

<p>District Court, El Paso County, State of Colorado Court Address: 270 South Tejon Street P.O. Box 2980 Colorado Springs, CO 80903-2203 Phone Number: (719)448-7700</p> <hr/> <p>People of the State of Colorado: In the interest of: [DOB:] [DOB:] Child(ren). EL PASO COUNTY DEPT. OF HUMAN SERVICES, Petitioner. And Concerning: Parental Rights Terminated. Respondents. Interested Parties.</p>	<hr/> <p>Case Number: Division 16 Courtroom S370</p>
<p>CASE MANAGEMENT AND TRIAL MANAGEMENT ORDER FOR DEPENDENCY AND NEGLECT PROCEEDINGS</p>	

IT IS THE ORDER OF THIS COURT that the following Case Management and Trial 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 Fourth Judicial District's Policies and Procedures as set forth in the District Plan for Processing Dependency and Neglect Cases.
2. **FILING OF REPORTS:**
 - (A) All written status reports and motions for permanency must be filed with the court and served on all counsel or *pro se* parties no later than 2 business days prior to the hearing.
 - (B) All written treatment plans must be filed with the court and served on all counsel and *pro se* parties no later than 7 calendar days before the hearing pertaining to the subject of the filings.
 - (C) Service on counsel may be accomplished by leaving a copy in counsel's mailbox in the courthouse.
3. **INFORMAL DISCOVERY:** Discovery shall proceed as informally as possible. At a minimum, the following items shall be exchanged or made available for inspection and copying when a party makes a written request. A formal discovery request in the form of an

interrogatory or request for production shall not be required. Upon a simple written request, the following information shall be provided:

- a. Caseworker notes and contact sheets
- b. Family Visitation Center (or other supervised visitation) reports
- c. Law enforcement reports in DHS custody or control
- d. Reports of expert witnesses unless privilege is asserted
- e. Relevant medical records of the child(ren) in the possession of any party
- f. Videotapes, tape-recordings, or written interviews in the custody or control of DHS
- g. Photographs in the custody or control of DHS
- h. The birth certificates, social security numbers, immunization records and contact information for the children's health and dental care providers

The party from whom discovery is requested shall have fifteen (15) days from receipt of the request to provide discovery, unless otherwise ordered by the Court.

If requested, the duty to disclose shall be a continuing one and the parties shall have a continuing duty to timely supplement or correct the information provided. Disclosure shall be completed no later than ten (10) days prior to trial or hearing.

4. **LIMITATIONS ON DISCOVERY:** Except upon order of the court, for good cause shown, discovery shall be limited as follows:

- a. A party may serve on each adverse party twenty (20) requests for admission, each of which shall consist of a single request. Any party receiving requests for admission shall serve its answers upon opposing counsel no later than ten (10) days from the date of service of the requests. The scope and manner of proceeding by means of request for admission and the use thereof shall otherwise be governed by C.R.C.P. 36.
- b. A party may serve on each adverse party thirty (30) written interrogatories, each of which shall consist of a single question. Any party receiving interrogatories shall serve its answers upon opposing counsel no later than ten (10) days following service of the interrogatories. The scope and manner of proceeding by means of written interrogatories and the use thereof shall otherwise be governed by C.R.C.P. 26 and 33.
- c. A party may (at such party's expense) take a deposition of each adult party, the caseworker, and two (2) other persons without leave of the Court. However, no child named in the Petition shall be deposed without leave of the Court. The scope and manner of proceeding by means of deposition and the use thereof shall otherwise be governed by the Colorado Rules of Civil Procedure.

5. **MOTIONS FOR SUMMARY JUDGMENT AND MOTIONS FOR**

DETERMINATION OF QUESTION OF LAW: Any Rule 56 motions shall be filed no later than twenty (20) days prior to the hearing for which the motion applies. The opposing party shall be allowed ten (10) days following service of the motion to file and serve a response and any opposing affidavits. No reply to the response shall be filed. Failure to file for Rule 56 relief in accordance with this paragraph may constitute a waiver of the remedy requested.


6. **MOTIONS -- CERTIFICATE OF CONSULTATION:** All motions requesting specific relief from the Court shall include a statement that the moving party has conferred or made a good faith effort to confer with opposing counsel and opposing counsel either objects or does not object as governed by C.R.C.P. 121, Section 1-15(8). The motion is subject to denial if the consultation and certification required on the rule has not been followed.
7. **PREPARATION AND EXECUTION OF ORDERS AND OBJECTIONS TO ORDERS:** Unless the court otherwise directs, the OCA shall prepare a written order reflecting the findings and orders of the court and shall submit the same for approval no later than fifteen (15) days following the court hearing. Any party objecting to the order shall first confer with the OCA and if an agreement cannot be reached, shall file a written objection with proposed new order within 10 days of its entry by the court.
8. **SUBPOENA DUCES TECUM:** Shall be issued in compliance with C.R.C.P. 45.
9. **TRIAL MANAGEMENT ORDER:**
 - a. When scheduling a hearing, all counsel must consult with each other so the appropriate amount of time will be set for the hearing.
 - b. Unless the judge presiding over the matter utilizes an earlier pretrial conference for the exchange of information, no later than **seven (7) days** before an adjudicatory hearing, hearing on permanent custody, hearing on termination, or other contested hearing, a list of witnesses and a list of exhibits shall be filed with the court and provided to all parties. Authenticity of exhibits is deemed stipulated to unless objected to in writing no later than three (3) business days before the hearing. Expert witnesses shall also be disclosed no later than seven (7) days before the hearing. A copy of the expert's CV and any reports provided by the expert shall be provided to all parties at that same time. If the expert did not prepare a written report, a brief summary of the expert's expected testimony and opinion shall be provided.
 - c. For an adjudicatory jury trial, the county attorney shall deliver the proposed jury instructions to chambers no later than the morning of trial. Each party must provide their own proposed instruction for any that is in dispute and any additional instructions not included in the county attorney packet.
 - d. If counsel for any party objects to the admissibility of any expert testimony as contemplated by *People v. Shreck*, 22 P.3d 68 (Colo. 2001), such objections must be made by written motion and must be filed no later than **two (2) business days** before trial. Failure to file such motions will be deemed a waiver of *Shreck* admissibility objections. The proponent of the expert witness shall still be required to establish the witness's qualifications pursuant to C.R.E. 702. All other motions, including motions in *limine*, must be filed no later than **two (2) business days** prior to trial.
 - e. For jury selection (without an alternate), fifteen (15) jurors shall be seated in (or in front of) the jury box. Counsel shall conduct their *voir dire* of jury venire as determined by the judge. The county attorney and GAL shall each excuse three (3) jurors seated in the

box. Respondents shall excuse three (3) jurors seated in the box. Respondent counsel shall share three (3) challenges.

- f. Opening statements, closing arguments and *voir dire* are limited to **twenty (20) minutes** per party. For good cause shown, these time limits may be modified by the judge.
- g. All counsel and parties are required to comply with this Trial Management Order. Failure to comply may result in the imposition of sanctions, to include restrictions on evidence and/or witnesses.
- h. This order replaces all previous case management/trial management orders issued by the court.

SO ORDERED this 1st day of October, 2012.

BY THE COURT:



G. DAVID MILLER
Presiding Juvenile Court Judge