

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

In re the Marriage of:

Petitioner:

vs.

Co-Petitioner/Respondent:

Attorney or Party Without Attorney: (Name & Address)

Phone Number:

FAX Number:

E-mail:

Atty. Reg. #:

Case Number:

Div.:

Ctrm:

**NOTICE OF APPLICABILITY OF FAMILY COURT FORMS, INITIAL STATUS CONFERENCE,
DISCLOSURE CERTIFICATION ORDERS, AND CASE MANAGEMENT ORDER FOR ALL
PARTIES.**

THIS IS IMPORTANT! PLEASE READ CAREFULLY!

TO: All parties and counsel.

You are hereby notified that the Family Court of the Fourth Judicial District has adopted uniform family court forms to be used throughout the Colorado court system as of 1-11-99. In addition, the Family Court has also adopted certain Family Court Orders.

You are required to attend an initial status conference within 40 days of filing the petition on your case.

You are hereby notified that there are case management orders in effect for all cases as well as post-decree disclosure certificate orders. The orders provide important information regarding the parties' obligations and rights with regard to discovery during the divorce proceedings. There is also an Order to Parents which is applicable to every domestic action involving children. The orders may be obtained from the District Court Clerk's Office.

The Petitioner should provide a copy of these notices to the Respondent immediately, by mail, or by personal service with the summons and petition. Both parties are required to provide copies of any order they wish to have for their own files and self-addressed, stamped envelopes for the court to return them to the parties.

It is required that the parties attempt mediation. If the parties are unable to reach an agreement on ANY issue, the parties are to engage in good-faith mediation. Mediation information can be accessed by logging on to the Office of Dispute Resolution website at www.coloradoodr.org. If the parties do not have access to the Internet, mediation can be set up by contacting the ODR at 719-448-7777. The Petitioner is required to obtain a mediation order and complete it. After the document is completed, the Petitioner is required to provide a copy to the mediation office and to the Respondent/Co-Petitioner. **NO HEARING WILL BE CONDUCTED UNTIL THERE IS PROOF THAT MEDIATION HAS BEEN ATTEMPTED.**

TO ALL PARTIES REPRESENTING THEMSELVES:

This order is designed to see you and your spouse through the conclusion of your marriage. It is meant to help put you and your spouse in a position to know each other's views on important issues related to the conclusion of your marriage. It is not intended to be used to decide anything; only a judge or magistrate can do that in person.

If you are representing yourself without an attorney, it is your responsibility to be prepared just as if counsel represented you. A person represents himself or herself without counsel at his or her own risk. The pro se litigant (person representing themselves) is expected to know the Rules of Evidence and procedure as well as the law just as if he or she was an attorney. It is improper for the court to assist a pro se litigant in court, as the court cannot assist one side against the other. Ignorance on the part of a pro se litigant is not good cause for failure to comply with the case management rule.

In order to end a marriage, the law requires that each party know all of the important information, financial data and other relevant facts about the other person. The court will not tolerate hiding important financial or relevant personal information from the other party or the court. In fact, your intentional failure to provide factually accurate information to the court and your spouse could result in your being fined or even jailed. By providing this information to each other and to the court, each of you should be able to have confidence that any settlement reached will be a fair one.

Nothing that the court orders here should be interpreted as deciding anything for or against you. Neither is this intended to give you legal advice. Divorce is a complicated matter and a lawyer should represent you if you can make the arrangements. You may also contact Pikes Peak Legal Services at 471-0380 or the El Paso Bar Association Lawyer Referral Service at 636-1532.

Therefore It Is Ordered:

A. That you have this order, and any other orders of the court served on your spouse along with the summons and petition. **Both parties must attend the initial status conference scheduled with the court facilitator in this case. Be prepared to identify the disputed issues.** That you have a blank copy of a **Sworn Financial Statement (JDF 1111)** served with the summons and petition. The Sworn Financial Statement is to be completed and filed with the court 10 days before Final Orders Hearing or at the time a party files a non-appearance affidavit and decree.

B. An automatic temporary injunction goes into effect upon service of the summons and petition on your spouse restraining both parties: from transferring, concealing or encumbering marital property without court permission; from disturbing the peace of the other party; and from removing the children of the marriage from the state without the permission of the other party or the court.

C. After an initial status conference, you are also entitled to request a speedy hearing to deal with the issues of temporary allocation parental responsibility, parenting time, child support, maintenance (alimony), debt payments, use of the home or other property and the award of temporary attorney's fees.

D. Prior to the initial status conference you and your spouse shall mail each other and the court a completed copy of the financial affidavits and the completed form called **Temporary Orders Agreement or Information for the Court (JDF1109)** which can be obtained at the District Court Clerk's Office. The following information should be included therein:

1. Your plan for temporary allocation parental responsibility and parenting time of the children, see the Order to Parents form #900.

