

PUEBLO COMBINED COURT 501 N. Elizabeth, Room 116 Pueblo, Colorado 81003 Phone: 719.404.8700		
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.

If you are representing yourself, you must cause a copy of this case management order to be served upon the other party along with a copy of the Petition for Allocation of Parental Responsibilities, or Dissolution of Marriage and the Summons. You shall then 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 STATUS CONFERENCE

1. Petitioner is responsible for scheduling the initial status conference and providing notice of the conference to all parties. The initial status conference shall take place, or the Stipulated Case Management Plan shall be filed with the court, as soon as practicable but no later than 42 days from the filing of the petition.

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

Or:

This case is set for the initial case management conference with the Family Court Facilitator on the 2nd Floor, located in the Dennis Maes Pueblo Judicial Building at 501 N. Elizabeth, Pueblo, Colorado, on (date) at (time).

3. Scheduling of the initial status conference will not be delayed in order to accomplish service. All parties and counsel, if any, shall attend the initial status conference.

4. The parties shall confer in advance of the initial status conference to determine what unresolved issues exist. At the initial conference, parties and counsel, if any, must be prepared to discuss the issues requiring resolution, any special circumstances of the case, and a timeline for completion of the case. A party can request to appear by phone by either calling the Family Court Facilitator if applicable or filing a motion with the appropriate division.

5. You do not have to attend the initial status conference if:

A. Both parties agree on all aspects of the case and file an Affidavit for Entry of Decree without Appearance of Parties, a complete agreement in writing and signed by both parties, and all other required documentation, as set forth below, before the initial status conference date, and if approved by the court.

OR

B. If both parties are represented by counsel, counsel may submit a Stipulated Case Management Plan signed by counsel and the parties. Counsel shall also exchange Mandatory Disclosures and file a Certificate of Compliance. The filing of such a plan, the Mandatory Disclosures and Certificate of Compliance shall exempt the parties and counsel from attending the initial status conference. The court shall retain discretion to require a status conference after review of the Stipulated Case Management Plan.

PROCEDURES FOR ALL CASES

Disclosure

6. All parties are ordered to comply with the disclosure provisions of C.R.C.P. 16.2(e). Each party must provide the other party with a copy of his or her Sworn Financial Statement and Mandatory Disclosures. A Certificate of Compliance shall accompany the Mandatory Disclosures and shall be filed with the court. These forms are available for purchase from the Clerk of Court's Office on the 1st floor, or can be downloaded on-line at www.courts.state.co.us. Each party must file with the court a copy of his or her 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) asserting that he or she has provided the Mandatory Disclosures to the other party. Do not file the Mandatory Disclosures themselves with the court. The exchange of financial disclosures should be completed by the time of the initial conference if at all possible, and must be completed, and the Sworn Financial Statement and Certificate of Compliance filed with the court, no later than 42 days from the date of service of the petition.

Discovery

7. Both parties may conduct discovery as described in C.R.C.P. 16.2(f). Both parties may use experts as described in C.R.C.P. 16.2(g). Any issues about discovery or experts should be discussed at a status conference or in a phone conference with the court. To schedule a phone conference with the court, you must file a notice to set.

Motions

8. 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. If no conference has occurred, the reason why shall be stated. 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 by 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 in advance 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 and Stipulations

9. 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, Sections 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.

10. 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. The stipulation must be filed in sufficient time for the court to consider. The hearing is not vacated unless an order has been entered by the court. 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.

11. All stipulations must be reduced to writing, signed by all parties, and e-filed 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 AND PARENTING VIDEO

12. Unless an agreement resolving all issues regarding the 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 and view the Split video 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

13. Unless waived by the court, mediation is required before the court will hear contested permanent orders. If a parental responsibilities evaluation or child and family investigator report 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 a verbal agreement unless the agreement is reduced to writing, signed by all parties and counsel, addresses all issues to be

mediated, and 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

14. Discovery must be initiated so as to be concluded not later than 28 days before the Permanent Orders hearing, C.R.C.P. 16.2(f)(5).

Expert Witnesses

15. Unless otherwise ordered by the court, expert reports shall be provided to the parties 56 days (8 weeks) prior to hearing. Rebuttal reports shall be provided 21 days thereafter. If an initial report is served early, the rebuttal report shall not be required sooner than 35 days (5 weeks) before the hearing. Parental Responsibility Evaluations shall be provided to the parties and court pursuant to the applicable statute or court order.

Trial Management Certificates

16. 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 and (if applicable) Supporting Schedules, together with copies thereof, mailed to the opposing party at least 7 days prior to the hearing date or at such other time as ordered by the court.

17. If at least one party is represented by counsel, the parties shall file a joint Trial Management Certificate 7 days prior to the hearing date or at such other time as ordered by the court. Petitioner's counsel (or respondent's counsel if 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 requests for attorney fees, disputed issues and specific points of law, lists of lay witnesses and expert witnesses the parties intend to call at hearing, and a list of exhibits, including updated Sworn Financial Statement, Supporting Schedules (if applicable) and proposed child support work sheets. The parties shall exchange copies of exhibits at least 7 days prior to hearing.

18. 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: The parties shall confer at least 7 days in advance of the hearing to determine which exhibits are stipulated to being admitted or objected to admission. The parties shall submit only one exhibit binder with the court, with the stipulated exhibits presented first, followed by Petitioner's non-

stipulated exhibits, and lastly Respondent's non-stipulated 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 stipulated exhibits shall be marked as a double letter, such as "AA,". 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 in compliance with Chief Justice Directive 11-01 and submitted to the court in hard copy format in one exhibit binder. This includes photographs, diagrams, drawings, maps, etc. If a CD or DVD is submitted in accord with Chief Justice Directive 11-01, counsel shall e-file a Notice of Deposit that a CD or DVD has been delivered to the Division Clerk. The court will not view or consider as evidence any cellphones, video cameras, or other electronic devices.

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 [examples: sole, joint, split, other.]

b. Parenting time: [examples: transportation, costs, schedule, holidays, other.]

(3) Child support: Child support figures calculated per the guidelines. [examples: 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. [examples: 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. [examples: 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. [examples: debt amount, who pays, premarital existence, pre-marital amount, other.]

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

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

(9) Insurance issues: [examples: 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. [examples: value, division, pre-marital pension, other]

(11) Business issues: There must be a business appraisal or stipulated value. [examples: 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. [examples: value, who gets, other.]

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

Sanctions

19. If a party fails to comply with any of the provisions of C.R.C.P. 16.2, the court may impose appropriate sanctions, which shall not prejudice the party who did comply. If a party attempts to call a witness or introduce an exhibit that the party has not disclosed pursuant to this Order or under C.R.C.P. 16.2(h), the court may exclude that witness or exhibit absent good cause for the omission.

Final Decrees and Support Orders

20. A proposed Decree of Dissolution of Marriage/Legal Separation/Invalidity in an editable format shall be e-filed with the court along with the Disclosure Certificate. If it is anticipated that child support or spousal maintenance will be ordered by the court then a completed Support Order form (JDF1117) shall be e-filed 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 e-filed in editable format. The final decree or permanent order in an allocation of parental responsibilities action 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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PARENTING VIDEO

SPLIT Video	Courtroom 301, Dennis Maes Pueblo Judicial Building 501 North Elizabeth Street, Pueblo CO 81003 Offered on: <ul style="list-style-type: none">• First Wednesday of every month at Noon• Third Friday of every month at 4:00 p.m.
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