

DISTRICT COURT, WELD COUNTY, COLORADO

Court Address: 901 9th Avenue, Greeley, CO 80631
Mailing Address: P.O. Box 2038, Greeley, CO 80632
(970) 475-2400

In re the Parental Responsibilities concerning:

Petitioner: _____

and

Respondent/Co-Petitioner: _____

▲ Court Use Only ▲

Case Number:
Division:

**DOMESTIC RELATIONS CASE MANAGEMENT ORDER
ALLOCATION OF PARENTAL RESPONSIBILITIES (12/15/14)**

- ☐ Hand delivered to:
☐ Delivered via attorney tray to: _____
☐ Mailed/e-filed to:
☐ Included in service packet for Respondent



Catherine A. Walter

Date: February 2, 2015

Clerk of the Court

Si usted necesita un intérprete tiene que informarle al Tribunal tal como se indica en esta Orden.

ORIENTATION

1. Your orientation **SHALL** take place within 42 days of filing your case, or as scheduled and ordered after the establishment of paternity and/or child support. This orientation will be on Wednesday, January 7, 2015 at 1:30 p.m. in the Division A - First Appearance Center, second floor Centennial Center Plaza South at 915 10th Street in Greeley, Colorado. Parties who are represented by attorneys do not have to attend orientation. Parties who are self-represented must attend.
2. If your orientation was scheduled and ordered after the establishment of paternity and/or child support, and both parties fail to appear at the orientation, your case may be closed without further notice to the parties. If either party wants orders regarding parental rights and responsibilities, the party will have to file the appropriate petition or motion and pay the associated filing fee.
3. The purpose of this required orientation is to inform parties of how Weld County processes Allocation of Parental Responsibilities cases.
4. You must appear in person at this orientation unless you live out of state, are in custody, or have hired an attorney. Phone appearances for this orientation are not possible.
5. At the orientation, we will schedule a follow-up status conference that will be approximately two weeks after the orientation. You will be required to turn in completed paperwork and discuss the progress of your case. If you are in custody, the Court will mail you notice of your next court date.
6. If you live out of state, you may appear by phone for the status conference. You must contact the Family Court Facilitator PRIOR to the status conference to make arrangements.

7. Orientations and status conferences are intended for parties only. Do not bring witnesses or children.
8. No paperwork needs to be turned in at the orientation. Please bring your calendar/planner to this orientation to schedule your follow-up status conference appointment.
9. If you have domestic violence or safety concerns about attending this orientation or any status conference with the other party, tell us. Call the Court at (970) 475-2400. The court staff can address your concerns. Additional domestic violence services are available. A list of providers is attached.

SELF-REPRESENTED PARTIES (Parties that do not have an Attorney):

The Court strongly recommends that you obtain a lawyer in this case. You can represent yourself if you choose. You must follow the Colorado laws, the Colorado Rules of Evidence and the Colorado Rules of Civil Procedure, even if you do not have an attorney. The 19th Judicial District Court Information Center is located on the main floor of the Centennial Building, 915 10th Street, Greeley, Colorado; personnel are able to help access forms, guide in making sure forms are complete, and locate the rules of civil procedure and the statutes and rules of evidence governing your case. Computers and printers are also available there for public use.

ALLOCATION OF PARENTAL RESPONSIBILITIES AND ESTABLISHMENT OF CHILD SUPPORT

If a Petition for Allocation of Parental Responsibilities was filed and there is no existing child support order, the following will apply to your case:

All parties must attend a parenting class. Parties are not required to attend class together. A list of classes is attached (page 8). The class provider will give you a certificate to file with the Court to show you attended the class.

To obtain the following forms please visit: www.courts.state.co.us. Under the Forms tab you will find the Domestic/Family section. Or you may obtain them from the Clerk's office for a fee.

