Case No.

IN THE

SUPREME COURT OF THE UNITED STATES

In the Matter of the Petition of Applicant/Petitioner,

E.R.,

v.

People in the interest of children, Respondent.

Application for an Extension of Time Within Which to File a Petition for a Writ of Certiorari to the Colorado Court of Appeals

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APPLICATION TO THE HONORABLE JUSTICE NEIL GORSUCH AS CIRCUIT JUSTICE

Katayoun Azizpour Donnelly
Through Colorado Office of Respondent Parents' Counsel
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January 30, 2024
Attorney for Applicant/Petitioner

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant E.R., the father, hereby requests a 30-day extension of time, up to and including March 13, 2024, within which to file a petition for a writ of certiorari.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *E.R. v. People in the interest of children*, No. 2020CA1524 (August 24, 2023) (attached as Exhibit 1). The Colorado Supreme Court denied Applicant's petition for a writ of certiorari on November 14, 2023 (attached as Exhibit 2).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U. S. C. § 1257(a). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before February 12, 2024. In accordance with Rule 13.5, this application is being filed 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant respectfully requests a 30-day extension of time (until March 13, 2024) within which to file a petition for a writ of certiorari seeking review of the decision of the Colorado Court of Appeals in this case.

1. The extension of time is necessary because of the press of other client business. Since the denial of the petition for writ of certiorari by the Colorado Supreme Court on November 14, 2023, the undersigned counsel has, among other things, been responsible for oral arguments in *Anzalone v. Board of Trustees*, Case No. 2022CA002181 (COA, held Jan. 23, 2024); preparing to serve as a hearing officer in a disciplinary matter before the Office of the Presiding Disciplinary Judge of the Colorado Supreme Court (hearing held Jan. 24, 2024); and drafting a

reply brief in *Ngo v. Azar*, Case No. 2023CA659 (COA, due February 15, 2025), a notice of appeal in *Pellouchoud v. The People of Colorado* (COA, filed Jan 27, 2024); a reply brief in *United States v. Crespin*, Case No. 23-2111 (10th Cir., due March 12, 2023).

2. A 30-day extension for the Applicant would allow the undersigned counsel the time necessary to effectively contribute to all open matters, including Applicant's petition.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an extension of 30 days, up to and including March 13, 2024, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,

/s/ Katayoun A. Donnelly
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of January 2024, a true and correct copy of the foregoing was filed with the Court and served electronically on the following:

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/s/ Katayoun A. Donnelly
Katayoun A. Donnelly

Exhibit 1

20CA1524 Peo in Interest of SM 08-24-2023

COLORADO COURT OF APPEALS

DATE FILED: August 24, 2023
CASE NUMBER: 2020CA1524

Court of Appeals No. 20CA1524
Arapahoe County District Court No. 19JV563
Honorable Kenneth M. Plotz, Judge,
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.M. and E.M., Children,

and Concerning E.R.,

Appellant.

JUDGMENT AND ORDER AFFIRMED

Division III
Opinion by JUDGE FREYRE
Furman and Martinez*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)
Announced August 24, 2023

Ronald Carl, County Attorney, Jordan Lewis, Assistant County Attorney, Aurora, Colorado, for Appellee

Jeffrey C. Koy, Jordan Oates, Lauren Dingboom, Guardians Ad Litem

Katayoun A. Donnelly, Office of Respondent Parents' Counsel, Denver, Colorado, for Appellant

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2023.

¶ 1 E.R. (father) appeals the judgment terminating the parent-child legal relationship between him and his children and the order denying his motion for relief under C.R.C.P. 60(b)(5). We affirm the termination judgment and the order denying the C.R.C.P. 60(b)(5) motion.

I. Background

¶ 2 In July 2019, the Arapahoe County Department of Human Services filed a petition in dependency and neglect regarding the then-six-year-old twins, S.M. and E.M. (the children). The Department alleged concerns about substance abuse, domestic violence, the condition of the home, and father's recent suicide attempt. The Department also alleged that the family had been involved in a prior dependency and neglect case.

¶ 3 The juvenile court adjudicated the children dependent and neglected. The court also adopted a treatment plan for father.

¶ 4 The Department later moved to terminate father's parental rights. In August 2020, following a hearing, the juvenile court granted the motion.

¶ 5 Father appealed the termination judgment. While the appeal was pending, he also moved to reverse the termination judgment

and remand the case to the juvenile court for a new termination hearing "before a qualified judicial officer" based on the public censure of Judge Natalie T. Chase.

