

DISTRICT COURT EL PASO COUNTY STATE OF COLORADO 20 East Vermijo Post Office Box 2980 Colorado Springs, CO 80901 (719) 448-7650	
Petitioner:       Respondent / Co-Petitioner:	<p style="text-align: center;"><b>COURT USE ONLY</b></p> <hr/> Case Number:    Division:
<b>DOMESTIC RELATIONS          CASE MANAGEMENT ORDER PURSUANT TO RULE 16.2</b>	

**COURT FACILITATED PROCEDURE FOR DOMESTIC RELATIONS CASES**

- Your case will proceed under the court-facilitated domestic relations procedure, which is designed to encourage the timely, just, and cost efficient resolution of family court cases. The basis of this program is that the Judicial Officer and/or Family Court Facilitator will be directly involved in meeting with the parties to manage the case as it proceeds toward resolution. The Judicial Officer and the Family Court Facilitator are not involved in the proceedings as mediators or settlement officers.
- Your case has been assigned to both a Magistrate and District Court Judge. In the event that a contested permanent orders hearing is required the District Court Judge, or Magistrate with consent, will resolve this matter, at which time this Order may be supplemented or modified by the Judge’s pre-hearing case management orders.
- **Neither counsel nor parties shall file any paper, documents, motions or other pleadings except as authorized by the Court or in the case of an emergency.** This injunction against unauthorized filings does not apply to the petition, response, motions for orders of protection, motions for service by publication, motions for change of venue, motions contesting the jurisdiction of the court over the parties or subject matter, or to entry, withdrawals and substitutions of counsel.
- **Petitioner shall provide a copy of this order (including attachments), the Notice of Hearing, and all other documents filed with the court to all counsel and self-represented parties. A certificate showing service of this order and all other documents on the other party shall be filed with the court within ten (10) days of service of the petition.**

- Petitions for dissolution of marriage or an allocation of parental responsibility must be personally served in accordance with Rule 4 of the Colorado Rules of Civil Procedure. Other documents, such as this order, may be served with the petition, or by U.S. mail once the other party has been personally served. In each case, both parties and attorneys, if any, must attend the initial status conference provided they have had notice of its time and date.

### MANDATORY INITIAL CONFERENCE

- **An initial conference shall take place within 40 days of filing.** The Pro Se party shall schedule an initial status conference at the time of filing the Petition. The Family Court Facilitator shall conduct the initial status conference with pro se parties. Petitioner's Counsel shall file a Notice to Set with the assigned Magistrate within ten (10) days of the initial filing of the case. Scheduling shall take place on Mondays, Wednesdays, and Thursdays between 8:30 a.m. and 10:00 a.m.
- **There are no exceptions to the mandatory initial status conference unless both parties are represented by counsel and counsel have filed a Stipulated Case Management Plan and a Certificate of Compliance that the mandatory disclosures have been made.**
- If you are or become subject to an order of protection that prevents you from meeting with any other party to your case, please let the Family Court Facilitator know this before your scheduled conference. Please note that the initial status conference is still mandatory in these situations.
- Parties appearing at initial status conferences should be prepared to stipulate to temporary orders, or to proceed immediately to schedule a forthwith hearing on temporary orders, if such immediate temporary orders are appropriate to the needs of their case.
- Parties shall be punctual and arrive shortly before the conference time. The parties are encouraged to use their time efficiently by discussing their case with each other before their scheduled conference. Prior to the initial status conference, counsel shall consult in person or by phone to identify any unresolved issues.
- **Failure to appear at the Initial Status Conference may result in the assessment of attorney fees, costs or in dismissal of the case.**

### PARENTING CLASS

- **All parties who are seeking an allocation of parental responsibility or parenting time must attend and complete a qualifying parenting education class. Failure to comply with this Court Order may be considered by the court in determining the allocation of parental responsibilities and parenting time, may result in a citation for contempt of court, and may result in a delay of your case.**

- The cost of the Parenting Through Divorce class is included with the initial filing fee. A waiver of court filing fees and costs is available to litigants who qualify under the indigency guidelines as defined by statute
- No other classes may be substituted for the Parenting Through Divorce Class except by order of the Court. The Court will grant reasonable requests made at the initial status conference where parties wish to take an alternative class, such as one offered in their native language or offered at a location close to their residence (i.e., residing outside of El Paso County or residing outside of the State of Colorado).

### **FINANCIAL DISCLOSURES**

- The parties are ordered to comply with the mandatory disclosure provisions of Rule 16.2(e)(1-10). For the convenience of self-representing parties, a copy of the mandatory disclosure requirements is attached to this Order (Form 35.1). These disclosures shall be made as soon as is practical, and shall be made within the 40-day period set by the Rule.
- Each party shall complete a financial affidavit using required Form 35.2, and shall bring this affidavit along with a copy for the opposing party to the initial status conference.

### **TEMPORARY ORDERS**

- Any need for Temporary Orders should be raised at the initial status conference. Temporary orders stipulations can be reduced to writing and approved as orders of the court at the initial status conference. Contested cases may be scheduled for a forthwith hearing. At the time of the temporary orders hearing, the parties/counsel shall certify on the record that they have conferred and attempted in good faith to resolve temporary orders issues. Where temporary maintenance is an issue and the combined family income is \$75,000 or less, parties should consider the formula provisions of Colorado Revised Statute 14-10-114(2).

### **GENERAL PROCEDURES FOR ALL CASES**

#### **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 the packet of forms and instructions for self-represented parties. For parties seeking a divorce or legal separation, the Court recommends that you attend the "Pro Se Help" clinic.

- Requests to file motions and formal discovery shall be made in writing to the Court.
- The parties should be prepared to discuss the need for experts on the date of the initial conference. This includes discussion of the possibility of mutually acceptable appraisers, evaluators, special advocates or other experts. There shall be only one expert per contested issue. Such expert shall be selected by the parties or by the court. If appropriate, a special master may be appointed by the court as provided by C.R.C.P. Rule 53. The need for additional experts may be raised with the court at the initial conference.
- The assigned judicial officer or Family Court Facilitator may direct specific hearings on disputed questions of fact/law or set this matter for a hearing. The court shall determine the scope of any hearing on contested matters.

### **COURT FACILITATOR CONTACT INFORMATION**

Michael Vigil  
1<sup>st</sup> Floor Room 101  
719-448-7781

Nicolle Rugh  
1<sup>st</sup> Floor, Room 101  
719-448-7570

Dated this 1<sup>st</sup> day of January, 2005.

BY THE COURT

TIMOTHY SIMMONS  
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.