



Office of the Child's Representative

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Chris Henderson
Executive Director

March 24, 2020

Dear Mayor Hancock,

As the Executive Director of Colorado's Office of the Child's Representative, I am writing to let you know that I have instructed the Guardians *ad litem* (GALs) with whom we contract that they are essential businesses performing essential government services as defined by Denver's March 23, 2020 Stay at Home Order.

The Office of the Child's Representative is the state agency responsible for providing and overseeing GAL services throughout Colorado. As attorneys responsible for representing the best interests of children in abuse and neglect, delinquency, truancy, paternity, and other proceedings, GALs provide a critical safeguard for some of Colorado's most vulnerable citizens. 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, 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.

The OCR oversees approximately 250 attorneys statewide; 37 of these attorneys represent the best interests of children in Denver juvenile and family courts. All the attorneys providing GAL services in Denver are small business owners or employees. Because they provide legal services, they are essential businesses as defined by paragraph (6)(f).

Moreover, GALs perform essential government functions as defined by paragraph (6)(d). Social distancing, while an important measure for protecting against the spread of the coronavirus, unfortunately poses threats to the immediate safety and well-being of the children our attorneys 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 pursuant to their state contracts are "necessary to provide for the health, safety, . . . and welfare of the public," namely, Denver's children.

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 our 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 is necessary to assess that child's immediate safety and well-being. GALs are committed to conducting any necessary visits in compliance with the social distancing requirements outlined in paragraph (6)(j).

I appreciate the consideration you have put into defining essential businesses and essential governmental functions. While I am confident that your office will agree that GALs meet these requirements, I am available to answer any questions or address any concerns. Please feel free to call me at 720-351-4345 or email me at ChrisHenderson@coloradochildrep.org if you would like any more information about GALs or the important work they do.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Henderson", with a stylized flourish at the end.

Chris Henderson