

<b>JDF 1318</b>	<b>Order Appointing Child and Family Investigator</b>
<b>A. Court:</b> <input type="checkbox"/> District <input type="checkbox"/> Juvenile Colorado County: _____ Mailing Address: _____	<i>This box is for court use only.</i>
<b>B. Parties to the Case:</b>  Petitioner: _____ & Respondent: _____ <small>(or Co-petitioner)</small> & Other/Special: _____	
<b>C. Case Details:</b>  Number: _____ Division: _____ Courtroom: _____	

This matter is before the Court on the request to appoint a Child and Family Investigator (CFI) pursuant to C.R.S. § 14-10-116.5.

**1. CFI Appointed**

The Court appoints the following person as CFI:

- a) Name: \_\_\_\_\_.
- b) Address: \_\_\_\_\_.
- c) Telephone: \_\_\_\_\_.
- d) Email: \_\_\_\_\_.

The court finds that the CFI has the appropriate training and qualifications set forth in C.R.S. § 14-10-116.5(2)(f) and C.R.S. § 14-10-127.5(5)(a). This includes training in the areas of child abuse, child sexual abuse, and domestic violence and its effects on children, adults, and families.

The CFI shall comply with Chief Justice Directives 04-05 and 04-08, as subsequently amended, and with C.R.S. § 14-10-116.5 and C.R.S. § 14-10-127.5.

The court finds that the CFI has the appropriate qualifications set forth in C.R.S. § 14-10-127.5(3)(d). The CFI may opine regarding domestic violence and child abuse in the final report and in testimony at hearing.

- The parties stipulate that the CFI has the appropriate qualifications set forth in C.R.S. § 14-10-127.5(3)(d). The CFI may opine regarding domestic violence and child abuse in the final report and in testimony at hearing.
- The court finds that the CFI does not have the appropriate qualifications set forth in C.R.S. § 14-10-127.5(3)(d). The CFI may complete an investigation and report. They must include data and facts that may indicate domestic violence and child abuse if either is alleged. But they may not opine regarding domestic violence and child abuse in that final report and in testimony at hearing.
- The court does not have the necessary information to determine if the CFI has the appropriate qualifications set forth in C.R.S. § 14-10-127.5(3)(d) in order to opine regarding domestic violence and child abuse in the final report and in testimony at hearing. The CFI shall file their domestic violence and child abuse work history with their JDF 1338 Mandatory Disclosure Form in order for the Court to determine if the CFI meets the qualifications set forth in C.R.S. § 14-10-127.5(3)(d) to opine regarding domestic violence and child abuse in the final report and in testimony at hearing.

Within seven days of appointment, the CFI shall file [JDF 1338 - Mandatory Disclosure Form](#), disclosing the existence or non-existence and nature of any familial, financial, or social relationship the CFI has or had with the children, any party, the attorneys of record, or the Judicial Officer.

**2. Case Status**

This is a:

- pre-decree case, governed by C.R.S. § 14-10-124.
- post-decree case, governed by C.R.S. § 14-10-129.

**3. Children**

Name	Date of Birth

**4. Petitioner**

- a) Name: \_\_\_\_\_.
- b) Date of Birth: \_\_\_\_\_.
- c) Address: \_\_\_\_\_.
- d) Phone: \_\_\_\_\_.
- e) Email: \_\_\_\_\_.
  
- f) Lawyer: \_\_\_\_\_.
- g) Lawyer phone/email: \_\_\_\_\_.

**5. Respondent (or co-petitioner)**

- a) Name: \_\_\_\_\_.
- b) Date of Birth: \_\_\_\_\_.
- c) Address: \_\_\_\_\_.
- d) Phone: \_\_\_\_\_.
- e) Email: \_\_\_\_\_.
  
- f) Lawyer: \_\_\_\_\_.
- g) Lawyer phone/email: \_\_\_\_\_.

**6. Protection Orders**

Are there protection orders involving the parties or children?  Yes.\*  No.

**\*If yes:**

- a) Issuing State and County: \_\_\_\_\_.
- b) Case Number: \_\_\_\_\_.
- c) Restrained Parties: \_\_\_\_\_.
- d) Protected Parties: \_\_\_\_\_.

**7. Responsibilities of the CFI:**

- a) The CFI shall investigate, report and make recommendations on these issues:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- b) The CFI shall not conduct psychological testing. The CFI shall not perform or require drug, alcohol, polygraph or other testing, inspection or evaluation unless specifically ordered by the Court. If the CFI believes testing, inspection or evaluation would benefit the parties and/or children and would assist the Court, the CFI shall notify the Court and parties as soon as possible and shall include this information in the CFI report. This prohibition does not prevent the CFI from conducting domestic violence screening the CFI is competent to perform.
- c) Because a CFI is the investigative arm of the Court, a CFI must not make referrals or recommendations to the parties or to the Court for specific professionals, unless a party makes a written request for referral or recommendation or unless the Court requests a referral or recommendation.

**d) Report Due**

The CFI shall file a concise, written report and shall provide copies to the parties and/or their counsel of record. Due by *(date)* \_\_\_\_\_.

**e) Next Event**

A(n) *(event type)* \_\_\_\_\_  
 is scheduled for *(date and time)* \_\_\_\_\_.

Is the CFI directed to attend?  Yes.\*  No.

**\*If yes,**  attend in person.  attend by calling: \_\_\_\_\_.  
 attend by Webex: \_\_\_\_\_.

**8. Responsibilities of the Parties:**

- a) Each party or their counsel shall initiate contact with the CFI within 10 days from the date of this Order to arrange their first meeting with the CFI. Each party and counsel shall confer with the CFI when and as the CFI directs, and shall cooperate fully with the CFI. The CFI may report to the Court a party's cooperation or lack of cooperation.
- b) The parties shall provide the CFI with all Court orders addressing matters of parenting time or parental rights and responsibilities that are issued on or after the effective date of this Order, as well as existing documents in the Court file that are relevant to the CFI investigation or requested by the CFI.
- c) The parties or their counsel must provide information concerning other cases that have a relationship to this case when requested by the CFI.