Petitioner:

- ☐ **Complete Personal Service if the other party did not sign the Petition when it was filed.** In order for the Court to hear your case, the other parent must be personally served by a disinterested and unrelated person who is 18 years or older with copies of the documents (Petition, Summons, Case Information Sheet and Case Management Order).
- ☐ **Provide Proof of Service to the Court.** Once you obtain proof of service (notarized Return of Service) such proof must be provided to the Court.
- ☐ **Complete Forms:**
 - ☐ Sworn Financial Statement (JDF 1111) and attach copies of your most recent ninety (90) days of paystubs. This form must be filed with the court.
 - ☐ Certificate of Compliance (JDF 1104) this form must be filed with the court. A list of all documents that must be exchanged is attached to this order (JDF1125)
The disclosures listed in JDF 1104 are to be provided to the other party. They are not to be filed with the Court, unless specifically ordered by the Court.

Co-Petitioner/Respondent:

- ☐ **Complete Forms:**
 - ☐ Response to the Petition (JDF 1420) **RESPONDENT ONLY. Failure to file a Response may result in permanent orders entering without your input.**

- ☐ Sworn Financial Statement (JDF 1111) and attach copies of your most recent ninety (90) days of paystubs. This form must be filed with the court.
- ☐ Certificate of Compliance (JDF 1104) this form must be filed with the court. A list of all documents that must be exchanged is attached to this order (JDF1125).
The disclosures listed in JDF 1104 are to be provided to the other party. They are not to be filed with the Court, unless specifically ordered by the Court.

***Complete these joint forms together**

- ☐ Parenting Plan (JDF 1113) (JDF 1273 for Civil Union)
- ☐ Child Support worksheet (Both electronic and manual forms are on the website).
- ☐ Support Order (JDF 1117)

*If there is a restraining order or protection order that prohibits contact, do not complete forms together. Please tell the Family Court Facilitator about any restraining orders at the orientation.

ALLOCATION OF PARENTAL RESPONSIBILITIES AFTER ESTABLISHMENT OF CHILD SUPPORT

If you are requesting orders for Parental Responsibilities after an establishment of paternity and/or child support, OR if a Petition for Allocation of Parental Responsibilities was filed and child support has already been established in another case, the following applies:

All parties must attend a parenting class. Parties are not required to attend class together. A list of classes is attached (page 8). The class provider will give you a certificate to file with the Court to show you attended the class.

Please bring information about your child support order to the status conference, including name of court/county, and case number.

To obtain the following forms please visit: www.courts.state.co.us. Under the Forms tab you will find the Domestic/Family section. Or you may obtain them from the Clerk's office for a fee.

***Complete these joint forms together**

- ☐ Parenting Plan (JDF 1113)

*If there is a restraining order or protection order that prohibits contact, do not complete forms together. Please tell the Family Court Facilitator about any restraining orders at the orientation.

ATTORNEYS and parties that have an attorney:

1. Attorneys and their clients are not required to attend the Orientation. If only one party is represented by an attorney, the self-represented party must still attend the orientation on the aforementioned date and time. The attorney is ordered to serve a copy of this Case Management Order on the Respondent.

2. If one or more party is represented, the attorney(s) has twenty (20) days from the date the petition is filed to contact the Division to set an **initial status conference** during the Divisions setting times set forth below. Appearance at the initial status conference is **mandatory**.
3. If both parties are represented by attorneys, and they file a Stipulated Case Management Plan and Certificate of Compliance with Mandatory Disclosures within 42 days of filing, an initial status conference may not be necessary. The Stipulated Case Management Plan may not provide for formal discovery or filing of motions contrary to the terms of this CMO.
4. **If an attorney is retained at any point after the orientation date**, an Entry of Appearance must be filed. If the next Status Conference in the case is set with the Family Court Facilitator (shown by room or division CFE or CFL), the attorney must reset into the division to which the original case was assigned (3, 7, or 9). The attorney must notify all parties, in writing, of the rescheduled date; the notice is to be filed with the court. The notice is to specifically state that the Status Conference with CFE or CFL has been vacated. Unless permission is granted otherwise, parties and counsel must appear in person at an attorney-scheduled status conference. Attorneys must call during the setting times set forth below:

