

DISTRICT COURT EL PASO COUNTY STATE OF COLORADO 270 South Tejon, Post Office Box 2980 Colorado Springs, CO 80901 (719) 448-7700	
Petitioner:          Respondent / Co-Petitioner:	<p style="text-align: center;"><b>COURT USE ONLY</b></p> <hr/> Case Number:          Division:
<b>DOMESTIC RELATIONS</b> <b>CASE MANAGEMENT ORDER PURSUANT TO RULE 16.2</b> <b>PRE-DECREE OR PRE-FINAL ORDERS</b>	

**COURT FACILITATED PROCEDURE FOR DOMESTIC RELATIONS CASES**

**ANY PARTY SEEKING ANY FORM OF LEGAL RELIEF FROM THE COURT IS REQUIRED TO SERVE A COPY OF THIS ORDER ON ALL OTHER PARTIES TO THIS CASE, EITHER THROUGH PERSONAL SERVICE OR THROUGH THE U.S. MAIL, AND FILE A CERTIFICATE OF SERVICE WITH THE COURT DEMONSTRATING THAT SUCH SERVICE HAS OCCURRED WITHIN 10 DAYS OF HAVING FILED HIS OR HER PETITION.**

Please see the attached **LEGAL HELP LIST** for how to access legal forms.

- Your case will proceed under the court-facilitated domestic relations procedure, which is designed to encourage the timely, just, and cost efficient resolution of family court cases. The basis of this program is that the Judicial Officer and/or Family Court Facilitator will be directly involved in meeting with the parties to manage the case as it proceeds toward resolution. The Judicial Officer and the Family Court Facilitator are not involved in the proceedings as mediators or settlement officers.
- Your case has been assigned to both a Magistrate and District Court Judge. In the event that a contested permanent orders hearing is required the District Court Judge, or Magistrate with consent, will resolve this matter, at which time this Order may be supplemented or modified by the Judge’s pre-hearing case management orders.
- **Neither counsel nor parties shall file any paper, documents, motions or other pleadings except as authorized by the Court or in the case of an emergency.** This injunction against unauthorized filings does not apply to the petition, response, motions for orders of protection, motions for service by publication, motions for change of venue, motions contesting the jurisdiction of the court over the parties or subject matter, or to entry, withdrawals and substitutions of counsel.
- **Petitioner shall provide a copy of this order (including attachments), the Notice of Hearing, and all other documents filed with the Court to all counsel and self-represented parties. A**

**certificate showing service of this order and all other documents on the other party shall be filed with the court within ten (10) days of service of the petition.**

- Petitions for dissolution of marriage or an allocation of parental responsibility must be personally served in accordance with Rule 4 of the Colorado Rules of Civil Procedure. Other documents, such as this order, may be served with the petition, or by U.S. mail once the other party has been personally served. In each case, both parties and attorneys, if any, must attend the initial status conference provided they have had notice of its time and date, except in the limited circumstances detailed below.

### **MANDATORY INITIAL CONFERENCE**

- **An initial conference shall take place within 40 days of filing.** The Petitioner shall schedule an Initial Status Conference at the time of filing the Petition if the petitioner does not have an attorney (i.e. if the Petitioner is “*pro se*”). A Family Court Facilitator shall conduct the Initial Status Conference with *pro se* parties. If the Petitioner has an attorney then Petitioner’s counsel shall file a Notice to Set the Initial Status Conference with the assigned Magistrate within ten (10) days of the initial filing of the case. The Initial Status Conference shall take place within 40 days of the filing of the petition.
- **There are no exceptions to the mandatory initial status conference unless:**
  - 1) **Both parties are represented by counsel and counsel have filed a Stipulated Case Management Plan and a Certificate of Compliance that the mandatory disclosures have been made, or**
  - 2) **Both parties have filed an Affidavit for Entry of Decree Without Appearance with all required documents to finalized the case before the Initial Status Conference.**
- If you are or become subject to an order of protection that prevents you from meeting with any other party to your case, please let the Family Court Facilitator know this before your scheduled conference. Please note that the initial status conference is still mandatory in these situations.
- Parties appearing at initial status conferences should be prepared to stipulate to temporary orders, or to proceed immediately to schedule a forthwith hearing on temporary orders or a forthwith expedited hearing, if such immediate hearing is appropriate to the needs of their case.
- Parties shall be punctual and arrive shortly before the conference time. The parties are encouraged to use their time efficiently by discussing their case with each other before their scheduled conference. **Prior to the initial status conference, counsel shall consult in person or by phone to identify any unresolved issues.**
- **Failure to appear at the Initial Status Conference may result in the assessment of attorney fees, costs or in dismissal of the case.**