¶ 6 This division issued a limited remand order, directing father to raise his contentions "in a C.R.C.P. 60(b) motion in the juvenile court and obtain a ruling from a judicial officer other than [former] Judge Chase." The division directed "a juvenile court judge, other than [former] Judge Chase" to "conduct further proceedings relevant to the allegations raised in the C.R.C.P. 60(b) motion and enter findings of fact and conclusions of law." *See People in Interest of S.M. & E.M.*, (Colo. No. 20CA1524, May 6, 2021) (published order).

¶ 7 On remand, father moved for relief under C.R.C.P. 60(b)(5). Following a hearing before a different judicial officer, the juvenile court denied the motion.

¶ 8 We recertified the appeal. Father appeals the termination judgment and the order denying his C.R.C.P. 60(b)(5) motion.

II. Termination of Parental Rights

A. Standard of Review and Applicable Law

¶ 9 The juvenile court may terminate parental rights if it finds, by clear and convincing evidence, that (1) the child has been adjudicated dependent and neglected; (2) the parent has not complied with an appropriate, court-approved treatment plan or the plan has not been successful; (3) the parent is unfit; and (4) the parent's conduct or condition is unlikely to change within a reasonable time. § 19-3-604(1)(c), C.R.S. 2023; *People in Interest of E.S.*, 2021 COA 79, ¶ 10.

¶ 10 Whether a juvenile court properly terminated parental rights presents a mixed question of fact and law because it involves application of the termination statute to evidentiary facts. *People in Interest of A.M. v. T.M.*, 2021 CO 14, ¶ 15. "We review the juvenile court's findings of evidentiary fact — the raw, historical data underlying the controversy — for clear error and accept them if they have record support." *People in Interest of S.R.N.J-S.*, 2020 COA 12, ¶ 10. But we review de novo the juvenile court's legal conclusions based on those facts, including whether the Department engaged in

reasonable efforts. *See id.*; *People in Interest of A.S.L.*, 2022 COA 146, ¶ 8.

¶ 11 The credibility of the witnesses, and the sufficiency, probative effect, and weight of the evidence, as well as the inferences and conclusions to be drawn from it, are within the court's discretion. *People in Interest of A.J.L.*, 243 P.3d 244, 249-50 (Colo. 2010).

B. Analysis

¶ 12 Father contends that the juvenile court violated his due process rights. In particular, he argues that he did not have a reasonable time to complete his treatment plan; the Department failed to make reasonable efforts; and that providing him with additional time was a less drastic alternative to termination. We discern no basis for reversal.

1. Due Process

¶ 13 We review procedural due process claims de novo. *People in Interest of C.J.*, 2017 COA 157, ¶ 25. To establish a violation of due process, one must first establish a constitutionally protected liberty interest that warrants due process protections. *Id.*

¶ 14 A parent has a fundamental liberty interest in the care, custody, and control of his or her child. *Troxel v. Granville*, 530

U.S. 57, 66 (2000). To protect the parental liberty interest, due process requires the state to provide fundamentally fair procedures to a parent facing termination. *A.M. v. A.C.*, 2013 CO 16, ¶ 28; *see also Santosky v. Kramer*, 455 U.S. 745, 753-54 (1982). These procedures include a parent receiving notice of the hearing, advice of counsel, and the opportunity to be heard and defend. *People in Interest of Z.P.S.*, 2016 COA 20, ¶ 40. The opportunity to be heard must be provided at a meaningful time and in a meaningful manner. *Patterson v. Cronin*, 650 P.2d 531, 537 (Colo. 1982).

¶ 15 We conclude that father was afforded his due process rights during the termination proceeding. He received notice of the Department's intent to seek the termination of his parental rights. At the termination hearing, he appeared with counsel. During the hearing, counsel cross-examined the Department's witnesses, presented additional evidence, and made a closing argument in defense of father's parental rights.

2. Reasonable Time to Comply

¶ 16 Once the juvenile court approves an appropriate treatment plan, a parent must be provided with a reasonable time to comply with it. *People in Interest of D.Y.*, 176 P.3d 874, 876 (Colo. App.

2007). What constitutes a reasonable time to comply with a treatment plan is fact-specific and varies from case to case. *Id.* However, a reasonable time is not indefinite. *People in Interest of J.C.R.*, 259 P.3d 1279, 1284 (Colo. App. 2011).

