COLORADO SUPREME COURT, COLORADO 2 East 14th Avenue Denver, CO 80203 ORIGINAL PROCEEDING: Morgan County District Court, Case No. 23JV30009 The People of the State of Colorado, **In the Interest of Minor Child,** **B.J.S.,** and concerning: Respondent: **B.B.**	
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OFFICE OF THE CHILD'S REPRESENTATIVE AND NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN'S AMICUS CURIAE BRIEF IN SUPPORT OF CHILD B.J.S.'S RESPONSE TO COURT'S ORDER TO SHOW CAUSE

CERTIFICATE OF COMPLIANCE

The Office of the Child's Representative ("OCR") and the National Association of Counsel for Children ("NACC") (collectively "Amicus Curiae") certify that this *Amicus Curiae* brief complies with the applicable provisions of C.A.R. 21, 28, 29, and 32. Amicus Curiae also certify that this Brief complies with C.A.R. 29(d) and 28(g)(1) in that this Brief contains no more than 4,750 words. This Brief contains 4,640 words. Amicus Curiae acknowledges that this Brief may be stricken if it fails to comply with the applicable appellate rules.

Anna N Ulrich

Anna N. Ulrich

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IDENTITY AND INTERESTS OF *AMICUS CURIAE*

OCR serves to ensure the provision of uniform, high-quality legal representation of children in Colorado. C.R.S. § 13-91-105(1)(a)(I). In creating OCR, Colorado's General Assembly recognized that legal advocacy "is a critical element in giving children a voice in the Colorado Court system." C.R.S. § 13-91-102(1)(a). The General Assembly has charged OCR with enhancing the provision of Guardian ad Litem ("GAL") and Counsel for Youth ("CFY") services for children[1]. C.R.S. § 13-91-105(1)(a).

Founded in 1977, the NACC is a 501(c)(3) non-profit child advocacy and professional membership association that advances children's and parent's rights by supporting a diverse, inclusive community of child welfare lawyers to provide zealous legal representation and by advocating for equitable, anti-racist solutions co-designed by people with lived experience. A multidisciplinary organization, its members primarily include child welfare attorneys and judges, as well as professionals from the fields of medicine, social work, mental health, and education. NACC's work includes federal and state level policy advocacy, the national Child Welfare Law Specialist attorney certification program, a robust

[1] In Colorado's Children's Code, the term "child" means a person under 18 years of age, and the term "youth" means a person who is less than 21 years of age. C.R.S. § 19-1-103(21), (145). In this brief, Amicus Curiae use the word "child" to refer to any child or youth who comes within the jurisdiction of the juvenile court pursuant to C.R.S. § 19-1-104.

training and technical assistance arm, and an *amicus curiae* program. Through the *amicus curiae* program, NACC has filed numerous briefs promoting the legal interests of children in state and federal appellate courts, as well as the Supreme Court of the United States.[2]

During the 2022 legislative session, Colorado's General Assembly changed the model of representation for children 12 and older in dependency proceedings from a best interests GAL model to a client-directed CFY model and clarified that all children are parties to their proceedings. *See Right to Counsel for Youth,* Ch. 92, secs. 1(c), 9, § 19-3-203(2), § 19-3-502(4.5), 2022 Colo. Sess. Laws, 430, 434-5 ("H.B. 22-1038"). OCR spearheaded and supported H.B. 22-1038, viewing client-directed representation and party status as essential to giving children over 12 a meaningful voice in their dependency proceedings. NACC provided written testimony in support of H.B. 22-1038, informing the Senate Judiciary Committee that the legislation was consistent with nationally-recognized best practice. *Written Testimony of Kim Dvorchak, Concerning Client-Directed Legal Representation for Youth in Court Proceedings for Youth: Hearing before the Senate Judiciary Comm.*, H.B. 22-1038 (Mar. 16, 2022) ("NACC Testimony").[3]

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[2] More information about NACC can be found at *www.naccchildlaw.org.*

