

**STATE OF COLORADO
TELLER COUNTY DISTRICT COURT
101 West Bennett Avenue
POB 997
Cripple Creek, CO 80813
719-686-8013**

____ In re the Marriage of:
____ In re the Allocation of Parental Responsibility:

Petitioner,

and

Respondent/Co-Petitioner

COURT USE ONLY

Case No.

Division 11

**DOMESTIC RELATIONS CASE MANAGEMENT ORDER PURSUANT TO RULE 16.2
POST-DECREE OR POST-FINAL ORDERS**

**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 a District Court Judge. This Order may be supplemented or modified by said Judge's case management orders.

◆ 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)

◆The Sworn Financial Statement and any proposed child support worksheets shall be filed with the Court. Other mandatory disclosure documents shall be exchanged between the parties but **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 El Paso County courthouse. Mediation can be set by by logging on to www.coloradoodr.org. In the event the parties do not have access to the Internet, mediation can be scheduled by contacting ODR 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 Division 11 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 file *all* pleadings on Lexis Nexis.

◆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 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 7th day of February, 2011.

BY THE COURT



Edward S. Colt
District Court Judge

FORM 35.1 MANDATORY DISCLOSURES

FORM 35.1 - Mandatory Disclosure

[Reference to 16.2(e)(2). *These shall not 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) **Sworn Financial Statement (JDF 1111)** 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.