¶ 17 Periods as short as five to nine months have been held to be sufficient to comply with a treatment plan. *People in Interest of A.J.*, 143 P.3d 1143, 1152 (Colo. App. 2006). Moreover, a court may terminate the parent-child relationship before the proposed period of treatment has ended. *People in Interest of R.B.S.*, 717 P.2d 1004, 1006 (Colo. App. 1986).

¶ 18 The family began participating in a voluntary case six months before the Department filed a petition. The caseworker testified that, during those six months, father made no progress on his treatment plan. After the petition was filed, the "treatment plan stayed relatively the same."

¶ 19 In addition to these six months during the voluntary case, father had nearly one year to comply with his treatment plan between the adoption of the plan and the termination hearing. The caseworker testified that although the COVID-19 pandemic had created barriers, it had not prevented father from making progress

on his treatment plan for the first fourteen months of the case before the pandemic.

¶ 20 Because the record shows that father had a reasonable time to comply with his treatment plan, we see no basis for reversal.

3. Reasonable Efforts

¶ 21 In determining whether a parent is unfit, the juvenile court must consider whether the Department made reasonable efforts to reunify the family. § 19-3-604(2)(h), (k)(III); *see also* §§ 19-3-100.5, 19-3-208, C.R.S. 2023 (requiring the state to make reasonable efforts to reunite the family when appropriate).

¶ 22 Among the efforts required under section 19-3-208 are screening, assessments, and individual case plans for the provision of services; home-based family and crisis counseling; information and referral services to available public and private assistance resources; visitation services for parents with children in out-of-home placement; and placement services including foster care and emergency shelter. § 19-3-208(2)(b).

¶ 23 The reasonable efforts standard is deemed met if services are provided in accordance with section 19-3-208. § 19-1-103(114),

C.R.S. 2023; *People in Interest of J.A.S.*, 160 P.3d 257, 262 (Colo. App. 2007).

¶ 24 The parent is responsible for using those services to obtain the assistance that he needs to comply with his treatment plan's requirements. *J.C.R.*, 259 P.3d at 1285.

¶ 25 Here, the juvenile court found that the Department had "gone above and beyond reasonable efforts" by giving "countless resources" and reaching out "many times." The court also found that "ultimately, a treatment plan must be complied with by the parent."

¶ 26 The record shows that the Department devised a treatment plan for father; provided referrals for mental health, substance abuse, and domestic violence offender treatment, sobriety monitoring, and parenting education; facilitated supervised visitation; and coordinated placement services for the children. Therefore, the Department met the reasonable efforts standard.

¶ 27 On appeal, father asserts that the Department should have provided "reunification therapy" and separate visitation times for him and the children's mother. But, the caseworker testified repeatedly that family therapy had to be "post-domestic violence."

She said that couples or family therapy cannot be done "when there is active, untreated domestic violence" and that neither parent had completed domestic violence treatment. Moreover, both the parenting time coach and the caseworker described conflicts between the parents during visits and police contact at home. The caseworker testified that the "parents seemed to have a disconnect between what they perceive as violence and what the Department perceives as violence." She said it would have been unethical to make a referral for family therapy without the recommendation of the children's therapist, which she did not possess.

¶ 28 Regarding visits, the record shows that visits were stopped in November 2019 because of their impact on the children and concerns about the parents' behavior. The parenting time coach and the caseworker testified that the children experienced "somatic issues, such as diarrhea, throwing up, and missing a lot of school" and "burst into hysteric tears where they would hyperventilate for hours" before and after the visits. The caseworker testified that the children "were having so many somatic symptoms, and they would lose all day Thursday, all day Friday in school, and then it would take them until Sunday morning to re-regulate, which means they

[would] lose half their week." During the visits, the parents "would frequently belittle the girls, tell them they [felt] fine, and that [there was] nothing wrong with them." According to the caseworker, the children's somatic symptoms "were not due to a stomach flu . . . [t]hey were due to emotionally being afraid."

¶ 29 Visits were also stopped because of ongoing concerns about the mother's sobriety and conflicts between the parents during visits. The caseworker testified that the parents were unable to stay regulated and feedback "seemed to go in one ear and out the other." The caseworker said father did not understand the impact of the visits or implement parenting education skills during the visits. The caseworker also said while father attended visits, he did not maintain a bond or connection with the children or establish "an environment that made the children feel safe." The caseworker said the children were not ready for visits and had expressed fear of starting visits again. The parenting time coach agreed and said visits were not in the children's best interests.

