

District Court, Jefferson County, Colorado 100 Jefferson County Parkway Golden, CO 80401 (303) 271-6145	<p>▲ COURT USE ONLY ▲</p> <p>Case Number: 15JVXXX</p> <p>Div. 10 Ctrm. 4C</p>
THE PEOPLE OF THE STATE OF COLORADO In the Interest of Children: BABY DOE Petitioner: JEFFERSON COUNTY DIVISION OF CHILDREN, YOUTH AND FAMILIES Respondents: JANE DOE and JOHN DOE	
CASE MANAGEMENT ORDER FOR DEPENDENCY & NEGLECT PROCEEDINGS	

IT IS THE ORDER OF THIS COURT that the following Case Management Order is in effect for a Dependency and Neglect case unless modified by the judge presiding over the trial or hearing.

1. All parties shall comply with the First Judicial District's Policies and Procedures as set forth in the District Plan for Processing Dependency and Neglect Cases.

I. MOTIONS

CONSULTATION REQUIREMENTS

2. Attorneys and unrepresented parties shall provide an email address to every other attorney of record and unrepresented parties. In the event a party does not have an email address, they shall provide the other parties with the best method for contacting them, such as a phone number. Parties will keep such contact information regularly updated to all parties and counsel.
3. Before filing any motion, the moving party's counsel shall notify the other parties, as soon as the need for court action becomes apparent, including the Guardian *ad Litem* and unrepresented parties, if practicable—by email (preferred), or by phone, of the party's intent to file.
4. Moving counsel have a duty to confer prior to filing any motions as required by CRCP 121, § 1-15(8). Motions exempt from this rule include motions to terminate the parent-child legal relationship, motions for allocation of parental responsibilities, motions for writs of habeas corpus ad prosequendum, motions for publication, motions to amend the petition for

dependency or neglect, motions for default adjudications, motions to exceed the maximum for fees, motions for emergency pickup orders, motions to adopt routine review recommendations, and motions for summary judgment. To verify this requirement has been met, every motion to which the rule applies shall contain a brief statement at the beginning summarizing the moving party's efforts to confer with or notify all other parties. The outcome of that contact shall also be summarized. The Court may strike any motion that does not have the required statement concerning consultation.

5. Follow-up contact with parties in person or by phone is encouraged, to determine whether any objections can be overcome or if the parties can narrow the issues.
6. All attorneys who have received such a notification shall respond as soon as practicable, if only to indicate consultation with their client is necessary, not possible, or would be unfruitful (*e.g.*, motions to restrict parenting time). If agreement is possible as to some parts of the relief requested, the responding party shall so indicate.
7. If there is complete agreement or if there is no objection, the moving party shall file either a stipulation or a motion designated as "Unopposed" with a proposed order.
8. When it is impossible or impractical to confer—*e.g.*, medical authorizations where the attorney or the parent cannot be reached in time, or when a party has been directed by the Court to file a motion—the moving party shall provide an explanation at the beginning of the motion.

EXTENSIONS OF TIME

9. Before additional time is requested to file a pleading, the party or counsel shall contact all other parties, who should not withhold agreement without good reason when the requested extension is a reasonably short period of time. (Attorneys are charged with responsibility for directing the flow of litigation, and they may not need the agreement of their client on such matters.) The Court will grant additional time when the interests of justice will be served.

FILING

10. Pleadings, including motions, notices, etc., must be filed at the juvenile window in the mains clerk's office. They cannot be filed by fax or email, unless authorized by the Court.

SERVICE

11. Motions, responses, replies shall be served on parties by email *and* interoffice mail or U.S. mail (if no interoffice mail), on the same date they are filed with the Court.

RESPONSES AND REPLIES (TIME)

12. Responses to motions are due within 14 calendar days of service of the motion on the parties, which shall be by email and interoffice mail. Replies are due within 7 calendar days of service of the response. If the due date falls on a weekend or court holiday, the

responsive pleading is due on the next day the court is in session. The Court may issues additional trial management orders containing different deadlines.