(a) In the event that there has ever been a formal investigation of child or spousal abuse which involved any law enforcement agency, social services agency, therapist, school, or other professional, the following information shall be provided to the court at the parties' temporary orders hearing: (1) the date of any such investigation, (2) the name, date of birth and social security number of the person who was the subject of the investigation, (3) the

name, address and telephone number of the professional involved in the investigation of the abuse alleged, and (4) the state, county and docket number, if a case was ever filed in any court in connection with any such investigation.

(b) Parenting time between parents and their children is rarely supervised. However, if either party believes that parenting time with the children should either be supervised (or not permitted at all) because of special circumstances, a brief statement of the basis for this position, not to exceed one page, should be provided to the court at the parties' temporary orders hearing.

(c) The court will rarely decide any allocation of parental responsibility issue at the time of Final Orders without a professional allocation of parental responsibility evaluation or written recommendation of a Guardian Ad Litem (GAL), an attorney who represents the child; therefore, a request for one or the other must be made either at the time of the temporary orders hearing or subsequently by written notarized request to the court for same (a form is available through the District Court for this purpose). The parties should be prepared to tell the magistrate why, specifically, it is necessary to have an allocation parental responsibility evaluation completed or guardian appointed. The costs of the allocation parental responsibility evaluation or GAL are generally divided between the parties proportionate to income. Usually an "up front" deposit is required for either person. In limited circumstances, the court may, after reviewing the parties' financial affidavits, order a different division of fees or order that the state of Colorado pay for some, if the parties are indigent.

2. Your request for temporary maintenance (alimony) and why it is fair and necessary.
3. A statement of what debts need to be paid right away and who should pay them.
4. A statement of what property you need to use or protect including use of the marital home.
5. Copies of your last three (3) months pay stubs or earnings statements.

F. Before a dissolution (divorce) is final, state law requires that people must wait 90 days after service of the papers on the other person or 90 days after filing if both parties filed the case. If the issues between the spouses are completely settled you may complete an affidavit after 90 days and secure your dissolution. You may also set a Final Orders Hearing in the appropriate division and sending a written notice to your spouse. If there are children of the marriage involved you must set a final hearing in the division even if you and your spouse agree on everything. The Family Court will not grant a dissolution by affidavit if there are children of the marriage.

G. If you and your spouse cannot agree on all issues, you must appear as directed for mediation and discuss in good faith the issues that you disagree on. Even if you cannot reach a complete agreement you should agree on what things you can. You may not set final orders hearing until you have participated in good faith mediation. A party may request in writing that the court exempt them from the mediation requirement based on a claim that he or she has been the victim of physical or psychological abuse or that there are compelling reasons to not require mediation. In order to start the mediation process you must fill out the "Blanket Order for Mediation." Once you have completed the order you need to file the original with the court, serve a copy on your spouse by mail, and give a copy to the Mediation Office in room 23B so that the mediation office can inform you as to the procedure for setting an appointment. Mediation is possible over the phone. You may also attend mediation with any other qualified mediator. A

H. If all the issues related to the end of your marriage are still not settled after mediation then a Final Orders Hearing must be set before a Family Court judge where your case is assigned. You will need to file a Notice to Set two weeks prior to setting. You will have to call the judge's office on the date and time indicated on your **Notice to Set** form. **Please read the instructions attached to the Notice to Set form.** If no final hearing is set within 120 days of service, the court may inquire as to status or require you to appear. Settings are held Tuesdays and Wednesday at 8:30 a.m. by contacting the Division at 719-686-8013.

I. No later than ten (10) days prior to a scheduled Final Orders Hearing you must exchange an updated financial affidavit, a child support affidavit and an Information for Disclosure Prior to Final Orders which may be obtained at the Clerk's Office. The parties must mail a copy of these documents to the judge. The Information for Disclosure Prior to Final Orders will put into writing your plan for:

1. Permanent allocation of parental responsibility and parenting time of the children plus child support.
2. Your request for maintenance (alimony), how long, and why it is fair and necessary, also ability of the other spouse to pay;
3. The debts you and your spouse have accumulated and who should pay them;
4. A list of what property should be yours and what property should be your spouse's.
5. The division of real property.
6. The division of pensions including military pension; and,
7. The witnesses' names and addresses you will call at the hearing.

J. At any time if you think your children are in danger or there are other problems with allocation parental responsibility or parenting time you can ask the judge in your case to appoint a Guardian Ad Litem. You simply need to put the reasons for the request in writing and have them notarized.

K. You must comply with this order. Your spouse must also obey this order. If either person does not do the things that are ordered, the judge may refuse to hear your case or the judge may penalize the person responsible in any appropriate manner, including a fine or jail sentence.

L. You must keep the court advised at all times of your address and phone number and any changes that occur. The court will not be able to protect your rights if the court is unable to contact you.

DONE AND DATED this 7th day of February, 2011.

BY THE COURT:



Edward S. Colt
District Court Judge