

DISTRICT COURT, KIT CARSON COUNTY, COLORADO 261 16 <sup>TH</sup> STREET, SUITE 301 BURLINGTON, CO 80807 719-346-5524 ext. 303		
In Re the Parental Responsibilities concerning :		
Petitioner: and		
Co-Petitioner/Respondent:		Case Number: Div.
<b>DOMESTIC RELATIONS CASE MANAGEMENT ORDER</b> (Effective 5/1/10)		

Court forms can be obtained at [www.courts.state.co.us](http://www.courts.state.co.us) or from the clerk's office for a fee.  
C.R.C.P. Rule 16.2 can be found at [www.courts.state.co.us/supct/rules/rulesindex.htm](http://www.courts.state.co.us/supct/rules/rulesindex.htm).

1 (A) The **PETITIONING PARTY** is required to file the following, completed documents not later than \_\_\_\_\_ (40 days from filing). If each of the documents is not filed with the court it may result in your case being delayed, or even dismissed, after notice to you.

- ☐ a. Return of Service showing service of Summons and Petition, upon the other party by a Sheriff or private process server;
- ☐ b. Certificate of Compliance with Mandatory Financial Disclosures [See ¶5, below]; (JDF 1104)
- ☐ c. Sworn Financial Statement and Supporting Schedules (JDF 111) and JDF 111SS if applicable)
- ☐ d. Stipulated Separation Agreement; (JDF 1115)
- ☐ e. Stipulated Parenting Plan; (JDF 1113)
- ☐ f. In the event parties cannot reach a full stipulation for the Separation Agreement and /or Parenting Plan (see paragraph number 13 entitled Alternate Dispute Resolution Efforts). Mediation must be completed by \_\_\_\_\_ (60 days from filing). It is the parties' responsibility to file the Mediated Agreement with the court by \_\_\_\_\_ (75) days from date of filing)
- ☒ g. Certificate of Service showing service by mail upon opposing party of any documents check-marked above. [If these documents were served with the Summons and Petition, and the Return of Service shows this, it will not be necessary to serve them again by mail].
- ☐ h. In the event it is not possible to serve the other party using a Sheriff or private process server, a Verified Motion For Service by Publication, and proposed Order (JDF 1301 & JDF 1302)
- ☐ i. Other: \_\_\_\_\_

1 (B) The **RESPONDING/CO-PETITIONING PARTY** is required to file the following completed documents not later than \_\_\_\_\_ (40 days from filing). If each of the documents is not filed, it may result in your case being delayed, or even dismissed, after notice to you.

- ☒ a. Response and filing fee of \$116.00 must be filed with the court within 20 days after service upon you by Sheriff/Process server (JDF 1103)
- ☒ b. Certificate of Compliance with Mandatory Financial Disclosures [See ¶5, below]; (JDF 1104)
- ☒ c. Sworn Financial Statement and Supporting Schedules; (JDF 1111 & JDF 111SS, if applicable)
- ☒ d. Stipulated Separation Agreement; (JDF 1115)
- ☒ e. Stipulated Parenting Plan; (JDF 1113)
- ☒ f. In the event parties cannot reach a full stipulation for the Separation Agreement and /or Parenting Plan see paragraph number 13 entitled Alternate Dispute Resolution Efforts. Mediation must be completed by \_\_\_\_\_ (60 days from filing). It is the parties responsibility to file the Mediated Agreement with the court by \_\_\_\_\_ (75 days from date of filing).
- ☒ g. Certificate of Service showing service by mail upon opposing party of any documents check-marked above.
- ☐ i. Other: \_\_\_\_\_

2. Right to be Heard, Pleadings, and Docket Fees: No party shall be heard either directly or by counsel unless that party has filed a pleading and either paid the required docket fee or obtained a waiver of the docket fee

due to indigency. In cases involving post-decree motions or motions to modify a previously entered decree or permanent order, a responding party shall not be permitted to request affirmative relief in the form of a response—a separate motion must be filed.

