


FOURTH JUDICIAL DISTRICT
CHIEF JUDGE ORDER 10-03

**ORDER CONCERNING CHILD AND FAMILY INVESTIGATORS – 4TH
JUDICIAL DISTRICT**

The attached 4th Judicial District Policy Regarding Appointment of Child and Family Investigators (CFIs) is approved as a Chief Judge Order, effective June 1, 2010.

April 30 , 2010



Kirk Samelson
Chief Judge

4th Judicial District Policy Regarding Appointment of Child and Family Investigators (CFIs):

Introduction

The appointment of Child and Family Investigators is governed by C.R.S. 14-10-116.5 and Chief Justice Directive 04-08. CJD 04-08 section IV. A. requires the Court to appoint qualified CFIs and to monitor any complaints concerning the CFI's services. The policies set forth herein will refine and implement the duties and responsibilities of both CFIs and the Court.

A CFI is an individual appointed by the Court to serve the Court in a Domestic Relations proceeding involving issues that affect the best interests of the minor children. A CFI may be an attorney, a mental health professional, or any other individual with appropriate training, qualifications, and an independent perspective acceptable to the Court. The CFI is tasked to investigate and make independent and informed recommendations to the Court in the form of a written report. The extent of the CFI's role will be set forth in the appointment order and may include ultimate issues of parenting time and decision making authority or may be restricted to much lesser sub-issues, as the Court may determine.

Minimum Qualifications and Standards

To further the objectives of both the governing statute and CJD 04-08, commencing June 1, 2010, a CFI must certify to the appointing Court, by affidavit, as soon as practicable following acceptance of appointment, the following:

- 1.) That the CFI has read and will comply with the requirements of CJD 04-08.
- 2.) That the CFI has read and will comply with the 4th Judicial District Policy Regarding Appointment of CFIs.
- 3.) That the CFI has filed with the 4th Judicial District Judicial Administration Office proof of completion of a minimum of 40 hours of training in "relevant areas" as set forth in CJD 04-08. The relevant areas include the following:

The effects of divorce, single parenting, and remarriage in children, adults, and families;
Dynamics of high conflict divorce;
Child development, including cognitive, personality, emotional and psychological development;
Child and adult psychopathology;
Family dynamics and dysfunction;
Domestic violence;
Substance abuse;
Child abuse;
Parenting capacity;
Diversity issues;
Available services for the child/ren and parties including medical, mental health, educational, and special needs;
The legal standards applicable in each case in which the CFI is appointed;

Interview techniques for interviewing child and others.

- 4.) That the CFI has completed no less than 15 hours of continuing education in “relevant areas” every three years since completing the initial minimum training and that proof of such training has been filed with 4th Judicial District Judicial Administration Office.

The Court shall insure receipt of such affidavit prior to acceptance of any report for use in its decision-making process.

While the Court may appoint any person who meets the minimum qualifications and standards set forth herein, it is generally preferable that a CFI possess at least a Master’s level degree in a mental health discipline or be supervised by a professional who possesses such credentials.

Aspirational Guidelines

In addition to the standards set forth in CJD 04-08, and particularly in those cases in which the CFI is tasked with submitting a comprehensive recommendation regarding the allocation of parental responsibilities, CFIs should become familiar with the aspirational guidelines established by the American Psychological Association, “Guidelines for Child Custody Evaluations in Divorce Proceedings” available through the APA at www.apa.org and the Association of Family and Conciliation Courts “Model Standards of Practice for Child Custody Evaluation” available at the AFCC website, www.afccnet.org. A copy of these documents may also be obtained from the 4th Judicial District Judicial Administration Office.

Reports

In the event that the CFI completes a comprehensive evaluation regarding the allocation of parental responsibilities, the written report shall include, as a minimum, the requirements set forth at C.R.S. 14-10-127(7)(b) and shall be submitted in accordance with C.R.S. 14-10-127(3).

