

12th Judicial District DR Procedures—Quick Facts Sheet

- **General and Pre-filing Information**

- No matter which of the 12th JD's six counties the case was filed in, unless otherwise notified, all court appearances and conferences with the Family Court Facilitator will be held at the Alamosa County Justice Center, 8955 Independence Way, Alamosa, Colorado 81101. In addition, most hearings will be held at the Alamosa County Justice Center.
- All pleadings and other court filings should be submitted to the county courthouse for the county where the case was initially filed. [E-filing](#) is available to pro se parties.
- If a party plans to file a [Motion for Waiver of Filing Fees](#), he/she should provide proof of income whenever possible, although the *Motion* may still be accepted if the party is unable to produce any proof of income, if a social security number is provided. Information submitted in *Motions for Waiver of Filing Fees* will be verified by the court's collections department.
- For all DR cases involving children, all parties are required to take a one-time parenting education class. Information regarding the schedule for these classes and how to sign up is available in an attachment to the Case Management Order all parties receive when the case is opened.

- **Service Issues**

- For cases where the parties did not file as Co-Petitioners, if no Return of Service or Waiver of Service is submitted to the Court within approximately 30 days of filing, the Court will send the filing party a *35-day Notice of Dismissal for Failure to Prosecute*.
- If the filing party is unable to locate the other party, he/she may file a [Motion for Service by Publication](#). Service by Certified Mail alone is typically not authorized. Service by Publication may be authorized in either a Dissolution of Marriage or Allocation of Parental Responsibilities case, at the discretion of the Magistrate/Judge. Any/all fees associated with publication are the responsibility of the requesting party and cannot be waived.

- **Case Management**

- Cases where NEITHER PARTY has an attorney

- The Family Court Facilitator manages cases where both parties are *pro se*. Following service, the parties should contact the Family Court Facilitator to set up their Initial Status Conference. It is the parties' responsibility to contact the Family Court Facilitator and failure to do so will result in a *35 Day Notice of Dismissal for Failure to Prosecute* being sent to the parties. The Family Court Facilitator, Kaylene Guymon, may be contacted at 719-589-7603.
- The Family Court Facilitator generally sets up an initial status conference with both parties, unless there is a safety concern. If there is a safety concern (e.g. a restraining order) the parties should let the Family Court Facilitator know this when they call.
- *Pro se* parties should work on completing as much of their [Sworn Financial Statement](#) as possible prior to their Initial Status Conference, but do not need to file it in advance. At the Initial Status Conference, the Family Court Facilitator can review the *Sworn Financial Statements* with the parties. Parties should also bring with them the financial information/documents listed in the [Case Management Order](#).
- *Sworn Financial Statements* are required in ALL cases—even where the parties agree and/or claim there were no marital assets.
- *Pro se* parties do not need to complete or file a [Separation Agreement or Parenting Plan](#) prior to their Initial Status Conference. It may be helpful to look these documents over, but the Family Court Facilitator will help them complete and file these documents at Conference.
- The Family Court Facilitator will schedule hearings with the magistrate as appropriate.

- In a Dissolution of Marriage without children, where all issues are agreed upon and all required documents have been filed, the Family Court Facilitator will help the parties complete an *Affidavit for Decree without Appearance*.
 - All contested cases and all cases involving children (even if uncontested) will be set for Permanent Orders hearing with the Magistrate/Judge.
 - Cases where AT LEAST ONE PARTY has an attorney
 - These cases are managed directly by the Magistrate/Judge. The Family Court Facilitator will not be involved in these cases.
 - The responsible attorney will need to contact the court for a setting for an initial status conference. Unless otherwise notified, parties should follow CRCP 16.2 regarding pre-trial procedures, disclosures and discovery.
 - Settings and status conferences with the Magistrate/Judge may be in person or by phone. All court appearances will be in Alamosa, no matter which county the case was filed in originally.
- **Appeals**
 - Appeals of final decisions should be made to the Court of Appeals and pursuant to the Colorado Rules of Appellate Procedure.
- **Post-Decree Issues**
 - With the exception of emergency motions and motions for Contempt of Court, post decree motions will follow the same case management procedures outlined above for pre-decree matters.
 - I.e. where both parties are *pro se*, the case will be managed by the Family Court Facilitator and the parties should contact her to set up a status conference. Where there is at least one attorney in the case, the attorney should contact the court to set up a setting and/or status conference with the Magistrate/Judge.
 - There will be a filing fee of \$105.00 on all post-decree modification motions, including Stipulations that are filed without motion. Parties who

qualify may complete a *Motion to Waive Filing Fees (form JDF 205)* and submit it to the court along with proof of income.

- For enforcement motions, there is no filing fee. If the enforcement regards only parenting time issues, it is preferred, but not required, that the parties file a [*Motion Regarding Parenting Time Disputes*](#), instead of a [*Motion for Contempt of Court*](#).
 - If both parties are *pro se*, generally, they will meet with the Family Court Facilitator for a status conference prior to having a court hearing with the Magistrate, when they file a *Motion Regarding Parenting Time Disputes*.
- For emergency *Motions to Restrict Parenting Time*, it is preferred, but not required, that the filing party have the responding party personally served with the *Motion*. Proof of service (either by mail or personal service) must be filed with the court prior to setting of emergency hearings, with rare exception.
- Parties who have not fulfilled certain requirements of their divorce or allocation of parental responsibilities decree (e.g. completing parenting classes or counseling) may be prevented from filing any post-decree motions until proof of completion has been filed with the court.