

<p> ■ District Court El Paso County, Colorado Court Address: 270 S. Tejon, PO Box 2980, Colorado Springs, CO 80901 (719) 448-7700 </p>	
<p>Petitioner:</p> <p>Respondent / Co-Petitioner:</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number:</p> <p>Division:</p>
<p>DOMESTIC RELATIONS</p> <p>CASE MANAGEMENT ORDER PURSUANT TO RULE 16.2</p> <p>POST-DECREE OR POST-FINAL ORDERS</p>	

COURT FACILITATED PROCEDURE FOR DOMESTIC RELATIONS CASES

ANY PARTY SEEKING ANY FORM OF LEGAL RELIEF FROM THE COURT IS REQUIRED TO SERVE A COPY OF THIS ORDER (INCLUDING IT’S ATTACHMENTS) TOGETHER WITH ALL OTHER DOCUMENTS FILED WITH THE COURT ON ALL OTHER PARTIES TO THIS CASE, EITHER THROUGH PERSONAL SERVICE OR THROUGH THE U.S. MAIL, AND FILE A CERTIFICATE OF SERVICE WITH THE COURT DEMONSTRATING THAT SUCH SERVICE HAS OCCURRED WITHIN 10 DAYS OF THE FILING OF ANY POST-DECREE OR POST-FINAL ORDERS MOTION(S).

Please see the attached LEGAL HELP LIST for how to access legal forms.

- Parties have a duty to confer with one another prior to the filing of any motion pursuant to Rule 121, Section 1-15, paragraph 8. Failure to set forth in the body of any post-decree or post-final orders motion(s) the efforts made by the moving party to confer with other parties prior to the filing of any such motion(s) may result in such motions being denied by the Court summarily.
- Your case has been assigned to both a District Court Magistrate (i.e. a lettered Division) and District Court Judge (i.e. a numbered Division). This Order may be supplemented or modified by said Judge’s or Magistrate’s case management orders.
- As a general proposition, all post-decree or post-final orders matters will be heard by the numbered Division that is currently assigned to your case. To determine which numbered Division is currently assigned to your case (as these assignments do change from time to time) please call the Clerk of the Combined Court at (719) 448-7700. Be sure to fill in the correct Division number under “Division” in the caption of all of your pleadings.

- All court appearance scheduling regarding post-decree or post-final orders motions should be conducted with the numbered Division currently assigned to your case unless one of the following exceptions applies in which case the matter shall be heard by Division R:
 - A) Emergency Motions regarding parenting time, and
 - B) Motions to Modify or Terminate Child Support if no other post-decree or post-final orders motions are pending (except either a Verified Motion and Affidavit for Citation for Contempt of Court or an Emergency Motion regarding parenting time), and
 - C) Verified Motions and Affidavits for Citation for Contempt of Court where no other post-decree or post-final orders motions are pending except a Motion to Modify or Terminate Child Support or Emergency Motion regarding parenting time.

You may contact Division R at (719) 448-7652 to schedule hearings in said Division.

- The other caveat is that if a post-decree or post-final orders Motion to Modify or Terminate Child Support or Verified Motion and Affidavits for Citation for Contempt of Court regarding alleged failure to pay child support only is filed and the El Paso County Child Support Enforcement unit is a party to the case then said Motion shall be heard by Division NCS and you should set court appearances in said Division.
- The Court will endeavor, within 45 days of the filing of any post-decree or post-final orders motion(s), to either enter a ruling based upon the pleadings submitted or order that the case be scheduled and resolved under the provisions of Colorado Rule of Civil Procedure (hereafter referred to as “C.R.C.P.”) 16.2(c) or otherwise act on the such motions. Emergency Motions shall be resolved on a forthwith basis.
- If any post-decree or post-final orders motion involves financial issues, each party shall, without a formal discovery request, provide to the other parties all Mandatory Disclosures, as set forth in the form and content of Appendix to Chapters 1 to 17A, Form 35.1, C.R.C.P., as well as a completed Sworn Financial Statement to the other party within 40 days after service of such post-decree or post-final orders motion unless the Court has already ruled on such motion(s) or orders. A Certificate of Compliance shall accompany the Mandatory Disclosures and shall be filed with the Court. A party’s signature on the Certificate constitutes certification that to the best of the signer’s knowledge, information and belief, formed after reasonable inquiry, the Mandatory Disclosure is complete and correct as of the time it is made, except as noted with particularity in the Certificate of Compliance.
- For the convenience of self-representing parties, a copy of the mandatory disclosure requirements is attached to this Order (Form 35.1) together with a blank copy of a certificate of compliance.
- The Sworn Financial Statement and any proposed child support worksheets shall be filed with the Court. Other mandatory disclosure documents shall not be filed with the Court.

GENERAL INFORMATION AND HELP

- If you choose to represent yourself, you are required to follow the same procedures as parties represented by attorneys. You should obtain from the Court Clerk's office or the Court's Self-Help Center the packet of forms and instructions for self-represented parties. Other forms are available on-line at <http://www.courts.state.co.us/>.

SCHEDULING EVIDENTIARY HEARINGS / MEDIATION

- If the Court does not rule on a post-decree or post-final orders motion based upon the pleadings within 45 days of said pleadings having been filed, the Court will require that the parties participate in mediation prior to the Court hearing the issue(s) at hand at an evidentiary hearing. The moving party is responsible for scheduling mediation with either a mutually agreed upon mediator in the community or, if the parties are unable to agree, then with the Office of Dispute Resolution located at the courthouse. The ODR may be reached at (719) 448-7777. If there are multiple motions filed by both parties the moving party is the party whose post-decree or post-final orders motion was filed first.
- If the parties have scheduled mediation and the Court has not yet ruled on any pending post-decree or post-final orders motions and has not scheduled either an Initial Status Conference or an Evidentiary Hearing then the moving party shall file a Notice to Set the unresolved issue(s) with the Division assigned to the matter for an Evidentiary Hearing (unless the Court has ordered otherwise). The court shall determine the scope of any hearing on contested matters.