[3] *http://coga.prod.acquia-sites.com/sites/default/files/html-attachments/713f0a1ae42b23f787258807005a8361__hearing_summary/Attachment%20A.pdf.*

In this Rule 21 proceeding, Appellant B.B. ("Mother") has challenged the child B.J.S.'s standing to file a motion for termination of Mother's parental rights through her CFY, basing the arguments on the statutory changes effectuated by H.B. 22-1038, as well as the Colorado Supreme Court's recent decision in *People in Interest of R.M.P.*, 569 P.3d 1202 (Colo. 2025) ("R.M.P."). *See* Petition for Relief Pursuant to C.A.R. 21, *People in Interest of B.J.S.* (July 11, 2025) ("Petition"). This Court's resolution of Mother's challenge has potential implications for all children represented by OCR-contracted attorneys throughout Colorado. Not only is a child's standing to file a motion for termination of parental rights ("termination motion") on the line, so is their ability to participate fully as parties in their dependency proceedings envisioned by H.B. 22-1038. As organizations involved in advancing children's voice through high-quality legal representation, Amicus Curiae seek to assist this Court with its analysis of H.B. 22-1038, the standing of children to file termination motions, and the potential policy and practice implications of its decision.

SUMMARY OF ARGUMENT

It is well-established that children's interests are the primary and controlling issue in a dependency case. With H.B. 22-1038, Colorado's General Assembly expanded this premise by clarifying that children are full parties to their dependency case. Such designation was not intended to be meaningless but instead

was meant to solidify important rights of children to participate in such proceedings. For children 12 and older, the legislature further amplified their voice and augmented their rights by providing them with client-directed representation to advocate for their expressed interests.

Because H.B. 22-1038 identified children as full parties with legally protected interests and rights, children of all ages have the right to request that the court determine one of the most fundamental decisions to be made in certain dependency cases: termination of parental rights.

ARGUMENT

I. Children are Parties to Their Dependency Cases and Entitled to Advocate for Their Interests Through Their Respective Attorney Type Regardless of Age.

A. Recent legislation reinforced and enhanced children's ability to advocate for their interests through their respective attorney type.

Colorado's General Assembly reinforced and expanded children's rights and voice in all aspects of their dependency cases when it passed H.B. 22-1038. *See* Chase, Ashley and Cara Nord*, H.B. 22-1038: Colorado Continues its History of Expanding Children's Voice and Representation in D&N Proceedings*, 52 COLO. LAWYER 34, 35-36 (Apr. 2023). The legislature did this by recognizing that children are full parties to their dependency cases, C.R.S. § 19-3-502(4.5), and by providing older children, those 12 and up, with independent counsel to represent their interests throughout the proceedings. C.R.S. § 19-3-203(2).

The Legislative Declaration in H.B. 22-1038 avowed that children have an interest in their "own health, safety, well-being, and family relationships" and that they deserve a voice "when important and life altering decisions are made" about their life. H.B. 22-1038, Leg. Dec ¶ 1(a), (b) ("Declaration"); *see also Hernandez v. People*, 176 P.3d 746, 753 (Colo. 2008) ("Often the best guide to determining legislative intent is the General Assembly's declaration accompanying the statute."). The Declaration also acknowledged the importance of procedural fairness and justice in enhancing children's acceptance of the decisions made in the proceedings. Declaration ¶ 1(e). As the NACC stated: "Client-directed representation centers the child's perspective and reasoning, recognizing that they are 'the individuals most knowledgeable about solutions that will benefit them.' It is an essential component of procedural justice." NACC Testimony at 2 (quotation omitted).

One lived expert, testifying in support of the legislation, described what this would mean to them and other lived experts in personal terms:

> If H.B. 22-1038 is passed, Colorado youth who are in the foster care system will finally know what it is like to be heard. . . . It will help us feel like we have power in our lives and in our future. . . .

