

FORM 35.4 – Pattern Interrogatories (Domestic Relations)

[Reference to C.R.C.P. 16.2, 26 and 33. These are not to be filed with the court, except as may be ordered.]

The following Pattern Interrogatories are propounded to _____ pursuant to C.R.C.P. 16.2, 26 and 33.

Section 1. Instructions to All Parties

- (a) These are general instructions. For time limitations, requirements for service on other parties, and other details, see C.R.C.P. 16.2, 26, 33, 121 §1-12, and the cases construing those Rules.
- (b) These interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or objection.

Section 2. Instructions to the Asking Party

- (a) These interrogatories are designed for optional use in domestic relations cases only.
- (b) Use care in choosing those interrogatories that are applicable to the case.
- (c) Subject to the limitations in C.R.C.P. Rules 16.2 and 33, additional interrogatories may be attached.

Section 3. Instructions to the Answering Party

- (a) An answer or other appropriate response must be given to each interrogatory. Parties are to answer these interrogatories with the understanding that they stand in a fiduciary relationship with each other.
- (b) As a general rule, within 35 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See C.R.C.P. 33 for details.
- (c) Each answer must be as complete and straightforward as the information reasonably available to you permits. If an interrogatory cannot be answered completely, answer it to the extent possible.
- (d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party in which case state the identity, address and telephone number of the person in possession.
- (e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.
- (f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.
- (g) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

I declare under penalty of perjury under the laws of the State of Colorado that the foregoing answers are true and correct.

DATE _____ SIGNATURE _____

Section 4. Definitions

- (a) You or your includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.
- (b) Person includes a natural person, firm, association, organization, partnership, business, trust, corporation, or public entity.
- (c) Document means a writing, as defined in CRE 1001 and includes the original or a copy of handwriting, typewriting, printing, photostating, photographing, magnetic impulses, mechanical or electronic recording or other form of data compilation and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.
- (d) Address means the street address, including the city, state, and zip code.

Section 5. Pattern Interrogatories

The following interrogatories have been approved by the Colorado Supreme Court under C.R.C.P. 16.2 and 33.

1. If you are employed by any business or enterprise, for each state:
 - a. Its name, address and telephone number;
 - b. Your position;
 - c. Your present gross monthly income;
 - d. Your compensation arrangement including a complete description of draws, incentives, bonuses, perquisites and any other method of compensation;
 - e. Your date of hire;
 - f. The names of all documents fixing your compensation terms (contract, corporate minutes, memoranda, policy manual, etc.)
 - g. If you have the use of company property, describe and explain your arrangement for use and payment;
 - h. Whether you have any outstanding bonuses, commissions, or any other payment, benefit or perquisite due to you, and if so, please describe and state the amount and date due;
 - i. The date of your next compensation review;
 - j. The amount of compensation adjustment anticipated at your next compensation review.
2. Other than your present place of employment, list in detail all other places of employment during your marriage or civil union. With regard to each, state the following:
 - a. The name, address and telephone number of your employer;
 - b. The inclusive dates of employment;
 - c. The type of work performed;
 - d. The gross annual income from such employment in each of the years during the marriage or civil union.
 - e. Any retirement benefits earned with that employer.
3. State, in detail, your level of education, and all professional or vocational training which you have received, dates you attended each institution or received training, and the date any degrees or certificates of completion were acquired. State with particularity any additional professional, vocational or artistic skills for which you have received compensation or public recognition.
4. If the expenses on your Affidavit with Respect to Financial Affairs include the support of any person other than yourself or your children, state the name of each person and the monthly expenses attributable to such person.

5. If you have disposed of any property with a value of \$1,000.00 or more, including without limitation, stocks, bonds, debentures or other items of a similar nature in the last 12 months, for each item state:
 - a. Description of the property;
 - b. The date acquired and tax basis;
 - c. The date you disposed of the property;
 - d. The amount received by you;
 - e. The fair market value of the security on the date disposed of;
 - f. What you did with the sale proceeds;
 - g. The amount that is still due and owing to you.

6. If during the last three years you have sold or transferred any interest in real property, for each sale and/or transfer, state:
 - a. The address and description of the property;
 - b. The date of sale or transfer;
 - c. The method of transfer;
 - d. The name and address of each purchaser or person receiving title, and the interest received by such person;
 - e. The purchase price or consideration;
 - f. The amount of the purchase price that remains due and owing;
 - g. The amount of the proceeds of the transfer received by you;
 - h. The disposition of the proceeds;
 - i. The interest you presently have in such property.