If a CFI has not complied with the training and certification requirements set forth herein, no report from that individual may be used in any judicial proceeding in the 4th Judicial District. Individual Courts shall insure compliance with this directive. Should any CFI’s report be accepted by the Court while the CFI is not in compliance, such acceptance shall not affect the validity of any decision rendered by the Court.

Complaints

If a question is raised by a Party to a proceeding regarding the competency of a CFI, or any other concerns, such issues shall be addressed, in writing, to the Court which appointed the CFI. A “Complaint Form Regarding Child and Family Investigators” may be obtained from the 4th Judicial District Administration Office. The original complaint form shall be filed with that office. Copies shall be provided to all Parties and the CFI. Upon receipt of a complaint, the District Administrator shall forward a copy to the Judge assigned to that case. The Judge may set a status conference, or more formal hearing, in the Judge’s discretion at which all Parties and the CFI may be present. If the Judge determines that the CFI has engaged in any unethical or inappropriate conduct, the CFI shall be given an opportunity to remedy any concerns raised by such conduct, if the Judge deems such appropriate. In some cases, the Judge may determine to terminate the CFI’s appointment. The Judge could also

determine that no remedial measures need be taken yet allow proper examination of the CFI regarding such concerns at any future hearing in the case.

If the Judicial Administrator observes a pattern with respect to complaints involving a CFI, the Judicial Administrator shall consult with the Presiding Domestic Relations Judge regarding such complaints. If it is then deemed appropriate, the Judicial Administrator shall notify all District Judges of such complaints. The individual Judges shall then consider that information in determining whether or not that CFI should be appointed to any future case. As always, the Judge retains discretion to appoint CFIs while being mindful of the requirement that any CFI be fully qualified to act as the investigative arm of the Court.

Appointment of CFIs Upon Determination of Indigency

Pursuant to Chief Justice Directive 04-05, the Court may appoint a CFI at state expense in cases in which the Parties are indigent. The fiscal standards for determination of indigency are set forth in Attachment A to the Directive, and, in Pre-Decree circumstances, the combined assets of both Parties are used to determine indigence. To assist in the appointment of a qualified CFI in these cases, the Judicial Administrator shall maintain a list of persons qualified to accept such appointments. To be qualified, a CFI must have on file in the Judicial Administrator's Office a current affidavit which meets the requirements set forth above for acceptance of appointment in a specific case. The Affidavit of Compliance must be filed annually not later than the anniversary date of the initial filing. The initial list established by the Judicial Administrator shall be compiled with input from the District's Domestic Bench and after prospective CFIs have been notified of the requirements set forth herein. Any CFI who fails to maintain a current affidavit on file shall be summarily deleted from the list. It shall be proper for the Judicial Administrator's Office to contact a CFI whose affidavit is outdated, but there shall be no requirement to do so. Further, the Judicial Administrator may, after consultation with the Presiding Domestic Relations Judge, remove a CFI from the list for any reason deemed appropriate including information obtained from complaints.

CFI Master List

In addition to the maintenance of a list of CFIs qualified and willing to accept appointments in cases of indigency, the Judicial Administrator may also maintain a Master List of CFIs who have demonstrated compliance with the Minimum Qualifications and Standards set forth herein to be appointed as a CFI in this Judicial District. To be included on this list, a CFI must complete a 4th Judicial District Registration Form and an Affidavit of Compliance. The Affidavit of Compliance must be filed annually not later than the anniversary date of the initial filing. Any CFI who fails to maintain a current affidavit on file shall be summarily deleted from the list. It shall be proper for the Judicial Administrator's Office to contact a CFI whose affidavit is outdated, but there shall be no requirement to do so. Further, the Judicial Administrator may, after consultation with the Presiding Domestic Relations Judge, remove a CFI from the list for any reason deemed appropriate including information obtained from complaints.

A handwritten signature in black ink, appearing to read "R. Lowrey". The signature is fluid and cursive, with the first letter of the first name being a large, stylized capital 'R'.

Robert L. Lowrey
Presiding Domestic Court Judge