

PUEBLO COMBINED COURT 501 N. Elizabeth, Room 116 Pueblo, Colorado 81003 Phone: 719.404.8700	COURT USE ONLY
In re the Parental Responsibilities Concerning: OR In re the Marriage of: Petitioner, and Respondent.	
DOMESTIC RELATIONS CASE MANAGEMENT ORDER	

Service of this Order: E-served on counsel for Petitioner on . Counsel shall provide a copy of this Order to Respondent or opposing counsel and shall file a Certificate of Service regarding the same.

The following Court procedures which apply to your case are described in Rule 16.2 of the Colorado Rules of Civil Procedure. A copy of this rule can be obtained at many public libraries and online at www.courts.state.co.us/suyct/rules/rulesindex.htm.

SETTING OF MANDATORY INITIAL CONFERENCE

1. This case will be called on the setting docket on at to SET an initial conference, mediation, or other proceedings.

2. Petitioner must file the return of service or waiver of service of the Petition prior to the above date. At an initial conference parties and counsel, if any, must be prepared to discuss what needs to be done, any special issues that exist, and a timeline for completion of the case. A party can request to appear by phone.

3. **You do not have to attend the mandatory initial conference if:**
 Both parties agree on all aspects of the case and file an Affidavit for Decree without Appearance, the complete agreement in writing and signed by both parties, and all other required documentation (see #4 and #5 below) before the conference date.

OR

Both parties are represented by counsel and they have filed a Stipulated Case Management Plan and a Certificate of Compliance with the mandatory disclosures.

PROCEDURES FOR ALL CASES

Disclosure

4. Both parties are ordered to comply with the disclosure provisions of Rule 16.2(e). Each party must provide the other with a Sworn Financial Statement and with the mandatory disclosures. These forms are available for purchase from the Clerk of Court's Office on the 1st floor, or can be found on line at www.courts.state.co.us. Each party must file with the Court a copy of their Sworn Financial Statement with 3 current pay period paystubs attached and must file the Certificate of Compliance with C.R.C.P. 16.2(e) that they have provided the mandatory disclosures to the other party. Do not file the disclosures themselves with the Court. These disclosures **should** be completed by the time of the initial conference if at all possible, and **must** be completed and filed within 42 days of service of the petition.

Discovery

5. Both parties may conduct discovery as described in Rule 16.2(f). Both parties may use experts as described in Rule 16.2(g). Any issues about discovery or experts should be discussed at a status conference or in a phone conference. To schedule a phone conference with the Court, contact the Court Division Judicial Assistant.

Motions

6. **Every motion shall**, pursuant to C.R.C.P. 121, Section 1-15(8), contain a certification at the beginning of the motion that the movant, in good faith, has conferred with opposing counsel about the motion or state why no attempt was made to confer. A letter or email or voicemail message is not, by itself, a sufficient attempt to confer. To comply, you must confer either face to face or on the telephone. A letter or email message shall constitute "notice" but not a sufficient attempt to confer. One attempt to have two-way communication without further attempts to determine the opposing counsel's availability to confer, will not be considered compliance unless you justify it in the certification. You shall begin efforts to confer well enough before the anticipated filing date to enable two-way communication. If you first initiate an attempt to confer on the day of filing and fail to confer, you should anticipate that it will not be viewed as sufficient unless you justify it in the certification. If your attempt to confer is unsuccessful, **your certification must describe your attempts in detail**. You should anticipate that a filing may be stricken if it is concluded that you have not complied with these requirements. To assist the Court, if the relief sought by the motion has been agreed to or will not be opposed, **the Court is to be so advised at the beginning of the motion**.

Continuances

7. Once a hearing is set, it may not be continued without prior Court permission. Any request for a continuance shall comply with C.R.C.P 121, Section 1-15 and 1-11, and is required to contain a **certificate that a copy of the motion has been served upon the moving attorney's client**. Stipulations for continuances shall not be effective unless and until approved by the Court.

Stipulations/mediated agreements which resolve **all pending issues** must be signed by **all** parties and counsel of record, including the Child Support Enforcement Division, and any Child Legal

Representative appointed in the case, and **submitted to the Division prior to the Court vacating any pending hearing or status conference**. You must call the Court Division Judicial Assistant to confirm that your hearing date has been vacated. In the alternative the parties may appear, in person or by telephone with the permission of the Court, to put the entire stipulation on the record.