3. **Entries of Appearance, and Withdrawal:** Appearances of counsel and withdrawals shall be governed by Rule 121, Section 1-1, C.R.C.P., and Chief Justice Directive 03-02. So called "limited", "special", "conditional", and "contingent" appearances are not recognized under Colorado law. Written and verbal appearances bearing such designations will be treated as "general" appearances. This Paragraph shall not apply to an entry of appearance to establish support filed pursuant to § 14-10-107.5, C.R.S.

4. **Motions Practice, Stipulations, and Compliance with Procedural Rules and Statutes:** All pleadings, motions, and responses filed herein shall comply with all applicable procedural statutes and rules of court. Motions related to the jurisdiction of the court, change of venue, service and consolidation, protection orders, contempt, motions to amend the petition or response, stipulated motion to dismiss, withdrawal or substitution of counsel, motions to seal or limit access to the court file, motions in limine related to evidentiary hearings, motions for review of an order by a magistrate, and post-decree motions may be filed with the court at any time along with the corresponding proposed order. All other motions shall only be filed as determined by the court. In the event the parties stipulate or agree regarding any issues, and wish such stipulations to be approved by the Court, they must submit such stipulations in writing, along with a proposed Order, and request the Clerk to bring them to the immediate attention of the judge.

5. **Mandatory Disclosures and Case Management:** The parties shall comply with Rule 16.2, C.R.C.P., "Case Management (Domestic Relations)" and utilize the prescribed forms appended to Rule 16.2. Compliance with Rule 16.2 includes, but is not limited to, prompt disclosure of materials and information specified by the rule, the signing and filing of Certificates of Compliance, adherence to the procedures specified for and limitations placed upon discovery, conferring about unresolved issues before any status conference, conducting a settlement meeting before a temporary or emergency orders hearing, and preparation and filing of a Pre-Trial Statement in the prescribed form. If a post-decree motion or motion for modification is filed, counsel and parties will not be required to comply with Rule 16.2(c), unless otherwise ordered by the court. In the event either party requires a Court Authorization for Financial Disclosures, they must request the same not later than 20 days prior to any permanent orders hearing.

6. **Settings:** Settings shall be conducted in accordance with Rule 121, Sec. 1-6, C.R.C.P. All settings of evidentiary hearings will be handled by division staff for the undersigned judge. All settings of status conferences will be handled by the Family Court Facilitator or Judicial Assistant. Unless otherwise ordered upon written motion, the duration of temporary orders hearings shall be limited to two hours and the duration of permanent orders hearings shall be limited to four hours. Neither party will apply for a temporary orders hearing before mediation has been attempted. Neither party will apply for a permanent orders hearing prior to making the disclosures required by Rule 16.2, C.R.C.P. Motions for emergency orders may be filed and set at any time.

7. **Continuances:** Motions for continuances of hearings or other proceedings shall be governed by Rule 121, Sec. 1-11, C.R.C.P. The Court may continue a hearing or other proceeding on its own motion for good cause, including: Failure of the parties and counsel to comply with any requirement of Rule 16.2, C.R.C.P.; delay in the commencement of the hearing because of ongoing settlement negotiations; or noncompliance with any requirement of this Case Management Order. Despite noncompliance with Rule 16.2 or this Case Management Order, the Court may elect to proceed with a hearing or other proceeding if a continuance would result in injustice to a party or child(ren).

8. **Temporary Orders Hearings:** No later than 10 days before a temporary orders hearing, any party who intends to call an expert witness to give testimony at the hearing will disclose to the opposing party the matters required by C.R.C.P. 26(a)(2)(B). No later than 3 working days before the hearing, Certificates of Compliance with Mandatory Financial Disclosures, Sworn Financial Statements and (if applicable) Supporting Schedules, and child support worksheets will be filed with the court and copies provided to the opposing party or his/her counsel, *[if not previously filed]*. Before commencement of a temporary orders hearing, the parties and counsel, if any, will (a) confer and attempt in good faith to resolve temporary orders issues; (b) mark all exhibits (including current Sworn Financial Statements and child support worksheets); and (c) provide copies of exhibits to the opposing party and/or counsel and the trial judge.

