

District Court, Montrose County, State of Colorado  
Court Address: 1200 N Grand Avenue Bin A Montrose CO 81401,  
970-252-4300

Petitioner

Respondent/Co-Petitioner

▲ COURT USE ONLY ▲

Case Number:

Div.: MD2 Ctrm:

**INITIAL DOMESTIC RELATIONS CASE MANAGEMENT ORDER**

Date: \_\_\_\_\_ Deputy Clerk: \_\_\_\_\_

**COURT FACILITATED PROCEDURE FOR DOMESTIC RELATIONS CASE**

1. Court procedures that apply to your case are set out in Rule 16.2 of the Colorado Rules of Civil Procedure, which can be found in many public libraries, and which can be found online at <http://www.michie.com/colorado/lpext.dll?f=templates&fn=main-h.htm&cp>.

**MANDATORY INITIAL CONFERENCE**

2. An Initial conference shall take place within 42 days of filing the petition. Both parties and attorneys, if any, must attend the conference in person. Failure of both parties to appear may result in the case being dismissed. The Initial conference has been set for the \_\_\_\_\_ day of \_\_\_\_\_, 2012 at \_\_\_\_\_ AM/PM, at 1200 N. Grand Ave. Montrose, CO 81401 (Montrose County Justice Center, Courts Building).

**RESPONDENT OR RESPONDENT'S COUNSEL MAY PARTICIPATE IN THE INITIAL CASE MANAGEMENT CONFERENCE VIA TELEPHONE IF RESPONDENT/RESPONDENT'S COUNSEL RESIDES OUTSIDE OF THE COUNTY IN WHICH THIS MATTER WAS FILED.**

3. To initiate this Dissolution/Separation/Custody/ proceeding, all of the following must be served by personal service upon the Respondent (1) Petition; (2) Summons; and (3) this initial Domestic Relations Case Management Order.

**GENERAL INFORMATION AND HELP**

4. **Self-Represented Parties.** You are encouraged to obtain legal representation. However, if you choose to represent yourself, you are required to follow the same procedures as represented parties. You can obtain from the Court Clerk's office the packet of forms and instructions for self-represented parties.
5. The Court Clerk's office may be contacted at 970-252-4300 for procedural assistance only.
6. Petitioner shall provide a copy of this order and any other documents filed with the court to all counsel and self-represented parties. A certificate showing service of this order on the other party is contained on the return of service and waiver of service form and this shall be filed with the court. Throughout this proceeding, the parties shall provide copies of any document filed with the court to all counsel and self-represented parties. A certificate of mailing form shall be submitted with the filed document showing that the document was sent to the other party or attorney and when it was sent.

**GENERAL GUIDELINES FOR SIMPLIFIED DISSOLUTION /LEGAL SEPARATION /ALLOCATION OF PARENTAL RESPONSIBILITIES**

7. This case will be handled under Rule 16.2 of the Colorado Rules of Civil Procedure. A copy of Rule 16.2 can be downloaded from the court website, [www.courts.state.co.us](http://www.courts.state.co.us), or can be purchased from the court clerk. The basis of the rule is that the Judicial Officer will be very involved in resolving disputes and will try to assist the parties in reaching agreements on as many issues as possible. The Judicial Officers will manage the case with the goal of achieving the earliest possible resolution at the least expense to the parties.
8. The parties MUST attend the scheduled initial conference with the Judicial Officer pursuant to paragraph 1 of this order except as provided in Rule 16.2(c)(1)(c) or (c)(1)(D). The parties shall bring a completed Affidavit with Respect to Financial Affairs if they have not already filed one.

9. Temporary orders issues should be raised at this initial conference by the parties. At the initial conference, hearings can be requested and set if necessary. The parties should inform the Judicial Officer/Family Court Facilitator regarding what hearings they believe will be necessary to resolve the case. Hearings could include, for example, a contested temporary orders hearing, a contested final orders hearing, a non-contested final orders hearing, or a hearing to address disagreements regarding how to proceed. Based on the information presented to the Judicial Officer/Family Court Facilitator by the parties, the matter will either be set for a hearing, or the Judicial Officer will provide specific instruction on how to set the matter for a hearing.

