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District Court, Adams County
Case No. 2025CV031717

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Case No. 2026 SA 106

Petitioner:

E.L. and D.I., by and through their parent and next friend
SCARLET RAMIREZ; J.B., by and through his parent and next
friend AUTUMN RAY; ASHLEE TRUJILLO; AND
CASSONDRA REEVES; individually on their own behalf and
on behalf of those similarly situated

v.

Respondent:

ADAMS COUNTY SHERIFF GENE CLAPS, in his individual
and official capacities, BOARD OF COUNTY
COMMISSIONERS OF ADAMS COUNTY ; ADAMS
COUNTY JAIL DIVISION CHIEF WILLIAM DUNNING, in
his individual and official capacities ; and HOMEWAY, LLC.

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**BRIEF OF AMICUS CURIAE OFFICE OF RESPONDENT PARENTS' COUNSEL
IN SUPPORT OF GRANTING THE PETITION FOR REVIEW PURSUANT TO
COLORADO APPELLATE RULE 21**

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that this brief complies with all requirements of C.A.R. 29 and C.A.R. 32, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

1. The brief complies with the applicable word limit set forth in C.A.R. 29. **It contains 4149 words.**
2. The brief complies with C.A.R. 29, including compliance with rule 28(a)(2) and (3).

The undersigned acknowledges that the brief may be stricken if it fails to comply with any of the requirements of C.A.R. 29 and C.A.R. 32.



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IDENTITY OF AMICI-CURIAE AND INTEREST IN THE CASE

The Colorado Office of Respondent Parents' Counsel (ORPC) is an independent state agency established because “[r]espondent parents’ counsel play a critical role in helping achieve the best outcomes for children involved in dependency and neglect proceedings by providing effective legal representation for parents in dependency and neglect proceedings . . .” C.R.S. § 13-92-101(1)(a).

“[T]he interest of parents in the care, custody, and control of their children . . . is perhaps the oldest of the fundamental liberty interests recognized by this Court [the Supreme Court of the United States.” *Troxel v. Granville*, 530 U.S. 57, 65 (2000). Such a deeply rooted fundamental right must be protected by a legal system that is fairly implemented and is one in which the laws, regulations, and rules of that system are strictly followed by the government who created it.

To further the fairness of the child welfare system, the ORPC provides court-appointed counsel for parents involved in dependency and neglect cases, this includes parents who are incarcerated. Since its creation, in 2016, ORPC attorneys and advocates have represented more than 2,000 incarcerated parents across the State of Colorado. Decisions related to family time, especially for families impacted by incarceration, directly affect the clients that ORPC serves. Research clearly demonstrates that in-person visitation and contact between children and their incarcerated parents helps reduce the trauma and psychological harms of parental

incarceration. Research also shows this in-person contact incentivizes positive behaviors within carceral institutions and reduces overall recidivism. For these reasons, the ORPC has an interest in the outcome of this case.

SUMMARY OF THE ARGUMENT

Under both federal and Colorado law parents, including those who are incarcerated, have a right to in-person family time with their children. In addition to the constitutionally protected fundamental right to parent, Colorado SB 23-039 was passed to ensure that parents and children can maintain meaningful and engaging relationships despite a parent being incarcerated. In response to this legislation, the Colorado Department of Corrections (DOC) has successfully implemented in-person and face-to-face family time for parents and children. In contrast; however, Adams County, and other county jails, that house predominantly lower-level offenders pre-trial have a blanket policy disallowing any in-person contact for families. This Court should grant the present Petition for Review and find that the Adams County Sheriff and Jail is in violation of Colorado law and the fundamental right to parent by enforcing its blanket policy that prohibits in-person family time for children and their incarcerated parents.

ARGUMENT

I. INCARCERATED COLORADO PARENTS HAVE A FUNDAMENTAL, CONSTITUTIONAL RIGHT TO

MEANINGFUL FAMILY TIME WITH THEIR CHILDREN.