¶ 30 Given this evidence, we cannot say that the Department failed to make reasonable efforts. Because the record supports the

juvenile court's findings, we will not disturb them or its legal conclusion.

4. Less Drastic Alternatives

¶ 31 The juvenile court must consider and eliminate less drastic alternatives before it terminates the parent-child legal relationship. *People in Interest of D.P.*, 181 P.3d 403, 408 (Colo. App. 2008). In considering less drastic alternatives, the court bases its decision on the best interests of the children, giving primary consideration to their physical, mental, and emotional conditions and needs. § 19-3-604(3).

¶ 32 The juvenile court determined that there were no less drastic alternatives to termination. The court noted that the Department had been involved with the family since January 2019. It found that father had not reasonably complied with his treatment plan or made progress in addressing his issues. The court also found that father had not seen the children in approximately eight months, and had demonstrated no insight, accountability, or sobriety and that he was "trying to check a box" regarding his participation in treatment.

¶ 33 The record supports the juvenile court's findings. The Department was involved with the family for nineteen months, yet father had not resolved the issues that led to the Department's involvement. His communication with the Department was "sporadic," and when he was in contact, he "was unable to stay emotionally regulated and appropriate." He did not complete a parenting education program until fourteen months into the case. He completed a mental health evaluation but didn't engage with the recommended treatment until over a year into the case. His urine tests were "overwhelmingly . . . positives or no-shows." He did not follow through with domestic violence offender treatment. And at the time of the termination hearing, he had not visited the children in almost nine months.

¶ 34 The record also shows that father was unable to understand how to be protective of the children. The caseworker testified that father was unable to put the children's needs above his own. She next said father had not made significant behavioral changes that would create a physically and emotionally safe environment for the children. She also testified that father blamed the children's mother and lacked accountability for his behavior. She further said

the Department continued to have concerns about police contact and violence in the home. The caseworker opined that if the children were returned, they would be at risk; an ongoing relationship with father would be "detrimental" for the children; and father could not mitigate the concerns within a reasonable time.

¶ 35 Given this evidence, we conclude that the juvenile court did not err when it found that there were no less drastic alternatives to termination. Because the record supports the court's findings, we will not disturb them or its legal conclusion.

III. Denial of C.R.C.P. 60(b)(5) Motion

¶ 36 Father contends that the juvenile court erred by denying his C.R.C.P. 60(b)(5) motion. He asserts that the court violated his right to due process by refusing to consider evidence of the former guardian ad litem's (GAL) racial bias. He reasons that former Judge Chase relied heavily on the GAL's recommendations, and therefore, the GAL's alleged bias was relevant to former Judge Chase's alleged bias. We discern no abuse of discretion in the court's ruling.

A. Additional Facts

¶ 37 In his C.R.C.P. 60(b)(5) motion, father alleged that he had evidence of racial bias by the Department and the former GAL that

would "cast serious doubt on the fairness and impartiality of these proceedings." He served a subpoena duces tecum on the former GAL, ordering her to produce any and all communications between her and "any other person or entity" with regard to father's case. The GAL moved to quash the subpoena duces tecum, which the juvenile court granted. The court determined that the GAL was "not the subject matter of the limited remand."

¶ 38 In an amended case management order, the juvenile court, citing *People in Interest of A.P.*, 2022 CO 24, concluded that the hearing on father's C.R.C.P. 60(b) motion would be "limited as to whether the record in this case demonstrates actual bias on the part of the trial judge and any witness presented by the moving party shall be limited to testifying as to whether or not the record in the case shows actual bias by the trial judge." The court also concluded that "the actions of the GAL are not at issue in this hearing and no statements or evidence will be permitted regarding the conduct of the GAL."

¶ 39 At the remand hearing, father's counsel argued that she had evidence of racial bias in the GAL's office. She tendered a written offer of proof that described specific examples indicating possible

racial bias against Hispanic and Native families. Counsel also argued that juvenile courts relied heavily on the recommendations from guardians ad litem in making decisions and that the majority of judicial decisions in dependency and neglect cases were recommended by a guardian ad litem. Counsel urged the court to allow testimony from witnesses. The Department objected, arguing that father had not identified these witnesses and that the parties were "not here to discuss what did or did not happen with the GAL's office." The court did not permit evidence regarding the GAL's alleged racial bias at the hearing.