PREPARATION FOR EVIDENTIARY HEARING

- If at least one party is represented by counsel, the parties shall file a joint Trial Management Certificate 10 days prior to any evidentiary hearing date or at such other time as ordered by the Court. Petitioner's Counsel (or Respondent's counsel if the 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 request for attorney fees, disputed issues and specific points of law, lists of lay exhibits and expert witnesses the parties intend to call at hearing, and a list of exhibits, including updated Sworn Financial Statement and proposed worksheets. The parties shall exchange copies of exhibits at least 10 days prior to hearing.
- 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 together with copies thereof, mailed to the opposing party at least 10 days prior to any evidentiary hearing date or at such other time as ordered by the Court.
- Unless otherwise stipulated or ordered by the court, and subject to the provisions of subsection (g) of C.R.C.P. 16.2, the disclosure of expert testimony will be governed by the provisions of C.R.C.P. 26(a)(2)(B). The time for disclosure of expert or lay witnesses whom a party intends to call at an emergency hearing shall be determined by the Court.
- A party is under a continuing duty to supplement and amend any disclosure in a timely manner.

BEST PRACTICES FOR FILING

- Attorneys are asked to refrain from filing the same pleading in both paper and electronic format. If a pleading is filed in paper format the preferred method of filing is to file the original pleading(s) together with an extra "Judge's Copy" clearly marked as same (together with any proposed orders and pre-addressed, stamped envelopes for each party or attorney involved) with the office of the Clerk of the Combined Court located at room 105 of the Terry Harris Judicial Complex at the address listed in the caption of this order. However, if any pleading to be filed with the Court is of an emergent nature then the Judge's copy mentioned above should be hand-carried to the chambers of the Judge or Magistrate assigned to the case after the original of such pleading has been filed in room 105.
- **Failure to follow these procedures or attend any Initial Status Conference or evidentiary hearing may result in Court imposed sanctions including but not limited to: dismissal, award of attorney's fees and costs, your case being continued pending compliance with Court orders or default being entered against you by the Court.**
- **Check with the judicial assistant(s) working for the Division to which your case is assigned to find out whether that Division has any other standard case management orders it issues in situations similar to yours.**
- **This Case Management Order supersedes all previous C.M.O.'s issued by the Domestic Court.**

Dated this January 1, 2008

BY THE COURT

Robert Lowrey
Presiding Domestic Court Judge
Fourth Judicial District

FORM 35.1 MANDATORY DISCLOSURES

FORM 35.1 - Mandatory Disclosure

[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 Affidavit. Each party shall provide a complete and signed Financial Affidavit in the Supreme Court approved form (Form 35.2).
- (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 the 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.

LEGAL HELP LIST AND PRO SE LEGAL RESOURCES

Pro Se Self Help Center **Room #105, Telephone (719) 227-5191 (first Floor)** includes information regarding status of your case, status of motions, request for forms, guidance in regard to the purchase and procedure on filing. Kid's questions & answers website: www.kidsquestiondivorce.org. Legal forms can be accessed on the internet at <http://www.courts.state.co.us> and linking to various resources from there.

Family Court Facilitators – Michael W. Vigil, Room 101, Telephone number (719) 448-7781 or Nicole Rugh – (719) 448-7570.

- √ **Pro Se I Clinic** – help preparing forms for filing your case – clinic is free of charge. These classes are held on the 1st and 3rd Thursday of each month at noon to 1:30 p.m. in the Jury Assembly Room.
- √ **Children and Families in Transition** – Mandatory for all Divorcing Parents. Classes held:
When: 1st & 3rd Wednesdays of each month until March, 2008 at which point the classes will be held on the 2nd & 4th Wednesdays of each month.
Time: from 5:30PM to 7:00PM
Or
When: 4th Friday of each month until March, 2008 at which point the classes will be held on the 3rd Friday of each month.
Time: 12:00 Noon to 1:30PM
Where: El Paso County Court House
270 S. Tejon, Jury Assembly Room
- √ **Office of Dispute Resolution** – Mediation, Room B23, (scheduled appointments), telephone number (719) 448-7777.
- √ **CASA** (Court Appointed Special Advocates) trained volunteers to investigate issues regarding children by Court order/Supervised pickup/drop off, supervised parenting time. 710 S. Cascade Ave. Colorado Springs, CO 80903, telephone (719) 447-9898.
- √ **Library** – The Penrose Library, downtown Colorado Springs, has a law library with computer-assisted legal research capacity.

OTHER LOCAL SERVICES AVAILABLE:

- √ **Colorado Legal Services** - If you are indigent the Colorado Legal Services may help you with your case. They are located at 617 South Nevada Avenue, Colorado Springs, CO 80903. Telephone (719) 471-0380.
- √ **Lawyer's Referral Service** - private consultation with a lawyer. For a small fee, you may have a 30-minute appointment with a private attorney. Telephone (719) 636-1532.
- √ **Call a Lawyer Program** – free legal advice. On the 3rd Thursday of each month at 7:00 p.m. to 9:00 p.m. You have a telephone consultation with an attorney by calling (719) 471-0380.
- √ **Policy Studies Inc – PSI (Child Support Enforcement)**. An agency for collection of previously ordered child support in Colorado and elsewhere. Telephone (719) 457-6331 or (866) 270-2606

Note: By law we cannot give legal advice.