7. If any person or entity holds any property for your benefit, including, but not limited to bank accounts, IRAs, Keoghs, stocks, securities or investments of any kind, for each state:
 - a. The name and address of each such person, firm or legal entity;
 - b. A description of the item held for your benefit;
 - c. The conditions under which the item is held for your benefit;
 - d. The fair market value of the property.

8. If you are currently involved in any business or investment with others, for each set forth the particular details, including the following:
 - a. A description of the business or investment;
 - b. The name and address of the other parties involved;
 - c. The purpose;
 - d. Your contribution;
 - e. The tax basis of your contribution;
 - f. Your percentage of ownership;
 - g. The fair market value of your share;
 - h. Any agreement among the partners for ownership, management and sale.

9. If you have received any gifts of money, non-taxable income or assets from any source other than through your business or employment of \$1,000.00 or more in the last three years, set forth the following:
 - a. The amount of money or value of the asset received and date of receipt;
 - b. The name and address of the person or entity from whom the amount is received;
 - c. The consideration given by you or other reason for payment to you.

10. If you are a beneficiary of the estate of any person, state:
 - a. The amount of the estate;
 - b. Whether the estate is being probated or administrated;
 - c. Whether distribution has been made to you from such estate;
 - d. The amount of money or property you have received from such estate;
 - e. The date(s) distribution was made; or if distribution has not been made, the date you anticipate receiving said distribution.

11. If you are a beneficiary of any current or terminated trust, state:
 - a. The date of the creation of each trust;

- b. The name and address of the trustee;
 - c. The amount of principal in the trust;
 - d. The amount of income and other distributions you receive each year from the trust;
 - e. The name and address of the grantor;
 - f. If the trust has been terminated, the date and circumstances of the termination.
12. For any business operated by you alone or with others during the last three years, state the following:
- a. The name and address of the business;
 - b. The form of the business organization;
 - c. The name and address of each officer and owner of the business;
 - d. The date when you obtained your interest in the business;
 - e. Your capital contribution to the business;
 - f. Your ownership interest (by percentage and number of shares);
 - g. The date and amount of all outstanding loans to which you are a party;
 - h. The annual gross profits of the business since you have been engaged in the business;
 - i. All payments to or for you from the business, whether salary, bonus, dividend, commission, draw, advance, loan or payment of personal expenses from three years to date;
 - j. All expenses reimbursed to or paid for you by each business, including but not limited to, insurance, supplies, food, travel, transportation, education, entertainment, and business gifts from three years to date;
 - k. The fair market value of the business;
 - l. The current fair market value of your interest, and your explanation of how you calculated same;
 - m. Whether or not you intend to sell your interest;
 - n. The tax basis of your interest.
13. If allocation of parental responsibilities (that is, decision-making and/or parenting time) is an issue:
- a. State whether joint parental decision-making or sole parental decision-making is best for the child(ren) and why;
 - b. State which party should be designated primary residential care and why;
 - c. Outline a schedule of parenting time for each party, including a holiday/school break schedule and a summer schedule;
 - d. Outline the manner in which parental responsibilities have been shared with the other party, i.e., daily caretaking, participation in school/extracurricular events, financial support, choosing the child(ren)'s doctors and dentists, choosing school(s), etc.;
 - e. Describe any history of domestic violence, child abuse, or neglect (supporting documentation should be provided);
 - f. Describe any physical, psychological or addictive condition of either party which if untreated has a harmful effect on the best interest of the child(ren) and why;
 - g. Describe any special needs of any child (physical, psychological, educational, etc.);
 - h. Describe any history of counseling or therapy for either party or any child; include the names, addresses and telephone numbers of the person(s) providing same;
 - i. State whether regular contact with grandparents, extended family, and/or other significant adults is contrary to the best interests of the child(ren) and why;
 - j. Describe any extraordinary travel arrangements necessary for parenting time;
 - k. Describe current child support arrangements and state whether payments are current;
 - l. Describe the child care arrangements for the child(ren) for the last three years including the name, address and telephone number of each child care provider.