## PARENTING CLASS

- **All parties who are seeking an allocation of parental responsibility or parenting time must attend and complete a qualifying Children & Families in Transition class. Failure to comply with this Court Order may be considered by the court in determining the allocation of parental responsibilities and parenting time, may result in a citation for contempt of court, and may result in a delay of your case.**
- The cost of the Children & Families in Transition class is included with the initial filing fee. A waiver of court filing fees and costs is available to litigants who qualify under the indigency guidelines as defined by statute.
- No other classes may be substituted for the Children & Families in Transition Class except by order of the Court. The Court will grant reasonable requests made at the Initial Status Conference where parties wish to take an alternative class, such as one offered in their native language or offered at a location close to their residence (i.e., residing outside of El Paso County or residing outside of the State of Colorado).

## FINANCIAL DISCLOSURES AND TRIAL MANAGEMENT ISSUES

- The parties are ordered to comply with the mandatory disclosure provisions of Rule 16.2(e)(1-10). For the convenience of self-representing parties, a copy of the mandatory disclosure requirements is attached to this Order (Form 35.1). These disclosures shall be made as soon as is practical, and shall be made within the 40-day period set by the Rule.
- Each party shall complete a Sworn Financial Statement using required Form 35.2, and shall bring this statement (together with a copy for the opposing party) to the Initial Status Conference.
- A party shall, without a formal discovery request, provide a list of expert and lay witnesses whom the party intends to call at a contested hearing. This disclosure will include the address, phone number and a brief description of the testimony of each witness. This disclosure shall be made no later than 60 days prior to the date of the contested hearing or final orders, unless the time for such disclosure is modified by the court.
- If at least one party is represented by counsel, the parties shall file a joint Trial Management Certificate 10 days prior to any evidentiary hearing date or at such other time as ordered by the court. Petitioner's counsel (or Respondent's counsel if the Petitioner is *pro se*) shall be responsible for scheduling meetings among counsel and parties and preparing and filing the Trial Management Certificate. The joint Trial Management Certificate shall set forth stipulations and undisputed facts, any request for attorney fees, disputed issues and specific points of law, lists of lay exhibits and expert witnesses the parties intend to call at hearing, and a list of exhibits, including updated Sworn Financial Statement and proposed work sheets. The parties shall exchange copies of exhibits at least 10 days prior to hearing.
- If both parties are not represented by counsel, then each party shall file with the court a brief statement identifying the disputed issues and that party's witnesses and exhibits, including updated Sworn Financial Statements together with copies thereof, mailed to the opposing party at least 10 days prior to any evidentiary hearing date or at such other time as ordered by the court.

## **TEMPORARY ORDERS**

- Any need for Temporary Orders should be raised at the Initial Status Conference. Temporary orders stipulations can be reduced to writing and approved as orders of the court at the Initial Status Conference. Contested cases may be scheduled for a forthwith hearing. At the time of the temporary orders hearing, the parties/counsel shall certify on the record that they have conferred and attempted in good faith to resolve temporary orders issues. Where temporary maintenance is an issue and the combined family income is \$75,000 or less, parties should consider the formula provisions of Colorado Revised Statute 14-10-114(2).

## **MEDIATION**

- The parties are required to participate in mandatory mediation prior to a contested Final Orders hearing. The parties may arrange for private mediation or contact the Office of Dispute Resolution (ODR) which is located in the courthouse. The phone number for ODR is 719-448-7777. As a general rule the parties shall split the cost of the mediation session. The ODR will inform the court when mediation has been completed.

## **GENERAL INFORMATION AND HELP**

- If you choose to represent yourself, you are required to follow the same procedures as parties represented by attorneys. You should obtain from the Court Clerk's office or the Court's Self-Help Center the packet of forms and instructions for self-represented parties. For parties seeking a divorce or legal separation, the Court recommends that you attend the "*Pro Se* Help" clinic.
- Requests to file motions and formal discovery shall be made in writing to the Court.
- The parties should be prepared to discuss the need for experts on the date of the initial conference. This includes discussion of the possibility of mutually acceptable appraisers, evaluators, Child and Family Investigators, Child's Legal Representative or other experts. There is a preference for the court to appoint only one financial expert per contested issue. Such expert shall be selected by the parties or by the court. If appropriate, a special master may be appointed by the court as provided by C.R.C.P. Rule 53. The need for additional experts may be raised with the court at the initial conference.
- The assigned judicial officer may set this matter for a hearing on disputed matters of fact. The court shall determine the scope of any hearing on contested matters.