### **PROCEDURES FOR ALL CASES**

10. **All parties must comply with the disclosure provisions of Rule 16.2(e).** This rule requires each party to provide the other party with an Affidavit with Respect to Financial Affairs, and with the Mandatory Disclosures set forth in the Appendix to Chapters 1 to 17A of the Rules of Civil Procedure. Disclosure forms are included in a packet on sale from the Clerk's Office, and they are also available online from the court website, [www.courts.state.co.us](http://www.courts.state.co.us).
11. Disclosures shall be made as soon as is practical, but no later than the 42 day period set by Rule 16.2(e). Each party shall file a copy of their financial affidavit with the Court, and shall file a certificate that they have provided the Mandatory Disclosures to the other party. The other documents included within the Mandatory Disclosures shall not be filed.
12. Parties may engage in discovery and retain experts as permitted by Rule 16.2(f & g), but must seek court authorization for any additional discovery. Issues requiring the attention of the Court should be resolved at status conferences, or by the filing of motions, as determined by the Court.
13. Neither counsel nor parties shall file any paper, documents, motions or other pleadings except as authorized by the Court. This restriction does not apply to the petition, response, motions for domestic violence restraining orders, motions for substituted service, motions for change of venue, motions contesting the jurisdiction of the Court over the parties or subject matter, motions to amend the petition, motions in limine, motions for review of order by Magistrate, or to entries, withdrawals and substitutions of counsel.

### **DOMESTIC VIOLENCE**

14. If you are or become subject to a protection order that prevents you from meeting with any other party to your case, please let the Division or Court Clerk know this before your scheduled conference.

### **ORDER FOR PARENTING AFTER DIVORCE CLASS**

15. All parties who have children under 18 years of age from this relationship must attend and complete a qualifying parenting educational class. The Petitioner and Co-Petitioner shall file proof of the completion of the class within **40 days** of filing. The responding party shall file proof of completion within **60 days** from service of the pleadings. Failure to comply with this order may be considered by the court in determining the issues of the allocation of parental responsibilities, parenting and childcare. The parties may obtain a list of the programs that satisfy the parenting class requirement from the Court Clerk's office. To attend another program, you must request and receive permission from the Court to attend a substitute program. The cost of the seminars is nominal and shall be paid by the parties. The Court cannot waive this fee.

### **DISSOLUTION BY AFFIDAVIT FOR DECREE WITHOUT APPEARANCE OF PARTIES**

16. If you meet the following circumstances, you may file a document entitled AFFIDAVIT FOR DECREE WITHOUT APPEARANCE OF PARTIES along with your written agreement, if any, and obtain a Dissolution of Marriage without a hearing, as early as 90 days after service of the petition on the Respondent (or the filing of a Co-Petitioner proceeding).
- a) You do not have any minor children from this relationship and the wife is not pregnant, or if you have minor children and you are both represented by attorneys, and
  - b) You have agreed upon all aspects of the case and have listed those agreements on a document signed by both parties and have the signatures notarized, and
  - c) If you have children under the age of 18 from this relationship, you must file a certificate with the Court that both parties have completed a parenting divorce class.
17. If you have previously filed an AFFIDAVIT FOR DECREE WITHOUT APPEARANCE OF PARTIES, and now do not want the Court to enter the Decree of Dissolution or adopt the written agreement as an order of the Court, you must notify the Court of your objections in writing before the 90<sup>th</sup> day after the case was filed as Co-Petitioners or the Respondent was served.
18. **NOTE: If you have minor children from this relationship and if one or both of the parties is not represented by an attorney, you may not obtain a decree by affidavit and you will need to appear in court to obtain a decree of dissolution or legal separation.**

It is ordered.

District Court Magistrate      Kevin Sullivan

## MEDIATION

Mediation is a process where the parties meet with a trained, neutral, third party and attempt to resolve their disputes by agreement.

The Court strongly encourages the parties to attempt to resolve their disputes through mediation. Although mediation is not required in every case, a Judge or Magistrate has the discretion to order mediation.

There are many private mediators who conduct mediation for a fee. Information regarding private mediators can be obtained through the Court's website by going to [www.7thjudicialdistrictco.org](http://www.7thjudicialdistrictco.org) and going to the left hand column under "Other Information" and under "Mediation" tab and then clicking on the List of Mediators in the body of information. Other mediators may be listed in the phone book or on the internet.

Parties are also informed that mediation can be scheduled through the Office of Dispute Resolution (ODR). The Office of Dispute Resolution will provide mediation at no cost for an indigent party. In order to schedule mediation through the ODR, the parties can call the toll free number 1-800-888-0001 ext. 3672 or can schedule mediation by going to the ODR website. Information regarding ODR can be obtained by going to [www.courts.state.co.us](http://www.courts.state.co.us) , then going to the "Administration" tab, then going to the right-hand column to "Dispute Resolution", then going to "About Mediation/Dispute Resolution", and click on "Find an ODR Mediator" or click on "Contact Us" tab.