13. If a non-moving party does not intend to file a response or the moving party does not intend to file a reply, that party or counsel shall notify the law clerk or division clerk (e-mail preferred) and all other parties as soon as possible. This does not apply to motions for termination of parental rights or motions for allocation of parental responsibilities.

II. SCHEDULING OF HEARINGS

STANDARDS FOR FILING MOTIONS FOR FORTHWITH HEARINGS

14. A forthwith motion shall state in the first paragraph the nature of the emergent circumstances warranting a forthwith motion.
15. A forthwith motion shall indicate whether and when opposing parties have been contacted, or why the moving attorney cannot wait.
16. A forthwith motion shall be accompanied by a proposed order that allows the Court to choose among the following options: (a) The moving party shall call the clerk for hearing dates; (b) The other parties have _____ days to respond to the motion; (c) The motion shall not be treated as a forthwith matter, and opposing parties have the standard response time; (d) The motion is stricken for violation of the orders governing forthwith motions, with leave to re-file when there has been compliance with these standards; and (e) The Court Orders as follows _____.

STANDARDS FOR GRANTING A HEARING

17. When an oral request for a contested hearing is made while the case is being heard the Court may schedule a hearing at that time and may require the requesting party to follow up with a written motion that indicates the precise relief requested, as well as the factual and legal basis for the request.

III. CASE MANAGEMENT CONFERENCES

18. All parties shall participate in a case management conference (CMC) at least 7 calendar days prior to any adjudicatory trial, contested APR hearing, or any other hearing scheduled for more than three hours. A CMC is not required prior to a hearing on a motion to terminate parental rights unless ordered by the Court.
19. Any party may request a CMC. The court facilitator shall schedule the CMC upon request. All parties and counsel, including the Guardian *ad Litem* shall attend the CMC. Other persons may be included in the CMC if the parties agree. If any party or counsel objects, the additional persons will be excluded from the CMC.
20. At a CMC, parties should proceed in good faith to explore the possibility of coming to a resolution as to some or all of the disputed issues.

21. If a time cannot be arranged with the facilitator within the required timeframe, an attempt shall be made to schedule it within that timeframe, but without the facilitator. If there is no agreement, the conference shall be held 7 days prior to the court hearing at the same time of day as the hearing, in the office of the county attorney.
22. No one is expected to wait more than 20 minutes for necessary parties to arrive.
23. The court may impose appropriate sanctions on any party or attorney who fails to appear without good cause, or who appears after the others have left.

IV. DISCLOSURES AND DISCOVERY

24. Reports produced by the Division, including proposed treatment plans, shall be filed *five (5)* calendar days prior to any Court hearing at which a report is required.
25. A Status Conference shall be held *seven (7)* calendar days prior to any adjudicatory hearing or trial, or any termination trial.
26. Pursuant to § 19-3-607(2), C.R.S. (2014), all evaluations produced by the appointed expert for a respondent parent shall be made available to counsel at least *fifteen (15)* calendar days prior to the hearing if the respondent parent is going to call that expert as a witness at the trial or if the Court orders the release of the evaluation.
27. Expert reports other than Family Services Plans and those reports ordered pursuant to § 19-3-607 shall be disclosed to other parties no later than *ten (10)* calendar days prior to trial.
28. The Court will conduct paper non-appearance routine reviews no sooner than five (5) *business days* after the filing and service of the Motion to Adopt Routine Review Recommendations and the attached report (with proof of service filed) to allow for objections thereto. The Court will not enter orders on a routine review any earlier than the review date. If the filing of the motion and report is not made until the routine review date, the Court's orders will be no sooner *than five (5) business days* after the review date.
29. The below provisions for disclosures apply to all adjudicatory hearings (whether to a jury or the bench), to hearings on termination of parental rights, and to hearings on allocation of parental responsibilities that have been set as a contested matter.