The fundamental right to parent and to family association is protected under the Fourteenth Amendment of the United States Constitution. The Supreme Court has repeatedly reaffirmed the right to family association. See e.g., *Pierce v. Society of Sisters*, 268 U.S. 510 (1925) (protecting the private realm of family life from state intrusion; *Skinner v. Oklahoma*, 316 U.S. 535 (1942) (describing the right to family association as “one of the basic civil rights of man”); *Prince v. Massachusetts*, 321 U.S. 158 (1944) (affirming that there is a “realm of family life under which the state cannot enter’ without substantial justification). Under the Fourteenth Amendment, Parents also have the right to oversee the “care, custody, and control of their children.” *Troxel v. Granville*, 530 U.S. 57, 57 (2000). Indeed, the Supreme Court has made clear that the right of a parent to direct and participate in the upbringing of their child is “perhaps the oldest of the fundamental liberty interests.” See *Troxel*, 530 U.S. at 65. This right “does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State.” *Santosky v. Kramer*, 455 U.S. 745, 753 (1982). And, neither a criminal conviction nor incarceration divests a parent of their fundamental right to direct their child’s upbringing. *Diernfeld v. People*, 323 P.2d 628, 631 (1958). Importantly, incarceration is not a basis in itself for

adjudication or termination of parental rights under Colorado law. See C.R.S. § 19-3-102; 19-3-604; 19-3-702(4)(e)(V); *see also Diernfeld*, 323 P.2d at 631-32.

One goal of the Colorado Children’s Code, “is to preserve and strengthen family ties whenever possible...” See C.R.S. § 19-1-102(1)(b). Colorado law strongly protects the importance of in-person visitation, also known as family time, for children and their parents during a dependency and neglect case.¹ Central to parenting and the care, custody, and management of a child is a parent’s time with the child. In a dependency and neglect case, this is achieved through family time. Colorado law firmly protects the importance of in-person family time for children and parents throughout a dependency and neglect case. C.R.S. § 19-3-217. Indeed, under the Colorado Children’s Code, parents have certain residual rights even after their child has been adjudicated dependent or neglected. C.R.S. § 19-1-103(93). “‘Residual parental rights and responsibilities’means those rights and responsibilities remaining with the parent after legal custody...[has] been vested in another person, agency, or institution, including, but not necessarily limited to, the responsibility for support, the right to consent to adoption, *the right to reasonable parenting time unless restricted by the court*, and the right to determine the child’s

¹ Though case law frequently refers to in-person contact between parents and children as visitation, Colorado dependency and neglect courts typically call visitation “family time.” Both terms are used throughout this brief, but they refer to the same kind of parent and child contact.

religious affiliation.” C.R.S. § 19-1-103(93)(emphasis added). In addition to statutory protections, “a parent is entitled to face-to-face visitation, and correspondence between parents and children does not constitute visitation.” *People ex rel. D.G.*, 140 P.3d 299, at 302 (Colo. App. 2006). In *D.G.*, a mother was denied visitation with her children while she was placed in a community corrections program (ComCor). *Id.* In its legal analysis, the division of the Court of Appeals noted that “the term visitation contemplates face- to-face encounters between parents and children.” *Id.* at 305. Moreover, “absent safety concerns, a parent is entitled to face-to face visitation....” *Id.* at 302 (emphasis added).

Likewise, Colorado courts have continuously recognized that, in the context of a dependency and neglect case, family time must be tailored to the needs of the specific case and family. *People In Interest of A.A.*, 479 P.3d 57, 62 (Colo App. 2020). (“Visitation services for parents and children in out-of-home placement must be provided in accordance with individual case plans.”) Additionally, counties are required to facilitate parent and child visitation as part of the reasonable efforts requirement to reunify families. C.R.S. § 19-3-208(2)(b)(IV). When a county Department of Human Services (Department) fails to provide sufficient family time for parents and children the county fails to “exercise reasonable efforts to reunify the family.” *A.A.*, 479 P.3d at 59.