Setting times for each Division are between 8:30 a.m. and 10:00 a.m.

| | |
|----------------------------------|--------------|
| Division 3 - Monday or Wednesday | 970-475-2530 |
| Division 7 - Monday or Wednesday | 970-475-2570 |
| Division 9 - Tuesday or Thursday | 970-475-2590 |

IMPORTANT INFORMATION FOR ALL PARTIES:

***Mediation is required in all cases if there are not full agreements except where there may be a statutory exception. You must prove you attended and cooperated with mediation before a final hearing will be scheduled. Parties will be expected to pay their portion of the mediation fees and complete mandatory disclosures and exchanges.**

DISCLOSURE/DISCOVERY

All parties owe each other and the court full and honest disclosure of all information that affects the interests and needs of their children. All items that must be disclosed and exchanged are listed in Rule 16.2(e)(2) and on Form JDF 1125. These disclosures must be exchanged no later than forty-two (42) days after service on the other party. Disclosure shall be conducted in accordance with the duty of candor owing among those whose domestic issues are to be resolved under Rule 16.2.

After you have exchanged the required information, you may need more information in order to resolve your case. Try to get it, at first, by informally asking for it or writing a letter to the other party or counsel. If you do not receive what you need, the court can order that it be provided to you. Talk to the Court Facilitator or Judge about this issue at the next status conference. **No formal discovery, including that discovery authorized by Rule 16.2(f)(3), shall commence without authorization of the Court.**

TEMPORARY ORDERS AND OTHER MOTIONS

If you are unable to agree on temporary issues (for example, where the children will live, when they will spend time with the other parent, child support, etc.), you will be able to discuss this with the Judicial

Officer or the Family Court Facilitator at the Initial Status Conference. If you cannot agree at that time, a hearing may be scheduled. You must obtain permission to file a Motion for Temporary Orders; do this by contacting the division to which your case is assigned; include the date on which you were granted permission in the motion. **No one, including attorneys, are to file any written motions except as authorized by the court.**¹

REQUIRED PAPERWORK AND ATTENDANCE/PARTICIPATION

Failure to file the required paperwork, failure to appear for orientation, all status conferences, and all hearings may result in the Court entering permanent orders without your input.

CONSENT TO MAGISTRATE AUTHORITY

You may consent to having your case heard before a Magistrate. After you consent to Magistrate authority under Rule 4, Colorado Rules for Magistrates, you cannot withdraw it. Orders issued by a Magistrate with consent may only be appealed pursuant to Rule 7(b) of the Colorado Rules for Magistrates.

COLORADO LAW AND COURT RULES

The Colorado Rules of Civil Procedure (CRCP) 16.2, and this order, govern your case. You can find the Rules of Civil Procedure in many public libraries (as part of the Colorado Revised Statutes). They are on the internet at <http://www.lexisnexis.com/hottopics/colorado>.

The Colorado laws governing child support start at C.R.S. 14-10-115 and parental responsibilities at C.R.S. 14-10-123. They are in Title 14 of the Colorado Revised Statutes. You can find them in many public libraries. They are on the internet at <http://www.michie.com/colorado>

SANCTIONS

Sanctions are penalties for failure to follow this or any other court order. Sanctions may include: precluding a party who fails to file a Response from presenting testimony or participating in a hearing. The court can prohibit a party who fails to file Sworn Financial Statement or provide required financial disclosure from testifying or admitting non-disclosed evidence. The court can exclude other evidence or witness testimony, grant the request of one party without hearing from the other, or schedule a hearing for the offending party to show why he/she should not be sanctioned by the Court. The case can also be closed for failure to prosecute; this can be done without notice to the offending party.

COURT INTERPRETER

Pursuant to Chief Justice Directive 06-03, as modified on June 28, 2011, "the court shall assign and pay for language interpretation for all parties in interest* during or ancillary to a court proceeding." A court proceeding for which an interpreter will be provided includes any hearing, trial or other appearance before any Colorado state court in action, appeal, or other proceeding, including any matter conducted by a judicial officer.