## **COURT FACILITATOR CONTACT INFORMATION**

Michael Vigil  
1<sup>st</sup> Floor Room S116  
719-448-7781

Nicolle Rugh  
1<sup>st</sup> Floor, Room S116  
719-448-7570

## **BEST PRACTICES FOR FILING**

- Attorneys are asked to refrain from filing the same pleadings in both paper and electronic format. If a pleading is filed in paper format the preferred method of filing is to file the original pleading(s) together with an extra “Judge’s Copy” clearly marked as same (together with any proposed orders and pre-addressed, stamped envelopes for each party or attorney involved) with the office of the Clerk of the Combined Court located in room S101 of the Terry Harris Judicial Complex at the address listed in the caption of this order. However, if any pleading to be filed with the court is of an emergent nature then the “Judge’s Copy” mentioned above should be hand-carried to the chambers of the Judge or Magistrate assigned to the case after the original of such pleading has been filed in room S101. Please be sure to always attach a completed certificate of mailing or hand delivery to any pleading filed with the court as the court will not be able to review any such pleading that does not contain said certificate.

**Failure to follow these procedures may result in court imposed sanctions including but not limited to: dismissal, award of attorney’s fees and costs, your case being continued pending compliance with court orders of default entered against you.**

- **Check with the Judicial Assistant(s) working for the Division to which your case is assigned to find out whether that Division has any other standard Case Management Orders it issues in situations similar to yours.**
- **This Case Management Order supersedes all previous C.M.O.’s issued by the Domestic Court.**

Dated this 25<sup>th</sup> day of September, 2009.

BY THE COURT



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Robert Lowrey  
Presiding Domestic Court Judge  
Fourth Judicial District

## FORM 35.1 MANDATORY DISCLOSURES

### FORM 35.1 - Mandatory Disclosure

**[Reference to 16.2(e)(2). These are not to be filed with the court, except as may be ordered pursuant to C.R.C.P. 16.2]**

**Mandatory Disclosures.** (Complete and accurate copies may replace originals. Children refers to minor children of both parties.)

- (a) Financial Affidavit. Each party shall provide a complete and signed Financial Affidavit in the Supreme Court approved form (Form 35.2).
- (b) Income Tax Returns (Most Recent 3 Years). Provide the personal and business federal income tax returns for the three years before filing of the petition or post decree motion. The business returns shall be for any business for which a party has an interest entitling the party to a copy of such returns. Provide all schedules and attachments including W-2's, 1099's and K-1. If a return is not completed at the time of the disclosure, provide the documents necessary to prepare the return including W-2's, 1099's and K-1's, copies of extension requests and estimated tax payments.
- (c) Personal Financial Statements (Last 3 Years). Provide all personal financial statements, statements of assets or liabilities, and credit and loan applications prepared during the last three years.
- (d) Business Financial Statements (Last 3 Years). For every business for which a party has access to financial statements, provide the last three fiscal years' financial statements, all year-to-date financial statements, and the same periodic financial statements for the prior year.
- (e) Real Estate Documents. Provide the title documents and all documents stating value of all real property in which a party has a personal or business interest. This section shall not apply to post decree motions unless so ordered by the Court.
- (f) Personal Debt. Provide all documents creating debt, and the most recent debt statements showing the balance and payment terms.
- (g) Investments. Provide most recent documents identifying each investment, and stating the current value.
- (h) Employment benefits. Provide most recent documents identifying each employment benefit, and stating the current value.
- (i) Retirement Plans. Provide most recent documents identifying each retirement plan, and stating the current value, and all Plan Summary Descriptions.
- (j) Bank/Financial Institution Accounts. Provide most recent documents identifying each account at banks and other financial institutions, and stating the current value.
- (k) Income Documentation. For each income source in the current and prior calendar year, including income from employment, investment, government programs, gifts, trust distributions, prizes, and income from every other source, provide pay stubs, a

current income statement and the final income statement for the prior year. Each self-employed party shall provide a sworn statement of gross income, business expenses necessary to produce income, and net income for the three months before filing of the petition or post decree motion.

- (l) Employment and Education-Related Child Care Documentation. Provide documents that show average monthly employment-related child care expense including child care expense related to parents' education and job search.
- (m) Insurance Documentation. Provide life, health and property insurance policies and current documents that show beneficiaries, coverage, cost including the portion payable to provide health insurance for children, and payment schedule.
- (n) Extraordinary Children's Expense Documentation. Provide documents that show average monthly expense for all recurring extraordinary children's expenses.