STIPULATIONS

30. Attorneys are strongly encouraged to consult in good faith about any of the following matters that are not legitimately questioned: uncontested facts; evidentiary foundations; and the admissibility of reports when the author is not present, where the testimony of the author is unlikely to add anything. (These matters are appropriately decided by counsel, and generally may not require consultation with the client.)

WITNESS AND EXHIBIT LISTS

31. All parties shall provide a list of expert and lay witnesses whom the party intends to call at a contested hearing. For each witness, the disclosure shall include the address if known, phone number, job title or relationship to the case, and a brief description of the testimony of each witness.
32. If a party plans to call a witness to testify as an expert, the party must disclose in their witness list a brief description of the expert's education and qualifications, the area of their expertise, and a summary of the opinions the expert is expected to render. The party shall also provide a copy of the expert's *curriculum vitae* to all parties.
33. Parties shall endorse witnesses other than the parties and the caseworker at least 14 days prior to trial. This time period may be modified by the Court.
34. Witness and exhibit lists shall be filed with the court and served on all parties (by email, facsimile, or to the attorney's office) at least 7 days in advance of the trial or hearing.
35. Copies of exhibits are to be included with the exhibit list, unless they have previously been distributed, but the exhibits themselves shall not be filed with the court. If an exhibit is not included with the exhibit list, and another attorney does not already have a copy, they are under a duty to request a copy.
36. Any party may retain a qualified expert at that party's expense, subject to judicial allocation if appropriate.
37. Unless otherwise ordered by Court, psychological evaluations and mental health assessments reports shall be provided to the Guardian *ad Litem*, the Assistant County Attorney, the caseworker, the CASA if one is assigned, and to the relevant party and their counsel. Psychological evaluations and mental health assessments reports will not be provided to other parties and their counsel without Court authorization.
38. Any party may call the caseworker, or any witness necessary for impeachment (where allowed by the rules of evidence), rebuttal, or authentication of an exhibit, without endorsing them, with this exception: Petitioner shall endorse the caseworker, including the information required above, if it intends to call him or her.
39. The court will not honor a statement that a party may call any witness endorsed by another, unless the testimony is limited to that described by the endorsing party.
40. All parties are under a continuing duty to supplement or amend any disclosure in a timely basis.
41. Unjustified failure to comply with disclosure requirements may lead the court to enter sanctions, which may prohibit or limit the introduction of evidence by that party.

ADDITIONAL DISCLOSURES BY THE COUNTY ATTORNEY'S OFFICE

42. An attorney who wants information contained within the Division's file for a contested hearing shall request it using the procedure in the document "Jefferson County Division of

Children, Youth, and Families/Discovery Procedure for Active Cases.” Any substantive changes to the JCDCYF Discovery Procedure for Active Cases will be approved by the presiding juvenile judge and sent to Respondent Parent Attorney and GALs on the District contract list. (see attached)

43. The County Attorney’s Office will make a good-faith effort to produce the requested documents within 14 days, but where the volume of documents requested is large, or when there are an unusual number of requests, it may take longer. Requests for documents should therefore be made as soon as the need arises.
44. All discovery requests prior to adjudication shall be completed within *twenty-one (21) days* of service. All discovery requests after adjudication shall be completed within *thirty (30)* days of service.
45. At the time the disclosures are produced, the County Attorney’s Office shall serve on the parties a list of items that have been redacted.
46. A party who believes he or she is entitled to information that has been redacted or withheld must make a good-faith attempt to resolve the issue with the attorney for the Division before filing a motion for relief.

ADDITIONAL ORDERS:

47. As appropriate, the Court may enter additional trial management orders.
48. Additional discovery may be authorized by further order of the Court.
49. The Court may enter any appropriate sanctions for a party’s failure to comply with this Case Management Order.

Signed _____, 2015.

BY THE COURT:

District Court Judge