In the case of E.S., the Colorado Court of Appeals recognized that “providing visitation services for parents with children in out-of-home placement is one of the actions a Department *must* take to satisfy the standard” of reasonable efforts. *People In Interest of E.S.*, 494 P.3d 1142, 1143 (Colo. App. 2021). (emphasis added). In that case, the Department had a “blanket policy” prohibiting family time for all parents with outstanding warrants. *Id.* Because of that, Respondent Father, who had active warrants, was not allowed to see his children. *Id.* In overturning the termination of Father’s parental rights, the Colorado Court of Appeals ruled “that the Department’s blanket policy violates section 19-3-208 because it creates a general prohibition on visitation services without any consideration of the children’s health and safety or whether visitation is necessary and appropriate under the treatment plan.” *Id.* at 1146. The court further recognized that “absent health and safety concerns, a juvenile court may not approve a treatment plan that does not provide for face-to-face visitation.” *Id.* Thus, face-to-face in-person visitation is essential to reasonable efforts that are required to reunify parents and children. Further still, any denial of that family time must be directly tied to the health, safety, and well-being of the child. *See A.A.*, 479 P.3d at 63; *see also E.S.*, 494 P.3d at 1146.

Together, these cases demonstrate that a parent’s right to in-person time with their child is a fundamental, constitutional right which cannot be denied without

due process of law. *Santosky*, 455 U.S. at 753; *Troxel*, 530 U.S. at 65; *D.G.*, 140 P.3d at 302; *A.A.*, at 59; and *E.S.*, at 1143-1144. As such, the right to visitation is guaranteed under the United States Constitution and well-established Colorado law, unless a court makes a finding that visitation would be a threat to the child’s safety. Thus, county jails and prisons, such as Adams County, may not unilaterally have a “blanket policy” keeping parents from their children simply because the parent is incarcerated. *E.S.*, at 1145. As such, this Court should issue an order to show cause why the Adams Conty blanket policy and all such blanket policies preventing in-person visitation cannot stand.

II. THE COLORADO LEGISLATURE HAS REPEATEDLY EXPRESSED ITS INTENT TO REQUIRE IN-PERSON FAMILY CONTACT FOR CHILDREN AND THEIR INCARCERATED PARENTS ABSENT SPECIFIC ARTICULABLE SAFETY CONCERNS.

a. Legislative Intent and History

To protect the rights of incarcerated parents, children, and families, the Colorado legislature passed Senate Bill 23-039, titled “Reduce Child and Incarcerated Parent Separation.” The bill went into effect on January 1, 2024. S.B. 23-039, 75th Gen. Assemb., 1st Reg. Sess. (Colo. 2023). The Colorado legislature enacted SB23-039 because “measures are necessary to reduce the trauma of family separation caused by incarceration and to promote strong and healthy family relationships for the benefit of children, their parents, and society.”

Id. at § 1(2). The legislature specifically noted the broad impact that incarceration has on Colorado children, finding that “[a]t least seven percent, or more than ninety-two thousand, of Colorado children at some time during their childhood have a parent or guardian who was or is incarcerated.” *Id.* at § 1(1)(a).

SB 23-039 also recognizes that when a parent is incarcerated, children face many negative repercussions. “Having a parent who is incarcerated hinders a child’s academic achievement.” *Id.* at § 1(1)(d). The legislature also highlighted that incarceration disparately impacts certain Colorado communities, specifically “incarceration of a parent disproportionately affects children of color and exacerbates the number of children living in poverty.” *Id.* at § 1(1)(c). Protecting the parent-child relationship, including when a parent is incarcerated, provides broad benefits to not just those families but to Colorado as a whole. Indeed, as the general assembly found, “[p]reserving children’s relationships with parents who are incarcerated benefits society by reducing recidivism rates and facilitating successful returns to our communities.” *Id.* at § 1(1)(e).