*CJD 06-03 I.K. Party in Interest – A party to a case; a victim; a witness; the parent, legal guardian, or custodian of a minor party; and the legal guardian or custodian of an adult party.

¹ This restriction does not apply to motions challenging the court's jurisdiction, change of venue, service and consolidation, protection orders, motions pursuant to §14-10-129(4), contempt, motions to amend the petition or response, withdrawal or substitution of counsel, motions to seal or limit access to the court file, motions in limine related to evidentiary issues, motions for review of a magistrate's order, stipulated agreements, default, or motions filed pursuant to Rule 59 or 60, CRCP. In order to obtain permission to file a motion, contact the clerk in the division to which your case is assigned.

If an interpreter is required for this case, the attorney or party, if self-represented, shall notify the court in writing at least thirty (30) days prior to the court proceeding for which an interpreter is required and the specific language being requested (e.g. Spanish, Russian, etc.). Once a party has requested the services of an interpreter, it is that party's responsibility to notify the court if those services are not needed (case is continued or settlement is reached). Notification must be provided to the court at least seventy-two (72) hours prior to the date of the scheduled court proceeding. If an interpreter is cancelled within seventy-two (72) hours (including non-business hours) of the assignment start time, and rescheduling has not been possible, the interpreter shall be paid for the scheduled time up to a maximum of sixteen (16) hours corresponding to the first sixteen (16) hours of the shift assignment.

An interpreter (or a pair of interpreters if set for 2 hours or longer) will be provided if the parties are subject to a court order to participate in mediation. Parties and/or their attorneys must make arrangements with the Managing Court Interpreter Luis Mendoza (email preferred) luis.mendoza@judicial.state.co.us or 970-351-7300 ext. 5620, prior to any mediation session. All mediation sessions with a court provided interpreter must occur at the Weld County Courthouse. If you fail to appear at your scheduled mediation appointment or do not notify the Managing Court Interpreter within 1 week of the mediation appointment that interpreter services are not required, you may be assessed interpreter cancellation fees.

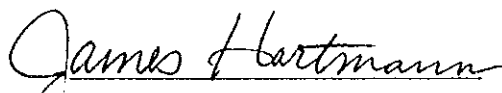
SUBMISSION OF EXHIBITS FOR TRIAL AND HEARINGS

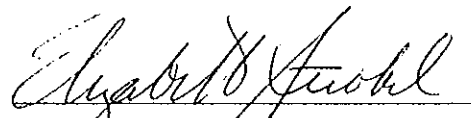
The parties shall comply with Chief Justice Directive 11-01. To that extent, all documents containing parties financial information, income tax returns, credit reports, parenting plans and reports containing custody investigations that are submitted electronically as an exhibit for a hearing or trial, must be electronically submitted as a sealed document.

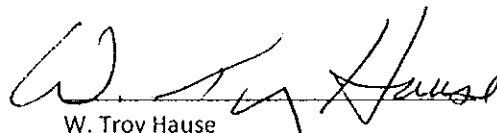
The Court adopts this Case Management Order pursuant to C.R.C.P. 16.2(b).

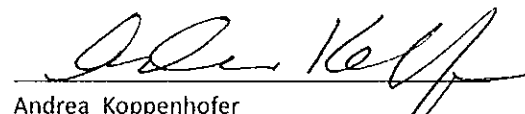
Dated: February 2, 2015

BY THE COURT:


James F. Hartmann
Chief Judge


Elizabeth Strobel
District Court Judge


W. Troy Hause
District Court Judge


Andrea Koppenhofer
District Court Magistrate

Attachments: Domestic Violence Services Advisement
Parenting classes
Mandatory Disclosure Form 35.1 – Reference to 16.2(e) (2)

ADVISEMENT OF AVAILABLE DOMESTIC VIOLENCE SERVICES:

Domestic violence is a pervasive problem in society. A significant portion of domestic violence in society occurs in or near the home. Research shows that children in a home where domestic violence occurs are at greater risk of emotional, psychological, and physical harm. Studies have found that eighty to ninety percent of the children living in homes with domestic violence are aware of the violence. Emerging research has established that these children are at greater risk of the following: psychological, social, and behavioral problems; higher rates of academic problems; more physical illnesses, particularly stress-associated disorders; and a greater propensity to exhibit aggressive and violent behavior, sometimes carrying violent and violence-tolerant roles to their adult relationships. Studies have also noted that children are affected to varying degrees by witnessing violence in the home, and each child should be assessed on an independent basis.

