatment Plan:** You have a right to work with the county department of human/social services to develop a treatment plan. All parties will be requested to sign the treatment plan. If you disagree with all or any part of the treatment plan, you may request a contested hearing.
17. **Case Reviews:** There will be regular reviews of your case in court and at the county department of human/social services. Court reviews can be required by the court or requested by any party, including you.
18. **Termination:** If your child(ren) is found dependent or neglected and you do not reasonably comply or are not successful with an appropriate treatment plan your parental rights may be terminated at a separate hearing.
19. **Appeal:** You have a right to seek review of any final appealable orders.
20. **Conflict Resolution Process:** If you feel you have been or are being treated unfairly by the county department of human/social services, you may use the following information to contact your caseworker's supervisor, the director of your county department of human/social services, and/or your county grievance coordinator. Your grievance may also be reviewed by a citizen review panel upon your request if your grievance has not been resolved to your satisfaction. (C.R.S. § 19-3-211).

	Name:	Telephone Number:
Caseworker's Supervisor:		
Department of Human/Social Services Director:		
County Grievance Coordinator:		
Office of the Child Protection Ombudsman:	http://www.protectcoloradochildren.org/	303-864-5111
Colorado Department of Human Services:	cdhs.communications@state.co.us	303-866-4511