All stipulations must be efiled with a proposed Order. The proposed Order should be submitted in editable format as a separate document with the case caption. Stipulated modifications of child support will not be approved without current Sworn Financial Statements (as described above) from both parties and a child support worksheet. A Support Order (JDF 1117) must also be submitted.

REQUIRED PARENTING CLASS

8. Unless an agreement resolving all issues regarding Allocation of Parental Responsibilities is submitted prior to the setting for Permanent Orders all parties with children less than 18 years of age must attend and complete the 10th Judicial District parenting education class before the permanent orders hearing. A request to complete a different parenting education class will be determined upon request. Proof of completion of the parenting education class must be filed with the Court prior to the Permanent Orders hearing to avoid sanctions being imposed.

PERMANENT ORDERS

Mediation

9. Unless waived by the Court, mediation is required before the Court will hear contested permanent orders. If a parental evaluation is obtained, the Court will, after receipt of the report and before permanent orders, refer the parties to mediation even if they have attended mediation previously. Mediation shall not be vacated based upon an agreement unless a signed (by all parties and counsel) written agreement/stipulation addressing all issues to be mediated has been filed and approved by the court. If mediation is rescheduled directly with the mediator the parties shall contact the Court Division Judicial Assistant at the same time and advise the clerk of the new date. A **fully completed** Sworn Financial Statement with year-to-date earnings statements and paystubs for **AT LEAST THREE PAY PERIODS** attached from all employers or a written statement signed under oath that there are no changes from the previously filed Sworn Financial Statement shall be filed at least 7 days prior to the mediation date.

Discovery

10. Discovery must be concluded 28 days before the Permanent Orders hearing, Rule 16.2(f)(5).

Expert Witnesses

11. Expert reports must be exchanged between the parties 56 days before the hearing. Rebuttal reports must be provided 21 days before the hearing, Rule 16.2(g)(5), unless modified by the Court. Parental Responsibility Evaluations shall be provided to the parties and court pursuant to the applicable statute or Court order.

Disclosure Certificates

12. If at least one party is represented by counsel, the parties may file either separate Disclosure

Certificates or in the alternative a Joint Trial Management Certificate 7 days before the hearing, this requirement also applies to the Child(ren)'s Legal Representative. The parties must exchange copies of their marked exhibits at least 7 days prior to the hearing. All exhibits must be filed in electronic format with the Disclosure Certificate. Each party shall follow Chief Justice Directive 11-01 regarding electronic filing of all exhibits. Each party shall file written objections to the authenticity or admissibility of any exhibits endorsed by the other party 4 days prior to the hearing. The Disclosure Certificate or the Joint Trial Management Certificate shall include **(if relevant to the issues of the hearing):**

A. Financial Information: A **fully completed** Sworn Financial Statement with year-to-date earnings statement and paystubs for **AT LEAST THREE PAY PERIODS** attached from all employers or a written statement signed under oath that there are no changes from the previously filed Sworn Financial Statement.

B. Witnesses: A list of all witnesses, including any experts. The list of witnesses shall not identify witnesses to be called in a party's case in chief by general terms, (e.g. "any witness having information about . . .") and shall include a brief factual descriptive summary of the anticipated testimony.

C. Experts: A copy of any report, if prepared, and if not, a summary of the opinion of each expert, if the filing of such is required by rule or statute.

D. Exhibits: **All exhibits to be tendered** shall be marked by number for Petitioner and by letter for Respondent and given to the opposing party. The parties shall list their exhibits in the Disclosure Certificate in the same order as the exhibits are marked. The list of exhibits shall not categorize exhibits by general terms, (i.e. "emails" "texts" "voicemail" without specificity as to date, participants, and the purpose of exhibit if same is not readily apparent, etc). All tendered exhibits shall be e-filed and submitted to the Court in compliance with Chief Justice Directive 11-01. This includes photographs, diagrams, drawings, maps, etc. **If a CD or DVD is submitted in accord with the Chief Justice Directive 11-01, counsel shall file a Notice of Deposit in the electronic filing system that a CD or DVD has been delivered to the Division Clerk.**

E. Issues: **In the following order**, set forth a statement regarding each numbered issue, as may be relevant to the hearing. The statement shall include whether there is a dispute regarding that issue. If there is a dispute, set forth a brief statement of the disputed matters and the **party's proposed resolution** of each disputed issue. If not disputed, set forth the proposed resolution of the issue or the fact that it is not applicable and why. Keep the issue discussion under the applicable heading in the following numerical order:

(1) Spousal Maintenance: Address the facts, in relationship to the threshold requirements and the factors set forth in C.R.S. 14-10-114.