If your case involves domestic violence, you are strongly encouraged to obtain an assessment, counseling, or other available services for your family. If you are on a limited income, or cannot afford such services, then financial assistance may be available to cover some or all of the costs. Call the following for domestic violence services and potential financial resources available in your area:

A Woman's Place Inc.(970) 351-0476 Greeley

ARC Counseling Services(970) 352-6537 Greeley

DVI – Domestic Violence Initiative(303) 839-5510
Assistance for Disabled – services statewide.

Perklen Center (Formerly IGTS).....(970) 353-8171 Greeley

North Range Behavioral Health.....(970) 341-2120 Greeley
North Range Behavioral Health(303) 857-2723 Ft. Lupton

Life Skills.....(970) 590-4635 Greeley

Project Safeguard(303) 637-7761 Brighton

If your children participate in assessments or counseling related to domestic violence, the court shall apportion the costs of such services between the parties, as it deems appropriate.

PARENTING CLASS PROVIDER LIST

WELD COUNTY

Updated 1/1/2015

All parties with minor children who are seeking a divorce, legal separation, or allocation of parental responsibility are required to attend a parenting class. You may select from one of the providers listed here or from the statewide list.

It is not required that you complete this class with the other Party.

| | | | | |
|--------------------------------|----------------|--|---------------------------|--|
| Online & Spanish Options | High Conflict | <u>Advocates for Resolution</u> Rebecca Giffin P.O. Box 1482 Loveland, CO 80539 www.advocatesforresolution.com (970) 581-4307 | Cost: \$40.00 | Sliding scale available: No |
| | | | Call for dates and times. | |
| Online & Spanish Options | Spanish Option | <u>Children In Between</u> http://online.divorce-education.com | Cost: \$39.95 | Sliding scale available: Yes Free with approved MIFP |
| | | | | |
| Spanish Option | Spanish Option | <u>Co-Parenting</u> Lutheran Family Services Rocky Mountains 800 8 th Avenue #231 Greeley, CO 80631 (970) 356-6751 | Cost: \$35.00 | Sliding Scale Available: No |
| | | | Call for dates and times | |
| Spanish Option | Spanish Option | <u>Co-Parenting for Life</u> Shirley Thomas, Ph.D. and Steve Gimple 839 Meeker Street 630 Kimbark Street (Spanish Class) Longmont, CO 80501 www.coloradocoparenting.com (303) 772-4450 | Cost: \$75.00 | Sliding scale available: Yes \$40.00 if income level qualifies \$20.00 with approved MIFP (JDF205) |
| | | | Call for dates and times. | |
| Online | Online | <u>Divorce Transitions, Inc.</u> www.coloradocenterforlifechanges.com | Cost: \$38.95 | Sliding scale available: No |
| | | | | |
| Online | Online | <u>Families in Transition</u> Jane E. Derk, Ph.D. 3400 16th St. Bldg. 5 Greeley, CO 80631 (970) 351-6406 | Cost \$40.00 | Sliding scale available: Yes |
| | | | Call for dates and times. | |
| Spanish Option | Spanish Option | <u>What I Needed to Know About Divorce I Learned From My Children</u> North Range Behavioral Health Lucia Puga 1306 11th Avenue Greeley, CO 80631 (970) 347-2125 | Cost: \$35.00 | Sliding Scale available: No |
| | | | Call for dates and times. | |

Mandatory Disclosure
FORM 35.1 - 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 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.

JDF 1125 R3/06 MANDATORY DISCLOSURE - FORM 35.1