9. **Requests for Attorney Fees and Costs:** Unless otherwise ordered by the court, a request for costs (including necessary travel and other expenses incurred by a person to attend a hearing) and attorney fees pursuant

to Section 14-10-119, C.R.S., shall be heard at the time of the hearing on the motion or proceeding for which they are requested. If any such request relates to a temporary orders hearing, no later than ten days before the date and time set for the hearing, the party requesting attorney fees and costs shall file and serve upon the opposing party a motion requesting such relief. If any such request relates to a permanent orders hearing, the request will be set forth in a Pre-Trial Statement. Any request for costs and attorney fees will be supported by an itemized bill of costs and an itemized statement of attorney fees that contain the information and supporting documentation described in Rule 121, § 1-22, C.R.C.P.

10. **Requests for Appointment of Child & Family Investigators, Child Legal Representatives, Custody Evaluators, and Arbitrators:** Unless otherwise ordered, a party requesting appointment of a C.F.I., C.L.R., custody evaluator, parenting time coordinator, or arbitrator to resolve disputes concerning the parties' minor or dependent children, shall file a written motion requesting such an appointment within 30 days after the initial status conference, or within 45 days after filing the case. Before filing such a motion the parties will confer and attempt to select one expert per issue. If the parties are unable to agree, either party may file an appropriate motion. If appointment of a C.F.I. or C.L.R. is requested at state expense because of indigency, such a motion and the response thereto shall be accompanied by a completed Form JDF208. Said motion and the response thereto shall identify a person or persons nominated by the party to serve in such a capacity. Such a nomination shall include the name, address, and telephone number of the nominee; a brief description of the nominee's qualifications to serve in such capacity; and a brief description of the nominee's normal fees for such services. Such a nomination shall also include a certification by counsel that he/she has consulted with opposing counsel and with the nominee, prior to filing the motion; that the parties are unable to agree to an appointment; that the nominee is able and willing to serve in such capacity, if appointed; and that the nominee has no known conflicts of interest which would arise, if appointed.

11. **Requests for Appointment of Other Experts:** As to issues not involving children, if the matter requires the use of one or more expert witnesses, the parties will confer and attempt to select one expert per issue. If they are unable to agree, upon motion the court may appoint an expert in accordance with C.R.E. 706 or any other applicable rule or statute. If the court appoints an expert or if the parties jointly select an expert, the provisions of C.R.C.P. 16.2(g)(2) will apply and will govern compensation of the expert, preparation of draft reports and final reports, and admissibility of expert reports into evidence.

12. **Parent Education:** This Paragraph shall apply to every case, in which there are disputed issues concerning children, or as otherwise determined by the Family Court Facilitator, Judicial Assistant or assigned Judge. In all such cases, no later than 20 days before the date scheduled for permanent orders hearing, both parents shall complete a program designed to provide education concerning the impact of separation and divorce on children. Written proof or certificate of attendance shall be filed at least ten days prior to the permanent orders hearing. Individual class information can be obtained upon request from the District Court clerk's office.