The General Assembly has continued to express its strong support for families maintaining contact during incarceration. In 2025, the legislature passed H.B. 25-1013, which provides the right to visitation for people incarcerated in the Department of Corrections. In 2023, the Colorado Jail Standards Commission issued recommended standards for jails, including providing sufficient space for

in-person visits by friends and families and a minimum of two personal visits being allowed each week.² Enacted in 2024, C.R.S. § 2-3-1901.5 requires all county jails to comply with the standards adopted by the Legislative Oversight Committee beginning on July 1, 2026.³

b. Colorado Department of Human Services Rulemaking

After passage of SB 23-039, the Colorado Department of Human Services created rules to facilitate communication and family time between children and their parents who are incarcerated. *See* 12 C.C.R. § 2509-4:7.301.22, 7.301.24, 7.301.24, 7.304.64. These rules must consider the benefits to the child of maintaining contact with their parent and the parent’s willingness to maintain a meaningful relationship. C.R.S. § 19-3-131. Further, if a parent who is party to a dependency and neglect case becomes incarcerated, then the Department must “coordinate and facilitate available services with the Family Services Coordinator or other designated communications liaison of the facility where the parent is incarcerated.” 12C.C.R. § 2509-4:7.301.22(B)(3). The new rules also emphasize that in-person family time is still a priority even if a parent is incarcerated.

² Colorado Jail Standards Commission, *Report to the Legislative Oversight Committee Concerning Colorado Jail Standards* (Nov. 15, 2023), https://content.leg.colorado.gov/sites/default/files/jail_standards_commission_final_report.pdf.

³ The standards for Colorado Jails are available at <https://content.leg.colorado.gov/sites/default/files/2026-02/standards-for-colorado-jails-accessible.pdf>.

Specifically, under the rules the Department and caseworkers are required to “[c]ontact the parent who is incarcerated and the Family Services Coordinator or other designated communications liaison of the facility to determine what options are available for *in-person family time*, to make reasonable efforts to support *in-person family time*, and to make reasonable efforts to facilitate family time through audio-visual communication and/or other emerging available technology when in-person family time is not reasonably practicable.” 12 C.C.R. § 2509-4:7.304.64(I). (emphasis added). The Department and Adams County Sheriffs have not demonstrated that “in-person family time is not reasonably practicable.” *Id.* Accordingly, this Court should issue an order to show cause why the Adams County blanket policy and all such blanket policies preventing in-person visitation cannot stand.

c. Colorado Sheriffs Departments

County jails and sheriff’s departments are required to assist in giving effect to the ability of parents to visit their children face-to-face. Specifically, the law requires each County sheriff to designate one individual responsible for communicating between the jail and county department of human services “for the purpose of improving communication and ensuring opportunities for family time.” C.R.S. § 30-10-528. “The act [also] requires each sheriff to designate one individual responsible for communicating between the jail and the county

department of human services concerning children subject to an open dependency and neglect case whose parents are incarcerated in the jail.” C.R.S. § 30-10-528. As such, the act contemplates the collaboration between the court, sheriffs department, and county jail where the parent is incarcerated. When a county jail, like Adams County jail, enacts a “blanket policy” prohibiting in-person family time for children and their incarcerated parents it is a direct violation of *E.S.* and state law. See *E.S.* at 1146; 12 C.C.R. § 2509-4:7.304.64(I).