Testimony of Samantha Little, Concerning Client-Directed Legal Representation for Youth in Court Proceedings for Youth: Hearing before the House Judiciary Comm., H.B. 22-1038 (Feb. 16, 2022 at 1:39:36).[4]

The legislative changes in H.B. 22-1038 built on existing principles that the "overriding purpose" of the Children's Code is to "protect the welfare and safety of children in Colorado by providing procedures through which their best interests can be ascertained and served." *People in Interest of S.N.*, 329 P.3d 276, 279 (Colo. 2014) (citation omitted). "[E]ven where parental rights are at stake," this Court has noted that the "primary and controlling issue . . . is the determination of what will best serve the interests and welfare of the child." *People in Interest of M.M.*, 520 P.2d 128, 131 (Colo. 1974) (citation omitted). The Children's Code mandates that its provisions, including those enacted by H.B. 22-1038, be "liberally construed to serve the welfare of children and the best interests of society." C.R.S. § 19-1-102(2).

The party status of children and the guarantee of legal representation distinguishes a child in a dependency case from a victim in a criminal case. *Compare* C.R.S. § 19-3-502(4.5) *to Gansz v. People*, 888 P.2d 256, 258-59 (Colo. 1995). Moreover, dependency cases are fundamentally different from both

[4] *https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20220216/-1/12843.*

domestic relations and criminal cases, for only in dependency cases is securing a child's safety and well-being the primary purpose. *Compare generally* C.R.S. § 19-1-102 *to* C.R.S. §§ 14-10-102, 16-1-103. Any attempt to analogize child parties in dependency cases to children impacted by other cases must account for these important distinctions.[5]

B. The statutory structure of H.B. 22-1038 demonstrates that client-directed CFY representation expands rather than diminishes children's voice and access to courts.

Without statutory support, Mother's Petition asserts that H.B. 22-1043 effectively eliminated a child's ability to access the court by filing a termination motion, at least insofar as it applies to children who are represented by CFY. In making this argument, Mother points to the language in H.B. 22-1038 outlining the statutory responsibilities of the CFY compared to those of the GAL, and surmises that the differences mean that a child who is 12 or older has no right to independently seek termination. *See* Petition at 15-16. Mother's narrow and inequitable reading of the statute does not withstand scrutiny.

[5] Although the Court has framed the issue on appeal as whether a CFY may "prosecute" a termination motion, Amicus Curiae believe that the use of such term, usually reserved for criminal proceedings, is inconsistent with the well-established principles that dependency cases are civil not criminal in nature, and they are not intended for punishment but the prevention of further abuse or neglect. *See e.g., S.N.,* 329 P.3d at 280.

First, C.R.S. § 19-3-203 serves as a right-to-counsel statute, not an exhaustive list of the procedural rights or substantive remedies available to the child. If children with CFY representation are singled out for the lack of specific statutory authority to file a termination motion, then every other party's standing to assert their rights and interests must also be called into question, leading to absurd results. Under this analysis, challenges to standing could be raised every time an attorney takes a particular action on behalf of their client. Not only are such possibilities inconsistent with the intent of H.B. 22-1038, they also contradict logic, existing practice, and the purpose of having legal counsel in the first place.

In fact, the language of H.B. 22-1038, while not explicitly authorizing an older child's authority to file a termination motion through their CFY, implicitly authorizes such action following developmentally appropriate consultation and when the child's informed position requires. Under H.B. 22-1038, CFY are required to comply with Colorado Rules of Professional Conduct and Chief Justice Directive 04-06, *Court Appointments Through the Office of the Child's Representative* ("C.J.D. 04-06"). *See* C.R.S. § 19-3-203(6). In turn, both authorities require GALs and CFY to file affirmative motions to advance their client's interests. *See* Colo. R. Prof'l Conduct, Preamble[2] (as an advocate, lawyer asserts client's position under rules of adversary system); C.J.D. 04-06 § V.D.1.a (as CFY, attorney must advocate for child's expressed interests through oral or written

motions). With no specific limits on the CFY's duty to advance the client's well-considered position beyond professional ethics, the legislature expressed its intent that children 12 and up have all the benefits of client-directed counsel, leaving the court to make the ultimate decision about the appropriate outcome on the issue before it.

