



2022 GRID UPDATE TOP 8

GUIDED REFERENCE IN DEPENDENCY: AN ADVOCACY GUIDE FOR ATTORNEYS IN DEPENDENCY
PROCEEDINGS

Important Electronic Updates – Reflecting Major Changes in late 2020 and 2021

1. Foster Youth in Transition Program (FYTP)

The 2022 GRID Update incorporated HB 21-1094, Colorado's FYTP – which empowers older youth who currently reside in or previously resided in foster/kinship care to make important decisions about their lives while receiving services and supports as they transition to adulthood. The new FYTP section of the GRID begins on p F333.

2. Jurisdictional Issues Fact Sheet

In June 2021, the Colorado Supreme Court issued two companion cases interpreting Colorado's Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), which is a uniform state law designed to address out-of-state custody orders. The updates are incorporated in the Jurisdictional Issues Fact Sheet which begins on p F227.

3. Reorganization of the Juvenile Justice Code

In SB21-059, the legislature adopted a reorganization of the juvenile justice code in article 2 of title 19. Thus, all cites to §19-2-__ were updated with the correct cite to §19-2.5-__. The bulk of these changes occurred in the Crossover Youth fact sheet which begins on p F86.

4. Open Adoption Section

HB21-1101 authorized a procedure for open adoptions utilizing post-adoption contracts. The new Open Adoption section can be found in the Adoption Fact Sheet on p F10.

5. Visitation Legislation and Caselaw

HB21-1101 created certain requirements regarding parents' contact and visitation with their children in D&N cases, while the Court of Appeals clarified the circumstances under which visitation should be prohibited. The updates to visitation are addressed throughout the GRID, but most of the changes can be found in the Parents' Rights Fact Sheet at F266 and the Visits Fact Sheet beginning at F346.

6. ICWA Cases

The Colorado Court of Appeals and the Colorado Supreme Court issued cases clarifying the application of ICWA in D&N cases on topics such as active efforts, tribal membership, paternity and reason to know if a child is an Indian child. These updates to the law on ICWA in Colorado are primarily found in the ICWA Fact Sheet on F189.

7. Less Drastic Alternative Caselaw

In 2021, the Colorado Supreme Court issued an important decision clarifying that the standard to be applied when assessing whether a less drastic alternative exists to termination, as well as clarifying the standard of review for factual issues on appeal (People in Interest of AM). This important case is described in Termination Hearing section at H212.

8. Hearings During Covid Times

The Court of Appeals issued two published opinions addressing virtual hearings, generally approving of this format but also cautioning that parents still must receive notice and a meaningful opportunity to participate in such hearings. These updates are address in the Termination Hearing Section at H199.