¶ 40 At the end of the hearing, the juvenile court again relied on *A.P.* to determine whether the record demonstrated actual bias. It found

- there was no connection between the facts giving rise to the censure of former Judge Chase and father's case;
- the record did not reflect actual bias by former Judge Chase toward father;
- father had not met his burden of showing any grounds to vacate the termination judgment by clear and convincing evidence; and

- there were “no extraordinary circumstances” in the record that would require the termination judgment to be set aside.

B. Standard of Review and Applicable Law

¶ 41 We review a juvenile court’s ruling on a C.R.C.P. 60(b)(5) motion for an abuse of discretion. *A.P.*, ¶ 20. A court abuses its discretion when it makes a manifestly arbitrary, unreasonable, or unfair decision or when it misunderstands or misapplies the law. *Id.*

¶ 42 To vacate a judgment under C.R.C.P. 60(b), “the movant bears the burden of establishing by clear and convincing evidence that the motion should be granted.” *Goodman Assocs., LLC v. WP Mountain Props., LLC*, 222 P.3d 310, 315 (Colo. 2010). C.R.C.P. 60(b)(5) is reserved for “extraordinary circumstances” and “extreme situations.” *A.P.*, ¶ 22 (citing cases).

¶ 43 A judge must not preside over a case if they are unable to be impartial. *Id.* at ¶ 25. Whether a judge should recuse depends on the impropriety or potential appearance of impropriety caused by their involvement. *Id.* at ¶ 26. Recusal may result from allegations of actual bias or a mere appearance of impropriety. *Id.*

¶ 44 "Only when a judge was actually biased will we question the reliability of the proceeding's result." *Id.* at ¶ 29.

¶ 45 The party asserting that a trial judge was biased "must establish that the judge had a substantial bent of mind against him or her." *People v. Drake*, 748 P.2d 1237, 1249 (Colo. 1988). The record must clearly demonstrate the alleged bias. *A.P.*, ¶ 30.

¶ 46 Adverse legal rulings by a judge are unlikely to provide grounds for a bias claim. *Id.* at ¶ 32.

C. Analysis

¶ 47 We conclude that the juvenile court did not abuse its discretion by denying father's C.R.C.P. 60(b) motion.

¶ 48 Although Judge Chase stipulated to several instances of misconduct and resigned her position, the censure order alone does not support father's claim of bias. *A.P.*, ¶ 36. "[T]here would need to be some connection between the facts giving rise to the censure and what's at issue in [father's] case," and here, there is no connection. *Id.*

¶ 49 Two experts testified generally about bias in the child welfare system and disparate outcomes for children of color. They reviewed the court file, transcripts, appellate briefs, and expert reports, and

confirmed that they had been asked to determine whether "bias existed within the decisions that were made with regard to this particular case and this family."

¶ 50 The licensed professional counselor criticized the requirements of father's treatment plan, especially the visitation component. She expressed particular concern about the suspension of father's visits and the lack of a plan to reinstate them. She admitted, however, that former Judge Chase's statements indicated that suspending visits was not something she would readily do and that she "wanted to know steps to resume visitation." The counselor noted that father is Hispanic and the children's mother is white, and that former Judge Chase had suspended both parents' visits. And she admitted that former Judge Chase had treated father kindly and with respect.

¶ 51 The psychotherapist consultant was concerned that "professional opinions from the people" who serve the children and father or information about the family's Hispanic heritage were not in the record. The consultant opined that a lack of consideration of the children's Hispanic culture indicated bias from the judge, the GAL, and the Department. The consultant further opined that if a

judge indicates that they are biased against multiple persons of color, father would not be excluded.

¶ 52 This record does not demonstrate actual bias. There was no evidence of comments or actions specific to former Judge Chase with regard to father or the children. Rather, the evidence points to generalized bias within the system or alleged bias by the GAL or Department. Without a showing of actual bias, the juvenile court lacked any legal basis for questioning the result of the termination proceeding. *See id.* at ¶ 39.

¶ 53 To the extent that father argues that he was prevented from discovering and presenting information related to possible bias by the former GAL, we are not persuaded that reversal is required. The issue on limited remand was whether former Judge Chase was biased against father, not the GAL. Thus, the court did not abuse its discretion by denying the motion.