Furthermore, reading H.B. 22-1038 comprehensively, it becomes clear that the legislature largely intended to rely on the child's party status to define their court-related rights, instead of attempting to include an exhaustive list of every action an attorney might take on behalf of a child. The term, "counsel for youth" was added to the references for "guardian ad litem" in several places in the Children's Code as part of the legislation, but only when the child's party status alone would not make the inclusion of CFY clear. *See* C.R.S. §§ 19-3-203(4) (direct access to reports), 19-3-213(1)(a) (notice of change in placement), 19-3-606(1) (responsibility to file non-typical pleading). An attempt to describe every action a CFY could undertake on behalf of a client in statute would have been unprecedented, necessarily incomplete, and exceptionally long; unsurprisingly, the legislature opted not to take this approach.

Although the Children's Code contains some provisions that specify when a GAL is authorized to take certain actions and not the CFY, the reason is due to the evolution of the GAL role, rather than any attempt to position the GAL role as

superior or deserving of more rights than children with CFY representation. At least until recently, the GAL role and client was an amorphous concept that required various statutory and caselaw clarifications over time. See Meschke, David, *A Colorado Child's Best Interests: Examining the Gabriesheski Decision and Future Policy Implications*, 85 U. COLO. L. REV. 547, 557-59 (2014). Compared to the GAL role, the role and client of the CFY is relatively uncomplicated to anyone familiar with a traditional attorney-client relationship. House Bill 22-1038 reflects this difference, relying on the child's party status to do the heaving lifting of effectuating the child's rights, and adding CFY to provisions referencing GALs only when additional clarification, outside of the traditional advocacy role, is required.

II. The Statutory Scheme of the Children's Code, Including H.B. 22-1038, Supports Children's Full Participation in Their Dependency Case by Filing a Termination Motion in Appropriate Cases.

A. No provision of the Children's Code or related caselaw limits the authority to file a termination motion to the department.

In Colorado, the initiation of a dependency proceeding along with the adjudication of the child provides the jurisdictional bases for State intervention designed to assist the parents and child in preserving and strengthening the family unit. *People in Interest of A.M.D.*, 648 P.2d 625, 640 (Colo. 1982). After initiation and adjudication, a court should only terminate parental rights when the family situation has so deteriorated that a court finds by clear and convincing evidence

that a child is abandoned or a parent is unfit. *See id.* at 640; *see also* C.R.S. § 19-3-604. "Termination is an unfortunate but necessary remedy when all reasonable means of establishing a satisfactory parent-child relationship have been tried and found wanting." *A.M.D.*, 648 P.2d at 640.

Unlike the initial petition, no provision of the Children's Code directs or even suggests which parties may file a termination motion. *Compare* C.R.S. § 19-3-502(1) *to* C.R.S. § 19-3-602(1). Had the legislature intended to specifically exclude GALs or children with CFY representation from filing such motions, it could have done so explicitly. *Compare* C.R.S. § 19-3-602(1) *to* C.R.S. §§ 19-5-105(1), 19-5-103.5(2)(a), 19-5-105.5(3) and 19-5-105.7(3). In addition, federal law contemplates that a party other than the department may file a termination motion. *See* 42 U.S.C. § 675(5)(E) (requiring the state to file termination motion or *join in another party's motion* under certain circumstances).

Amicus Curiae are aware of no Colorado case that has held that the department is the exclusive party that may file a termination motion. In *People in Interest of M.N.*, the Court of Appeals determined that a GAL, as the "child's advocate" who is charged with the "representation of the child's interests," is also authorized to file a termination motion. 950 P.2d 674, 675, 676 (Colo. App. 1997).[6] Even though

[6] Like much of the caselaw addressing children's right to participate in their dependency proceedings, at the time that *M.N.* was decided, best interest representation through a GAL was the only representation type available to a child

the state, with its *parens patriae* authority, is the exclusive party entitled to bring a petition in dependency, "it does not necessarily follow that only the state may file a motion for termination." *Id.* at 675; *see also* Section II.B. *infra*. This Court, itself, has reinforced the holding in *M.N.* on at least two different occasions. *See C.W.B., Jr. v. A.S.*, 410 P.3d 438, 444 (Colo. 2018); *A.M. v. A.C.*, 296 P.3d 1026, 1031 (Colo. 2013).

