



Office of the Child's Representative

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Chris Henderson
Executive Director

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To Whom It May Concern,

As Executive Director of the Office of the Child's Representative, I write this letter to explain the role of Guardians *ad Litem* (GALs), the government functions they and their staff perform as defined in Amended Public Health Order 20-24, and the critical business operations they are authorized to continue under Colorado's "Stay at Home" Order, Executive Order D 2020 017.

What is the Office of the Child's Representative? The Office of the Child's Representative is a state agency within the Judicial Department responsible for providing and overseeing GAL services throughout Colorado. The OCR oversees approximately 250 attorneys statewide.

What is a GAL? GALs are attorneys responsible for representing the best interests of children in abuse and neglect, delinquency, truancy, paternity, and other proceedings. Colorado law requires courts to appoint a GAL in every dependency and neglect proceeding, as these proceedings concern children who have experienced serious abuse or neglect and who face the possibility of ongoing trauma and abuse, family and sibling separation, and many other adverse consequences. Colorado law allows courts to appoint a GAL in delinquency, truancy, paternity, and other proceedings when the court believes it is necessary to have an independent attorney representing the child's best interests; concerns about underlying familial issues similar to those in dependency and neglect cases often motivate these appointments. Pursuant to contracts with the State of Colorado, GALs must engage in an ongoing independent investigation of each child's best interests and engage in legal representation and advocacy. ***GALs represent Colorado's most vulnerable children, juveniles, and youth. They are professionals providing legal services as outlined in Amended Public Health Order 20-24(C)(7) and the services they provide to this at-risk population constitute a critical government function authorized to continue operating pursuant to Amended Public Health Order 20-24 (D)(1).***

Why are GAL services essential to public safety? Social distancing, while an important measure for protecting against the spread of COVID-19, unfortunately poses threats to the immediate safety and well-being of the children, youth, and juveniles GALs represent. Children represented by GALs are already at risk, and social distancing exacerbates pressures on their families and placement providers. Reduced access to service providers, schools, family members, and community members not only means fewer supports for these children; it also reduces the number of people available to "look out" for them and to notify social services or other authorities of any concerns. ***The independent investigation and advocacy***

performed by GALs and their staff pursuant to their state contracts is a government function necessary to protect the health and safety of the children they represent and authorized by Amended Public Health Order 20-24(D)(1) (recognizing as a critical business “any government service required for the public health and safety”).

What activities must GALs continue to perform under the Stay at Home order?

Practice standards promulgated by Colorado’s Chief Justice require GALs to perform intensive and ongoing independent investigation, including in-person contact with and observation of children. The OCR understands the need for flexible enforcement of those requirements during this time and is supporting GALs in making every effort to minimize in-person visits when appropriate. However, at times a GAL may, in the exercise of professional judgment, determine that an in-person visit with a child, juvenile, or youth is necessary to assess immediate safety and well-being. GALs will abide by the provisions of the order requiring them to stay at home if they are at high risk of severe illness from COVID-19 or exhibiting symptoms, and they will send other staff or attorneys to complete visits if necessary. *GALs are committed to conducting any necessary visits in compliance with the social distancing requirements outlined in applicable orders.*

I appreciate the consideration you have put into defining critical businesses and I am proud of the work our GALs do to protect at-risk children, youth, and juveniles throughout Colorado. If you have any questions about the role or activities of a GAL, please feel free to contact me at chrishenderson@coloradochildrep.org or 720-351-4345.

Sincerely,



Chris Henderson
Executive Director