**d) Release of Information**

The parties shall sign any releases necessary to allow the CFI to properly conduct their investigation. The CFI may request the Court's issuance of any other necessary order for release of information.

**9. End of Appointment**

The Court shall retain the discretion to modify or terminate this appointment at any time during the proceedings. This appointment shall terminate upon the following unless otherwise ordered by the Court:

- upon filing the CFI report with the Court.
- upon entry of Permanent Orders.
- upon entry of orders resolving this post-decree issue.
- other: \_\_\_\_\_.

**10. Fees**

CFI fees are in the nature of child support, as the role of the CFI is to investigate, report and make recommendations to the Court on any issues that affect or may affect the best interests of the children.

**Privately Paid CFIs**

**a) Investigation and Report**

A presumptive maximum fee of \$3,250 per appointment shall be established for the investigative and reporting work of all privately paid CFIs. The total investigation and report fees of a privately paid CFI shall not exceed this presumptive \$3,250 cap unless prior Court approval is obtained in the form of a written order with specific findings concerning the extraordinary circumstances that justify the excess fees.

**b) Testimony and Preparation Time**

It is anticipated that, in some matters, the testimony of the privately paid CFI will be sought by the parties or deemed necessary by the Court. In such matters, a presumptive maximum fee of \$500 per appointment shall be established concerning such testimony, including any preparation or other work performed in association with giving such testimony. The total testimony and preparation time fees of a privately paid CFI shall not exceed this presumptive \$500 cap unless prior Court approval is obtained in the form of a

written order with specific findings concerning the extraordinary circumstances that justify the excess fees.

**c) Hourly Rate**

Every order appointing a privately paid CFI shall state the CFI's hourly rate. If the CFI charges one rate for investigative and reporting work and another rate for testimony and preparation time, the CFI appointment order shall state both hourly rates.

**State Paid CFIs**

CJD 04-05 establishes the maximum hourly rate and maximum total fee per appointment. The Office of the State Court Administrator compensates CFIs in matters in which the Court has found one or more of the parties to be indigent. State paid CFIs seeking fees that exceed the maximum total fee must comply with the approval procedures set forth in CJD 04-05.

**11. Payment of Fees and Costs.**

After considering the financial resources and/or other equitable circumstances of the parties, the Court apportions the payment of the fee of the CFI as follows:

**No party is indigent.**

The CFI will be paid a retainer of \$\_\_\_\_\_ to be applied to an hourly rate of \$\_\_\_\_\_, no later than *(date)* \_\_\_\_\_. The CFI shall bill the hourly rate against the retainer. Any fees and costs in excess of the retainer, up to the presumptive maximum fee set forth above or otherwise ordered, shall be apportioned as set forth below and shall be paid within 30 days of the date billed, unless otherwise ordered by the Court or agreed in writing between the parties.

The Petitioner will pay the CFI the amount of \$\_\_\_\_\_ or \_\_\_\_\_ % by that date.

The Respondent *(or co-petitioner)* will pay the CFI the amount of \$\_\_\_\_\_ or \_\_\_\_\_ % by that date.

**Both parties are indigent.**

Both the Petitioner and Respondent have completed JDF 208 and are indigent in accordance with the requirements of CJD 04-05. The Court therefore orders the fees and costs of the CFI to be borne by the State pursuant to the procedures and at the hourly rate set forth in CJD 04-05.

**One party is indigent. (Mixed Pay Case)**

The Court finds (*party name*) \_\_\_\_\_ is indigent. They completed JDF 208 and is indigent in accordance with the requirements of CJD 04-05. The Court therefore orders that \_\_\_\_\_% of the CFI's billed time will be borne by the State pursuant to the procedures and at the hourly rate set forth in CJD 04-05, with the remaining amount as determined by the Court to be paid by the non-indigent party to the CFI directly.

The non-indigent party, \_\_\_\_\_, shall pay the CFI a retainer of \$\_\_\_\_\_ to be applied to an hourly rate of \$\_\_\_\_\_ no later than (*date*) \_\_\_\_\_. The non-indigent party shall pay \_\_\_\_\_% of the CFI's billed time. The CFI shall bill the hourly rate against the retainer. Any fees and costs in excess of the retainer, up to the allowable presumptive maximum fee or otherwise ordered, shall be paid within 30 days of the date billed, unless otherwise ordered by the court.

The presumptive maximum fee for a mixed pay case is the total presumptive maximum fee for each form of payment capped at the percentage of time allocated to each form of payment. For example, if the court allocates 50% of the time for fees to be state paid and 50% of the time to be private paid, the presumptive maximum fee shall be 50% of the current state allowable "maximum total fee per appointment" plus 50% of the current private paid presumptive maximum fee.

**Sliding Scale Fee.**

The Court approves a sliding fee scale as follows:

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The court retains the discretion to reallocate the apportionment of fees at the permanent order or post-decree final hearing.

**The Court further orders:**

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**Note to CFI:**

Do not start the investigation until the retainer is fully paid. Let the Court know within 10 days if you are unable to begin because of nonpayment. The Court may set a hearing requiring the paying parties to appear.

**Note to Parties:**

If you do not comply with this order, you may be sanctioned by the Court after a contempt hearing. You could face a fine or up to six months in jail.

**So Ordered**

Judge     Magistrate

\_\_\_\_\_ Dated