B. Children's direct interests are heightened in decisions involving the resolution of their permanency.

The trial court has continuing, exclusive jurisdiction over a child deemed dependent and neglected, and the Children's Code vests the court with significant discretion to direct the proceedings. *See People in Interest of E.M.*, 417 P.3d 843, 845-46 (Colo. App. 2016), *aff'd People in Interest of L.M.*, 416 P.3d 875 (Colo. 2018). For a small percentage of children involved in dependency cases, one of the most impactful, tangible decisions a court will make is who the child's legal parents will be once the case is done. *See generally* C.R.S. § 19-3-604. The Children's Code reflects this reality, directing courts to give primary consideration to the "physical, mental, and emotional conditions and needs of the child" in making such a decision. C.R.S. § 19-3-604(3); *see also K.D. v. People*, 139 P.3d 695, 701 (Colo. 2006). The court must base its decision not just on the outcome

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regardless of age in Colorado. Consequently, the case does not address the authority of the child, through a CFY, to file such a motion.

that is *adequate* for the child, but what is *best* for the child. *See People in Interest of A.M.,* 480 P.3d 682, 689 (Colo. 2021).

The interests to be protected at termination include the parents' interests, as well as "*the interest of the child in a permanent, secure, stable, and loving environment* and the interests of the State in protecting the child." *People in Interest of C.A.K.,* 652 P.2d 603, 607 (Colo. 1982) (citations omitted) (emphasis added); *see also People in Interest of D.A.K*., 596 P.2d 747, 751 (Colo. 1979) ("[T]hree parties are affected [in a dependency proceeding]: "the child, the parents, and the state.") Thus, the child's interests are not considered the same as either the parents' or the State's interests, but separate and distinct.

Denying children the ability to request termination means that the court will not reach a "determination of what will best serve the interests and welfare of the child," *M.M*., 520 P.2d at 131, *unless* the department is not only in agreement with such action, but willing to take the affirmative steps of filing and pursuing such a motion. Placing such power in the hands of the department, which is often overburdened and underfunded, not only reduces the actual rights and bargaining power of the other parties to the case, it also eliminates the court's own authority to make determinations regarding the best outcome for the child, contrary to the purposes and structure of the Children's Code. *See* Section I.A., II.A., *supra.*

Regardless of age, a child has a direct and deeply personal interest in the question of whether termination and adoption are in their best interests or whether a custody arrangement is a less drastic alternative to termination. *See A.M.,* 480 P.3d at 689. Yet, a holding that children represented by CFY cannot file termination motions would effectively make this class of children reliant on the department to pursue adoption as a permanency option, since termination is a necessary precursor to any adoption. *See* C.R.S. §§ 19-5-201, 19-5-203(1)(a).[7] And allowing the department to essentially hold the only key to the gate of adoption for any child in a dependency case fails to honor children's independent interests in this permanency outcome.

Recognizing children's right to present alternative options for resolving their permanency does not equate to a weaponized family court system. Children who seek to file a termination motion have been adjudicated dependent and neglected and, very often, have been placed out of home for a significant time. Due to ethical limits on the actions an attorney can take on behalf of a client,[8] a termination motion in such situations must be based on a non-frivolous argument that one of

[7] Children 12 and over have the right to consent or not to their adoption. C.R.S. § 19-5-203(2).