Moreover, it is commonly known that individuals incarcerated in county jails are often pre-trial and, have not yet to been found guilty of any crime. These parents are presumed innocent of all their charges under both the United States Constitution and Colorado law, and yet Adams County and other jails throughout Colorado are denying parents their statutory and constitutional right to contact with their children. U.S. CONST. amend. V., XIV; C.R.S. § 18-1-402. Parents held in county jail post-trial are typically either awaiting sentencing, serving jail sentences for misdemeanor convictions, awaiting release on community-based sentences, or awaiting transfer to the Colorado Department of Corrections (DOC). These parents in Adams County jail and other Colorado jails are also being denied access and in-person family time with their children. In stark contrast, Colorado DOC holds exclusively those serving sentences for felony criminal convictions. And despite housing higher level inmates than county jails with therefore increased

security risks, DOC nevertheless consistently provides in-person family time for incarcerated parents and their children. Because the DOC can do so and yet Adams County and other jails refuse to do so, this Court should issue an order to show cause why the Adams County blanket policy is necessary when no such policy is necessary in substantially higher security risk facilities.

**III. MAINTAINING IN-PERSON FAMILY TIME FOR
INCARCERATED PARENTS AND THEIR CHILDREN
REDUCES SEPARATION TRAUMA, INCREASES CARCERAL
INSTITUTION SECURITY, AND REDUCES RECIDIVISM.**

a. Separation Trauma

The separation of a child from their parent is one of the most profound traumas that a child can experience “because it removes children from a vital emotional environment that supports their ongoing development.”⁴ This leads to mental health challenges including distress, anxiety, depression, anger, and feelings of guilt.⁵ Additionally, the abrupt removal of a parent from a child’s life due to incarceration can initiate an intergenerational cycle of incarceration, especially

⁴ Martin H. Teicher, *Childhood Trauma and the Enduring Consequences of Forcibly Separating Children from Parents at the United States Border*, National Library of Medicine (Aug. 22, 2018), <https://pubmed.ncbi.nlm.nih.gov/30131056/>.

⁵ Charlene Wear Simmons, *Children of Incarcerated Parents*, California Research Bureau, March 2000, <https://cahealthadvocates.org/wp-content/uploads/2007/11/V7N2.pdf>

when negative behavioral impacts lead to increased childhood contact with the criminal justice system.⁶ However, proactively providing parents and children with contact and family time can help to strengthen parent-child relationships. Maintaining such contact also helps prevent the termination of parental rights.⁷ Such contact also has positive contributions to a child’s mental health because “[t]hese contacts provide children with opportunities to maintain positive relationships with their parents, alleviate fears about their parents’ well-being, and help them deal with the reality of their parents’ situations.”⁸ Frequent in-person family time also has positive effects on behavior. “Studies of children in the general foster care population have found a number of benefits for children when they have regular, frequent contact with their parents, including lower rates of depression and fewer externalizing behaviors.”⁹ In-person parent and child visits

⁶ *Child Welfare Practice With families affected by Parental Incarceration*, Child Welfare Information Gateway (Oct. 2019), https://coloradocwts.com/wp-content/uploads/2022/03/Child-Welfare-practice-with-families-affected-by-parental-incarceration-Children_s-Bureau.pdf.

⁷ *Id.*

⁸ *Id.*

⁹ *Child Welfare Practice With families affected by Parental Incarceration*, Child Welfare Information Gateway (Oct. 2019), https://coloradocwts.com/wp-content/uploads/2022/03/Child-Welfare-practice-with-families-affected-by-parental-incarceration-Children_s-Bureau.pdf.

increases children's feelings of attachment to their parent, reduce their stress and anxiety, and reassure them that their mom or dad still cares about them.¹⁰

This data is supported by individual experiences. Since 2020, the ORPC has contracted with parent advocates to provide case management and support to other parents experiencing dependency and neglect cases. Parent advocates are uniquely skilled in their role through their own lived experience. The criteria to become a parent advocate includes that the individual was formerly a parent in a dependency and neglect case, that they completed their case, and that their case has been closed for at least one year. Several ORPC parent advocates were previously incarcerated and many of them work to support currently incarcerated parent clients.