¶ 54 Nevertheless, we find the allegations described in father's offer of proof disturbing. We note that a GAL "plays a central role" in dependency and neglect proceedings. *C.W.B., Jr. v. A.S.*, 2018 CO 8, ¶ 24. Moreover, a GAL is "statutorily obligated to advocate for the best interests of the child and is expressly authorized to

participate at all steps of the legal proceedings." *Id.* Specifically, a GAL can investigate, examine, and cross-examine witnesses at the adjudicatory and dispositional hearings, introduce their own witnesses, and "participate further in the proceedings to the degree necessary to adequately represent the child." § 19-3-203, C.R.S. 2023 (defining a GAL's role). Most importantly, a GAL "shall . . . make recommendations to the court concerning the child's welfare." § 19-3-203(3).

¶ 55 While father did not raise these allegations with particularity in his C.R.C.P. 60(b) motion or move to amend his motion to include them, he may file a new C.R.C.P. 60(b) motion challenging the termination judgment after this case mandates.

¶ 56 Lastly, we decline father's suggestion that we should apply a different test to "determine the impact of post-judgment discovery of racial bias." "[W]e are bound to follow supreme court decisions unless they have been overruled or abrogated." *People v. Kern*, 2020 COA 96, ¶ 42.

IV. Judicial Notice

¶ 57 Father asks us to take judicial notice of two news articles and the supreme court's record in *A.P.* We decline his request.

¶ 58 Colorado Rules of Evidence 201(b) provides: "A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." "[N]otice should be taken only when the facts are of such common knowledge that they cannot reasonably be disputed." *Quintana v. City of Westminster*, 56 P.3d 1193, 1199 (Colo. App. 2002).

¶ 59 News articles are not the type of information of which a court can properly take judicial notice. *See Fry v. Lee*, 2013 COA 100, ¶ 56 n.4 (refusing to take judicial notice of reader comments on an article on the Denver Post website). Nor can we take judicial notice of the court file in *A.P.* because it is a different case that was in front of a different court. *People in Interest of O.J.S.*, 844 P.2d 1230, 1233 (Colo. App. 1992) (a court may only take judicial notice of its own file, its findings of fact, and its conclusions of law), *aff'd sub nom. D.A.S. v. People*, 863 P.2d 291 (Colo. 1993).

V. Disposition

¶ 60 The termination judgment and the order denying the C.R.C.P. 60(b)(5) motion are affirmed. Father may file a new C.R.C.P. 60(b) motion raising allegations related to the GAL or any other party to the case when this case mandates.

JUDGE FURMAN and JUSTICE MARTINEZ concur.

Court of Appeals

STATE OF COLORADO
2 East 14th Avenue
Denver, CO 80203
(720) 625-5150

PAULINE BROCK
CLERK OF THE COURT

NOTICE CONCERNING ISSUANCE OF THE MANDATE

Pursuant to C.A.R. 41(b), the mandate of the Court of Appeals may issue forty-three days after entry of the judgment. In worker's compensation and unemployment insurance cases, the mandate of the Court of Appeals may issue thirty-one days after entry of the judgment. Pursuant to C.A.R. 3.4(m), the mandate of the Court of Appeals may issue twenty-nine days after the entry of the judgment in appeals from proceedings in dependency or neglect.

Filing of a Petition for Rehearing, within the time permitted by C.A.R. 40, will stay the mandate until the court has ruled on the petition. Filing a Petition for Writ of Certiorari with the Supreme Court, within the time permitted by C.A.R. 52(b), will also stay the mandate until the Supreme Court has ruled on the Petition.

BY THE COURT: Gilbert M. Román,
Chief Judge

DATED: January 6, 2022

Notice to self-represented parties*: You may be able to obtain help for your civil appeal from a volunteer lawyer through The Colorado Bar Association's (CBA) pro bono programs. If you are interested in learning more about the CBA's pro bono programs, please visit the CBA's website at* ***www.cobar.org/appellate-pro-bono*** *or contact the Court's self-represented litigant coordinator at 720-625-5107 or* ***appeals.selfhelp@judicial.state.co.us.***

Exhibit 2

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: November 14, 2023 CASE NUMBER: 2023SC696
Certiorari to the Court of Appeals, 2020CA1524 District Court, Arapahoe County, 2019JV563	
Petitioner: E. R., **v.** **Respondent:** The People of the State of Colorado, **In the Interest of Minor Children:** S. M. and E. M.	Supreme Court Case No: 2023SC696
ORDER OF COURT	

Upon consideration of the Petition for Writ of Certiorari to the Colorado Court of Appeals and after review of the record, briefs, and the judgment of said Court of Appeals,

IT IS ORDERED that said Petition for Writ of Certiorari shall be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, NOVEMBER 14, 2023.