[8] A CFY is required to advise and counsel the child on the likely outcomes of any court action; is prohibited from filing frivolous motions; and is authorized to make the majority of strategy-related decisions in a case. *See* Colo. R. Prof'l Cond. 1.2(a), 1.4(a)(2), 3.1; C.J.D. 04-06 §§ V.B.2.,V.C.

the statutory criteria for the termination is satisfied, such as, placement out of home for 15 of the last 22 months, as occurred here. *See* C.R.S. § 19-3-604(2)(k). Nothing prevents another party from filing a summary judgment motion to dispose of an unsupported termination motion. *See* C.R.C.P. 56; *see also People in Interest of A.E.*, 914 P.2d 534, 538 (Colo. App. 1996).

Nor does the *parens patriae* doctrine justify depriving children who are parties to the case and represented by counsel of their right to assert their independent interests through motions to the court. The court's jurisdiction is itself an exercise of the State's *parens patriae* authority. *See E.P. v. District Court of Garfield County*, 696 P.2d 254, 258-59 (Colo. 1985). As a party with legal representation, the legislature did not "contemplate that the child would rely on the State, acting in a *parens patriae* capacity to present and protect his or her interests." *S.O.V. v. M.C.*, 914 P.2d 355, 361 (Colo. 1996) (rejecting assertion of privity between State and child in paternity proceeding). The county attorney does not represent the individual child's interests in a dependency proceeding but the interests of the county or city – entities which must balance a myriad of resources, policies, and political considerations in the exercise of their *parens patriae* authority. *Compare* C.R.S. §§ § 19-1-103(42), 19-3-206 *to* C.R.S. §§ 19-1-103(41.5), (74), 19-3-203. Moreover, central to the doctrine of *parens patriae* is the premise that the individuals on whose behalf the State acts "are unable to take

care of themselves." *R.M.P.*, 569 P.3d at 1206 (quotations omitted). In Colorado, children may need departments to initiate petitions in dependency, but they are able to represent their own interests at subsequent stages of the litigation, for the legislature has provided them with full party status, the right to fully participate in all hearings related to their case, and legal representation. *See* Section I., *supra*. No need exists for the department to step into the role of the child's advocate or act as a gatekeeper to one of the most consequential decisions to be made in the case. It is the role of the *court*, exercising its own *parens patriae* authority, to decide whether the criteria for termination is established by clear and convincing evidence and whether a less drastic alternative best serves the child's interests. *See e.g., A.M.,* 480 P.3d at 689-90.

III. Children's Party Status and Direct Interests Grant Them the Authority and Standing to File a Termination Motion in Appropriate Circumstances.

A. Traditional standing analysis relates to a petitioning party's ability to initiate a case not to an existing party's ability to advocate for their direct interests.

"Standing involves a consideration of whether a plaintiff has asserted a legal basis on which a claim for relief can be predicated," *Bd. of Cnty. Comm'rs v. Bowen/Edwards Assocs. Inc.,* 830 P.2d 1045, 1052 (Colo. 1992). Although standing is a jurisdictional prerequisite that must be determined prior to a decision on the merits, *Ainscough v. Owens*, 90 P.3d 851, 855 (Colo. 2004), once a person is made a party to the proceeding, they do not need to prove their standing as to

each action taken in a case. *See, e.g., Mortgage Investment Corp. v. Battle Mountain Corp.,* 70 P.3d 1176, 1182-83 (Colo. 2003); *People ex. rel. Simpson v. Highland Irr. Co*. 893 P.2d 122, 127 (Colo. 1995). Rule 4.30 of the Colorado Rules of Juvenile Procedure acknowledges as much, providing that "[a]ny party may apply to the juvenile court for relief by motion."[9]

In *R.M.P*., this Court held that children in dependency cases do not have standing to object to a department's request to dismiss a petition because the department has the sole authority to *initiate* the petition in first instance. *See* 569 P.3d at 1207-08. Thus, the *R.M.P*. decision was essentially addressing whether a child through their CFY could step into the shoes of the department and pursue ("prosecute") adjudication when the department has chosen not to. The procedural posture at issue here is well-after adjudication, and it does not require the initiation of a new case or the filing of a petition. *Compare* C.R.S. § 19-3-602(1) *to* C.R.S. §§ 19-5-105(1), 19-5-103.5(2)(a), 19-5-105.5(3) and 19-5-105.7(3). Rather, at the point a termination motion is being considered, the case is nearing completion, and

