**Frequently Asked Questions Regarding Intervention by Relatives and/or Foster Parents in Dependency and Neglect Cases**

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**1. What rights do foster parents have in Colorado Dependency and Neglect cases?**

Foster parents have a right to notice of all court hearings and reviews regarding the child in their care and have a right to be heard at such hearings and reviews. § 19-3-502(7), C.R.S. (2014). The right to be heard typically involves either making a statement to the presiding Judge or Magistrate or being called to testify as a witness.

Foster parents may also intervene "as a matter of right" after adjudication when the child has been in their care for more than three (3) months and the foster parents have information or knowledge concerning the care and protection of the child. § 19-3-507(5)(a), C.R.S. (2014); A.M. v. A.C., 296 P. 3d 1026 (Colo. 2013).

**2. What rights do relatives have in Colorado Dependency and Neglect cases?**

Relatives, who are generally defined as being related by blood or adoption, also have a right to intervene in Dependency and Neglect cases. However, unlike foster parents, relatives can intervene regardless of whether the child has ever lived with them. § 19-3-507(5)(a), C.R.S. (2014); In the Interest of O.C., 308 P.3d 1218 (Colo. 2013). Once a relative has intervened, they may seek placement of a child and may, in some circumstances, be given preference for placement of a child. On a practical basis, as discussed below, the earlier in a case the relative seeks placement, the more likely that a relative will prevail in seeking placement.

Relatives with whom a child is placed also have a right to notice of all court hearings and reviews regarding the child in their care and have a right to be heard at such hearings and reviews. § 19-3-502(7), C.R.S. (2014). The right to be heard typically involves either making a statement to the presiding Judge or Magistrate or being called to testify as a witness.

**3. What does intervention mean?**

Intervention means that an "outsider" becomes a party to the case and "are afforded the same degree of participation as all other parties." A.M. v. A.C., 296 P. 3d 1026, 1033 (Colo. 2013).

In other words, once a foster parent and/or relative is granted intervenor status, they may advocate for what they believe is in the child’s best interest through filing motions and fully participating in hearings by calling witnesses, making argument, and questioning other parties’ witnesses.

**4. When should I intervene?**

The decision as to when to intervene in a Dependency and Neglect case is often a strategic decision that should be made after consulting with an attorney well-versed in Dependency and Neglect cases and intervention.

Certain factors and considerations, however, often provide guidance as to when you should intervene:

You should consider intervening if decisions are being made that you believe are contrary to the child’s best interest.

For relatives, intervening early in a dependency and neglect case is important, particularly if you are seeking placement of the child. While intervening early is important for children of all ages, it is particularly important for young children (six years of age and younger) as younger children are subject to expedited permanency placement timeframes.

For foster parents, timely intervention is important when decisions are being made or contemplated that you believe are contrary to the child’s best interest, or similarly, if you feel the child’s needs are not being properly communicated to the court. Similarly, if the child has been placed with you for over a year and another party is proposing removing the child, perhaps to a relative, you may want to consider intervening in order to advocate an alternative permanent placement that you believe best serves the child’s interests and welfare.

**5. Who ultimately makes the decisions regarding the child’s best interest, including with whom a child should live permanently?**

Dependency and Neglect cases are heard by either a judge or a magistrate, who ultimately makes the decisions regarding a child’s best interest. The judge or magistrate makes the final placement decisions as well as how and then the case ends (for example, whether the child returns home to a parent; whether "custody" of the child is granted to a relative or foster parent; or whether parental rights are terminated and the child is adopted). A Judge or magistrate makes these final decisions after receiving input from all parties, including, the birth parents, the Guardian ad litem, and intervenors.

It is important to remember that intervention simply allows a foster parent and/relative to become a party to the case and does not guarantee any particular result. Similarly, while the overriding purpose of the law in this area is to protect the welfare and safety of children in Colorado, the child welfare system is designed to provide services to parents and their children so that the family can be reunified. However, strong legal advocacy on behalf of an intervenor can often play a critical role in a Judge or magistrate’s ultimate determination.

*Foster parents and relatives will doubtless have questions and issues that can be addressed by a compassionate and skilled attorney who is experienced with child welfare and adoption cases. Grob &.Eirich, LLC, has extensive experience in this area of the law and is available to have an initial consultation to discuss and assess your case.*