ORPC parent advocates note the separational trauma that incarceration caused for their children and themselves, and their current clients and children. One parent advocate went without seeing his child for the first two years of his child's life. During that time there was no in-person visitation, virtual visitation, phone calls, or even photos exchanged. In reflecting on the day that he finally got to see his child, he said "I went to pick her up, and she pulled away from me. She did not know who I was." Another parent advocate recognizes that the impacts of separational trauma still impact her and her child today even though it has been

¹⁰ Cramer et al., Urban Institute, *Parent-Child Visiting Practices in Prisons and Jails: A Synthesis of Research and Practice* (April 2017).

seven years since they were reunited. Separation trauma is also often generational. One parent advocate was removed from her mother's custody and placed in foster care when her own parent became incarcerated. Both parent advocates expressed the immense motivation that their children provided them to change their lives and seek goals of rehabilitation.

b. Increased Institutional Security and Lower Recidivism

In-person visitation or family time has positive impacts on both inmates and institutions. Extensive research demonstrates that family time reduces overall inmate recidivism by 25%.¹¹ “Parents who receive more visits from their children have lower rates of recidivism after release.”¹² In-person visitation positively contributes to the morale of those who are incarcerated and their loved ones within the community.¹³

Even more relevant to the blanket policy in this case, a fifty-state survey conducted by Yale University found “that frequent, high quality visitation can

¹¹ Niyankor Ajuaj, *Opinion: People Incarcerated in Colorado Prisons Should Have a Right to Visitations with Loved Ones*, The Colorado Sun (April 10, 2025), <https://coloradosun.com/2025/04/10/opinion-colorado-prison-visitation-right-legislation/>

¹² Cochran & Mears, *Social Isolation and Inmate Behavior: A Conceptual Framework for Theorizing Prison Visitation and Guiding and Assessing Research*, 41 J. Crim. Just. 252 (2013).

¹³ *Child Welfare Practice With families affected by Parental Incarceration*, Child Welfare Information Gateway (Oct. 2019), https://coloradocwts.com/wp-content/uploads/2022/03/Child-Welfare-practice-with-families-affected-by-parental-incarceration-Children_s-Bureau.pdf.

reduce prison violence, maintain family bonds, break the intergenerational cycle of incarceration, and smooth the reentry process.”¹⁴ Inmate visitation also reduces behavioral write ups and assists individuals in acclimating to the carceral environment.¹⁵ In other words, promoting in-person visitation, increases security for the jails and helps reduce their need in future generations.

Despite these benefits, ORPC parent advocates working with incarcerated parent clients have expressed a wide range of visitation challenges for children and their incarcerated parents. Since SB 23-039 was enacted parents incarcerated in county jails throughout the state of Colorado, including Adams County, are not receiving in-person visitation or family time with their children. Arapahoe County Department of Human Services refuses to bring children for in-person visitation expressing concerns about caseworker safety. This is contrary to the intent of SB 23-039 and is a direct violation of Colorado Department of Human Services rulemaking which states the Department and caseworkers are required to “make reasonable efforts to support in-person family time.....and document the efforts to coordinate and facilitate in-person family time....” (vol. 7 cite 7.304.64)

ORPC parent advocates also report that some parents in county jails are receiving virtual visitation, but even that is often sporadic, limited, and unreliable.

¹⁴ Chesa Boudin et al., *Prison Visitation Policies: A Fifty-State Survey*. Yale L. & Pol’y Rev., 32, 149 (2013).

¹⁵ *Id.*

For example, while a parent in an urban Colorado county may receive thirty minutes of virtual visitation each week, other parents continue to receive no contact at all. And these experiences witnessed by parent advocates are supported by ORPC data. ORPC surveys its contractors on an annual basis. While the of S.B. 23-039, has reduced the incidents of no in-person family time for incarcerated parents involved in dependency cases from 80% to 50%, that still means that- despite legislation and case law, parents are not receiving in-person visitation half of he time.¹⁶ Said differently, though parents held in jails are often held pretrial and have not been convicted of the crime for which they are held, those parents are still much less likely to see their children in-person than parents incarcerated in DOC and do not see their children in-person at all 50% of the time.