(2) a. Allocation of Parental Responsibilities: Provide the names of the child(ren) including ages and dates of birth at the time of hearing and identify the issues and the reasons supporting a party's position [Example of issues: sole, joint, split, other.]

b. Parenting time: [Example of issues: transportation, costs, schedule, holidays, other.]

(3) Child support: Child support figures calculated per the guidelines. [Example of issues: amount, duration, education costs, husband's income, wife's income, health insurance, un/underemployed, other.] Each side shall submit the appropriate worksheets with proposed child

support figures, with the Disclosure Certificate.

(4) Real property: Provide the address, with a market value, debt and equity figure for each piece of real property. (Include homes owned, rental property, burial lots, etc.) Appraisals or stipulated values must be obtained prior to submission of the disclosure statement. [Example of issues: value, who keeps, equity, title, pre-marital, other.]

(5) Personal property: Provide a complete list of disputed items with market value, debt and equity. Appraisal or stipulated value shall be obtained unless the parties agree that the personal property total value is less than \$500.00. [Example of issues: value, division, pre-marital, gift, other.]

(6) Debt issues: Provide a list of each creditor, the debt amount, whose name the debt is in, what was acquired when the debt was incurred, and the recommended resolution of each debt at issue. [Example of issues: debt amount, who pays, premarital existence, pre-marital amount, other.]

(7) Attorney fees and costs: [Example of issues: cost amounts, who pays, reasonable hourly rate, fee amount, attorney's time, other.]

(8) Tax issues: [Example of issues: joint or separate filing, exemptions for child(ren), other.]

(9) Insurance issues: [example of issues: health insurance for children, extraordinary expenses, health insurance for spouse, life, homeowners, division, costs, insurance, cash surrender value, other.]

(10) Pension/Retirement/IRA Issues: Any pension plan/retirement plan must be appraised or have a stipulated value. [Example of issues: value, division, pre-marital pension, other]

(11) Business issues: There must be a business appraisal or stipulated value. [Example of issues: existence, pre-marital, ownership percentage, value, division, business, other.]

(12) Stocks/Bonds: Prepare a complete list of stocks, number of stocks, market value per stock, loans against stock and equity value of all stocks, and list of all bonds with current market value.

(13) Pets/Livestock: Prepare a list of animals with names if applicable. Appraisals or stipulated values must be obtained prior to submission of the disclosure statement. [Example of issues: value, who gets, other.]

(14) Other relevant issues: [example of issues: common law marriage, date, paternity of a child, date of separation]

Sanctions

13. At the hearing the Court may exclude witnesses or exhibits that were not disclosed as required by this Order.

Final Decrees and Support Orders

14. A proposed Decree of Dissolution of Marriage/Legal Separation/Invalidity in an editable format shall be efiled with the Court along with the Disclosure Certificate. If it is anticipated that a child support amount or spousal maintenance amount will be ordered by the court then a **completed** Support Order form (JDF1117) shall be efiled with the Disclosure Certificate. If the amount of support or maintenance is unknown at the time of filing then all other portions (except the amount and date)

of the Support Order form shall be filled in and the form shall be efiled in editable format. The final decree or permanent order in an allocation of parental responsibilities will not be issued until a **completed** Support Order form (JDF 1117) is submitted by counsel.

So ordered by the assigned Judge.

DOMESTIC VIOLENCE PROVIDERS

Parkview Family Counseling	417 W. 13 th Street, Pueblo CO 81003 544-0877
Southern Colorado Court Services	200 West B Street, Suite 225, Pueblo CO 81003 595-1634
BreakThrough Counseling	279 S. Joe Martinez Blvd., Pueblo West CO 81007 647-1787
Nextep Community Counseling	2415 Lake, Pueblo CO 81004 583-8428
Awareness Institute, Inc.	1245 Palmer, Pueblo CO 81003 546-0904

APPROVED PARENTING CLASS PROVIDER

Catholic Charities	429 W. 10 th Street, Pueblo CO 81003 586-8623
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