[9] Rule 4.30 is part of the revised Colorado Rules of Juvenile Procedure package which was amended and adopted by this Court on April 21, 2025, "effective for cases filed on or after July 1, 2025." While C.R.J.P. 4.30 was not in effect at the time the trial court ruled in this matter, it is illuminating that the new rule authorizes the filing of motions for relief by "any party" – without limitation due to representation type, age, or the relief sought.

the parties are looking to effectuate their preferred permanency plan *See* C.R.S. §§ 19-3-604(1)(c)(I), 19-3-702(4).

Any attempt to extrapolate the holding in *R.M.P*. to the issue of a child's ability to file a termination motion through their legal advocate fails to adequately consider that traditional standing analysis relates to the petitioning party's ability to initiate the case and not to actions taken by other parties, once involved, to advance their direct interests at later stages of the proceedings. At the stage of a dependency case when termination is being considered, it is the *court* who must reach a "determination of what will best serve the interests and welfare of the child," which it can only do if the full range of issues are presented to it. *M.M*., 520 P.2d at 131; *see also* Section II,B,, *supra*.

B. Even if traditional standing analysis were to apply, the child through their legal advocate has standing to file a termination motion.

Even if the test for standing to initiate a lawsuit were applied to a child's authority to bring a termination motion through their legal counsel within the context of a dependency case, the child in such situations demonstrably meets the standing requirements. To have standing to bring a lawsuit, a plaintiff must have: 1) suffered an injury in fact; 2) to a legally protected interest. *Arapahoe County Dep't of Human Serv's v. People in Interest of D.Z.B*., 433 P.3d 578, 580 (Colo. 2019) (citations omitted). "In Colorado, parties to lawsuits benefit from a relatively broad definition of standing." *Ainscough*, 90 P.3d at 855.

The first prong of Colorado's test for standing requires "a concrete adverseness which sharpens the presentation of issues that parties argue to the courts," *City of Greenwood Vill, v. Pet'rs for Proposed Cty. of Centennial,* 3 P.3d 427, 437 (Colo. 2000) (quotation omitted). The second prong of the standing test asks the question whether the plaintiff has a legal interest protecting against the injury. *See id*. Each of these factors may be tangible or intangible. *See Ainscough*, 90 P.3d at 856 (citations omitted).

Once termination or permanent custody is considered in a dependency case, the stakes for the child are at their peak, since everything important to them, moving forward, turns on the court's determination of what it believes is best for them. *See A.M.,* 480 P.3d at 688-89; *see also* C.R.S. § 19-3-604(3). As such, Colorado courts have recognized that children have not only a profound and personal interest in the outcome of such a decision, but a legal interest as well. *See, e.g.,* C.R.S. §§ 19-3-502(4.5), 19-3-604(3); *C.A.K.,* 652 P.2d at 607; *D.A.K*., 596 P.2d at 751; *see also* Section II.B., *supra*.[10]

CONCLUSION

In 2022, Colorado's legislature identified children as full parties to their dependency case with legally protected interests, regardless of age or

[10] For the same reasons that they have a direct interest in the outcome of a decision as to what determination serves their best interests, children cannot be considered similarly situated to third-party intervenors. *Cf. C.W.B. Jr.*, 410 P.3d at 445.

representation type. Therefore, all such children have the right, in appropriate circumstances, to request that the court determine one of the most pivotal decisions that could be made in such cases: termination of parental rights.

Amicus Curiae join in the Child B.J.S.'s request that the Court discharge its show cause order and deny Mother the relief she requests.

Respectfully submitted this 12th day of August 2025.

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of August 2025, a true and correct copy of the foregoing *Office of the Child's Representative's and National Association of Counsel for Children's Amicus Curiae Brief in Support of Child B.J.S.'s Response Brief* was served via the methods described below on the following:

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