As noted above, unlike Adams County and other Colorado county jails, Colorado DOC, routinely facilitates in-person and face-to-face visitation for parents, children, and families. DOC recognizes the importance of in-person visitation and “is committed to...the principle that maintaining family and community ties is vital for residents’ successful rehabilitation and safe return to society.”¹⁷ This policy matches research that shows that individuals who maintain

¹⁶ ORPC Internal Data, ORPC Contractor Survey, (analyzed Jan. 29, 2026).

¹⁷ *Visitation Rules and Procedures*. Colorado Department of Corrections, <https://cdoc.colorado.gov/resources-faq/faq/visit-an-incarcerated-individual/visitation-rules-and-procedures>

family ties are more likely to have stable housing, support, employment, and are less likely to commit new crimes upon release from incarceration.¹⁸ Moreover, DOC recognizes “the profound impact of familial and community support in the rehabilitation process.”¹⁹ DOC Administrative Regulation 750-05 addresses the importance of parent and child bonds. This administrative regulation exists “to encourage and preserve children’s relationships with parents who are incarcerated in the DOC by facilitating opportunities for offenders to communicate and visit with their children.”²⁰

ORPC parent advocates report the successful efforts DOC has made to provide in-person, face-to-face visitation for parents and children with dependency and neglect cases and the effects it has on reducing trauma and leading to the successful closure of cases. For example, one advocate worked with a Mother who had regular visits with her children at a DOC facility. The facility even provided books and games for her and other parents and children to meaningfully engage with one another. Another parent advocate described a county Department

¹⁸ Cochran & Mears, *Social Isolation and Inmate Behavior: A Conceptual Framework for Theorizing Prison Visitation and Guiding and Assessing Research*, 41 J. Crim. Just. 252 (2013).

¹⁹ *Visitation Rules and Procedures*. Colorado Department of Corrections, <https://cdoc.colorado.gov/resources-faq/faq/visit-an-incarcerated-individual/visitation-rules-and-procedures>

²⁰ Colorado Department of Corrections, Administrative Regulation 750-05, “Reduce Child and Incarcerated Parent Separation,” Effective Date: July 15, 2025.

transporting a young child several hours once a month for visitation with an incarcerated father. On the weeks that in-person visitation did not take place, the parent and child met through virtual visits.

Put simply, while Adams County and other county jails are prohibiting in-person parent-child contact, the Colorado DOC is successfully implementing in-person contact for incarcerated parents and their children throughout the state of Colorado. This is despite being considerably larger, less nimble, having more red tape as a state agency, and housing much higher-level offenders with far more serious security needs.

CONCLUSION

The fundamental right to parent is protected under the Fourteenth Amendment of the United States Constitution. And, neither a criminal conviction nor incarceration divests a parent of their fundamental right to direct their child's upbringing. *Diernfeld v. People*, 323 P.2d 628, 631 (1958). Amici urge this Court to issue an order to show cause why the Adams County blanket policy is necessary when no such policy is necessary in substantially higher security risk facilities, and enforce the right to in-person family time for children and their incarcerated parents.

Respectfully submitted,

A handwritten signature in black ink, reading "Kelli S. Nagel". The signature is fluid and cursive, with a large, stylized "K" and a long, sweeping underline.

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CERTIFICATE OF SERVICE

I certify that on the 30th day of March 2026, a true and correct copy of the foregoing **BRIEF OF AMICI CURIAE** was served electronically via Colorado Courts E-Filing:

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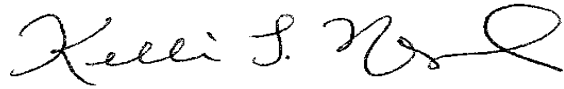
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