13. **Alternative Dispute Resolution Efforts:** Unless a statutory exemption applies or the court orders otherwise, in all cases involving disputed issues the parties will participate in good faith in at least one form of alternative dispute resolution ("ADR") effort which may include mediation, arbitration, appointment of a special master, or a court settlement conference. Court referral to mediation, pursuant to Section 13-22-311, C.R.S., shall be the preferred form of ADR. Any stipulated or proposed Case Management Plan will include provisions for ADR efforts. Parties may use a private mediator, but if unable to agree to a private mediator, must utilize the mediation services of the Colorado Judicial Department's Office of Dispute Resolution (13<sup>th</sup> Judicial District - (970) 542-9656 - Deborah Dolel, local Program Administrator). By agreement of the parties, a judge may conduct a status conference as a form of ADR. Stipulations for waiver of ADR shall not be effective unless and until approved by the court. ADR (Mediation) will be completed by \_\_\_\_\_ (60 days from date of filing), and any mediated or other agreements will be signed by both parties and filed by \_\_\_\_\_ (75 days from date of filing).

14. **Permanent Orders Hearing:** No later than 60 days before final hearing the parties will: (a) make all disclosures concerning lay and expert witnesses that are required by C.R.C.P. 16.2 and exchange lists; and (b) exchange initial reports of expert witnesses as required by C.R.C.P. 16.2. No later than 20 days after service of initial reports of expert witnesses, each party will provide to the opposing party any reports of rebuttal expert witnesses. No later than 30 days before the date set for the final hearing, the parties will complete discovery and file all pretrial motions that fall within the scope of C.R.C.P. 16.2(c)(4)(B). No later than 10 days before final hearing the parties will: (a) file all pretrial motions that fall within the scope of C.R.C.P. 16.2(c)(4)(A); (b) exchange copies

of exhibits; (c) file a Pre-Trial Statement, and (d) Petitioner shall submit a proposed Decree and, [if applicable] a Child Support Worksheet and Proposed Support Order. If neither party is represented by counsel, each party will submit a separate Pre-Trial Statement. Otherwise, counsel will file a joint Pre-Trial Statement. Before commencement of the final hearing all exhibits (including current Sworn Financial Statements and child support worksheets) will be marked and copies will be provided to the opposing party and/or counsel and the trial judge. Parties will also be expected to prepare a proposed Separation Agreement and/or proposed Parenting Plan for consideration by the Judge, if one has not already been filed. In the event parties fail to comply with these trial preparation deadlines, their permanent orders hearing may be delayed, and a pre-trial conference may be scheduled by the Court to determine the reasons for, and responsibility, for the delay, and whether any sanctions may be appropriate.

15. **Service, Binding Effect, and Enforcement of this Order:** The petitioner or moving party shall forthwith serve a copy of this order on the opposing party or his/her attorney of record, if any, in accordance with Rule 5, C.R.C.P. This order shall apply to and govern all proceedings on a petition for permanent orders and all post-decree and modification motions filed on or after January 1, 2005. Upon further order of court, this order may apply to and govern pending proceedings filed before January 1, 2005. IF A PARTY OR HIS/HER ATTORNEY FAILS TO COMPLY WITH ANY OF THE PROVISIONS OF THIS ORDER, THE COURT MAY IMPOSE APPROPRIATE SANCTIONS, WHICH SHALL NOT PREJUDICE THE PARTY WHO DID COMPLY.

Date:

\_\_\_\_\_  
District Court Judge

A copy of this CMO and Notice was provided to all counsel / parties of record by the following method:

<input type="checkbox"/> Petitioner/Counsel	<input type="checkbox"/> Hand delivered	<input type="checkbox"/> LexisNexis E-Service	<input type="checkbox"/> Mailed
<input type="checkbox"/> Co-Petitioner/Respondent/Counsel	<input type="checkbox"/> Hand delivered	<input type="checkbox"/> Provided to Petitioner for service	
	<input type="checkbox"/> LexisNexis E-Service	<input type="checkbox"/> Mailed	

\_\_\_\_\_  
Deputy Clerk

**Mandatory Disclosure**  
**FORM 35.1 - Reference to 16.2(c)(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 Statement.** Each party shall provide a complete and signed Sworn Financial Statement and (if applicable) Supplemental Schedule (JDF 1111 and/or JDF 1111SS) in the Supreme Court approved forms.

(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 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.