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)452-5000	
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. Special Respondent(s). Interested Party(ies).	▲ COURT USE ONLY ▲ Case Number**:** Division **16** Courtroom **S370**

CASE MANAGEMENT AND TRIAL MANAGEMENT ORDER
FOR DEPENDENCY AND NEGLECT PROCEEDINGS
(Effective November 1, 2017)

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 in Division 16. This order modifies the Division 16 standing order issued for the District on October 1, 2012.

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 two (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 seven (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.

   d. No discovery motions shall be filed regarding disputes. Rather, counsel shall jointly call the division clerk to speak to the judge. The court will, where possible, hold a phone hearing within 48 hours.

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.

   All other motions must be filed no less than ten (10) days before the hearing with the written response filed no later than five (5) days before the hearing.

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 ten (10) days of its filing by the OCA with the court.

8. **SUBPOENA DUCES TECUM:** Shall be issued in compliance with C.R.C.P. 45.

9. **TRIAL MANAGEMENT CONFERENCE:** Unless waived by the court for good cause, a Trial Management Conference shall be set to occur no later than fourteen (14) days before adjudication and APR hearings and no less than thirty (30) days before a termination hearing. All Counsel shall attend in person, with clients, with a <u>fully prepared</u> Proposed Trial Management Order which specifies the following items:

   1. Specific identification of names, addresses and telephone number of witnesses, including expert witnesses, with a brief summary of their testimony.
   2. A listing of evidence to be introduced with a general description of the contents of the exhibit. This shall include requests for judicial notice.
   3. A statement as to whether there will be an objection to any of the exhibits and the grounds for the objection. Failure to state an objection in the Trial Management Order will constitute waiver of all objections except foundation.
   4. A statement listing the various jurisdictional and statutory issues necessary for the court to consider and whether there is an objection.
      a. Date of service of the Termination Motion on the Respondent and manner of service.
      b. Applicability of the Indian Child Welfare Act.
      c. Whether the case is an EPP case. If so, the date of out-of-home placement.
      d. Dates of adjudication.
      e. Dates of approval of interim and final treatment plans and any amendments.
      f. Where is/are the child/children placed and how long have they been placed.
      g. The date the Petition was filed.

h. The names of the parties and their relationship to the children and the dates of paternity adjudication of all fathers.
i. A listing of any discovery that is outstanding or discovery that still needs to be requested.
j. A listing of all motions that have been filed or expected to be filed.

10. **RESPONSIBILITY FOR PREPARING THE PROPOSED TRIAL MANAGEMENT ORDER:** The Proposed Trial Management Order shall be prepared with input from other counsel and brought to the Trial Management Conference by the following attorneys:

a. Adjudication Trial: County Attorney.
b. APR or Custody Hearings: Guardian *ad Litem.*
c. Termination Hearings: Respondent Parent Counsel (lead will be Mother's Counsel).

11. **TRIAL MANAGEMENT:**

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. For an adjudicatory jury trial, the county attorney shall deliver the proposed jury instructions to chambers no later than the Thursday before trial. Each party must provide their own proposed instruction for any that are in dispute and any additional instructions not included in the county attorney packet.

c. 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.

d. 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.

e. 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 and attorneys fees.

f. This order replaces all previous case management/trial management orders issued by the court.

SO ORDERED THIS 1ST DAY OF NOVEMBER, 2017.

BY THE COURT:

G. DAVID MILLER
Presiding Juvenile Court Judge