

2007 Snapshot of ADR in Colorado Courts - Family Cases

JD	<u>Mandatory/Voluntary</u>				<u>Frequency</u>			<u>Case Characteristics/Comments</u>
	<u>All Mandatory</u>	<u>All voluntary</u>	<u>Case by Case</u>	<u>Differs by Judges</u>	<u>Most</u>	<u>Many</u>	<u>Some</u>	
1			All Courts/cases	All Courts/cases	Permanent Protective Order Conditions	Domestic Relations		Some judges have blanket ADR orders for cases going to trial or permanent orders, while others consider it case-by-case. Community Mediation Program does shuttle conference in protective order conditions. Sr. Judge provides some domestic ADR. Family Court Facilitator does initial conferences with pro se parties, magistrate does status conference if one party has an attorney, and judges do initial conference for cases with two attorneys. Agreements can be reached during these initial status conferences.
2-Denver District			Domestic Relations Dissolution and Post Decree					Family Court Facilitator refers to ADR (parenting plan facilitation and mediation) case-by-case. Most Post Decree referred to ADR unless emergency.
2-Denver Juvenile	D&N		Paternity (Parenting/Support)			D&N, Paternity (Parenting/Support)	Truancy	D&N cases with issues that require a contested hearing are referred. Paternity cases referred on a case-by-case basis, with an "informal" procedure to refer all paternity cases with modification of parenting time and allocation issues. Some Truancy cases referred to mediation or family group conferencing pre-filing.
3		All Courts/cases						
4	Domestic Relations Dissolution, Custody		D&N, Protective Orders Conditions			D&N: 40% mediated		New early neutral custody program is usually a mandatory referral from a district judge or a domestic case manager.
5	Domestic Relations Dissolution and Post Decree				Domestic Relations			Judge Moorhead requires mediation be completed before setting for trial.
6			Domestic Relations				25% of Domestic cases	
7			Domestic Relations	Domestic Relations	Domestic Relations			Domestic cases are first processed by the Family Court Facilitator and then given to the judge if no settlement. Some judges require ADR in addition to case facilitation in complex DR cases. About 95% of cases use mediation for ADR. Ongoing discussion of whether to require ADR district wide in domestic cases that do not resolve under Rule 16.2. The mediation order defaults to ODR mediators if the parties cannot agree on one.
8	Domestic Relations Dissolution and Post Decree		D&N		Contested Domestic Relations; Dissolution and Post Decree			

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9	Domestic Relations Dissolution and Post Decree		D&N		Domestic Relations		D&N	Using ODR mediator and other mediators such as retired judges. Before ODR, active judges did settlement conferences on each other's domestic cases (less now). In Domestic Relations Dissolution and Post Decree cases, ADR is mandatory with rare exception and required prior to setting a contested orders hearing. Now require pre-payment for mediation.
10	New Domestic Relations		D&N	Post Decree	New Domestic Relations	Domestic Relations- Post Decree	D&N	Mediation required in new Domestic Relations cases; Post Decree-some judges require mediation when parenting time/custody issues involved and others don't.
11			Domestic Relations, D&N, Paternity (Parenting/Support)		Domestic Relations			
12		All Courts/cases					Domestic Relations	
13	Domestic Relations Dissolution and Post Decree		D&N		Domestic Relations Dissolution and Post Decree		D&N	
14	Domestic Relations Dissolution and Post Decree							
15		All Courts/cases						Starting mediation program
16		All Courts/cases					Domestic Relations	Starting mediation program
17			Domestic Relations				Domestic Relations	
18	Arapahoe and Douglas Counties Domestic Relations Dissolution and Post Decree			Douglas, Elbert, and Lincoln Counties Domestic Relations	Domestic Relations Dissolution and child- related Domestic issues			Domestic Relations issues include never-married parents allocation of parenting time, child support, post decree. The Delay Reduction Order states "ADR" and then goes on to give the JD18 ODR mediation office phone number if they choose not to use a private mediator. Expect more Elbert County domestic cases. Receiving some requests for arbitration, med arb, PC/DM from Arapahoe and Douglas Counties.
19	Domestic Relations Dissolution and Post Decree		D&N			Domestic Relations, D&N		Domestic Relations: exceptions to mediation when court hearing will take one hour or less. D&N referrals include some Family Group Conferences.

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20	Domestic Relations Dissolution and Post Decree				Domestic Relations Dissolution and Post Decree			ADR mandatory for Domestic Relations cases set for permanent orders or for hearings more than 2 hours. Dissolution and Post Decree: All parties required to attend mediation prior to going into a contested hearing unless obtain waiver. With new Domestic filings after 1/2005, require initial conference. Family Court Facilitator does initial conferences with pro se parties, magistrate does status conferences for non-contested hearings. Agreements can be reached during these initial status conferences.
21			Domestic Relations Dissolutions with children, Post Decree, D&N		Domestic Relations Dissolution and Post Decree		D&N	Domestic Relations: Mediation generally ordered if case is contested.
22			Domestic Relations; D&N; Allocation of Parenting Time in Dissolution, Post Decree, Paternity (Parenting/Support)			Domestic Relations, D&N; Allocation of Parenting Time in Dissolution, Post Decree, Paternity (Parenting/Support)		General ADR order. Order ADR in D&N cases where a jury trial is requested.