**Larimer County District Court**

**201 Laporte Avenue, Suite 100, Fort Collins, CO 80521**

**Courtroom 2B – (970) 494-3570**

**Temporary Orders’ Hearing Procedures**

**Settings:** Settings for a Temporary Orders’ Hearing are held by Magistrate Jostad directly, and he will place the call to the telephone numbers provided on the notice. The **Notice to Set** should include **the telephone numbers for ANY party/counsel to be contacted** and should be filed at least **5** days prior of the requested setting date. **Late requests may result in the setting not occurring on the day requested**. The Court requests that attorneys and any pro se party be available by telephone at the time of the setting; parties/counsel may attend in person, but it is not required. If an attorney or pro se party is not available, the setting may not go forward at the discretion of Magistrate Jostad. The Notice to Set shall be set for 1:30 PM on Tuesdays/Fridays. There are non-setting dates posted in the clerk’s office and in Courtroom 2B.

Parties/counsel shall be available between 1:30 P.M and 2:30 P.M. due to the variable number of settings. The Court encourages, but does not require, mediation or conferences between the parties prior to the filing of a Motion for Temporary Orders and the Notice to Set. Counsel should discuss the issues prior to the hearing, and the Court may specifically review the matters in dispute at the time of setting. In the Court’s discretion, the matter may not be set for hearing if the parties or counsel have not attempted any discussion of the disputed issues.

**Notice of Hearing and Filing of Documents:** The court will follow up with a setting order setting forth the time and date of the hearing.The setting order will designate what documents are required prior to the hearing. They are **due no later than 5 days prior to the hearing as are copies of all documents to the opposing party/counsel** . In most cases you will need Sworn Financial Statements (JDF 1111), Temporary Orders Position Statement, Exhibits (Petitioner’s exhibits shall be numbered, and Respondent/Co-petitioner’s exhibits shall be lettered), and any worksheet for child support or maintenance. **NOTE: Child support and maintenance cannot be entered unless the court has social security number and date of birth for all parties.** Attorneys are required to e-file these pleadings, and any pro se party must file these pleadings by that due date at the clerk’s counter on the first floor. Failure to comply with these filing deadlines may result in sanctions or the continuance of the hearing.
**Note:** The Colorado Judicial site has a list of forms at: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=108>

Position Statement: <https://www.courts.state.co.us/userfiles/file/8th%20Judicial%20District/TEMPORARY%20ORDERS%20POSITION%20STATEMENT.pdf>
The Self-Help Center on the first floor of the Justice Center may be able to provide
assistance in obtaining and completing the necessary forms.

**Hearing Procedures/Rulings:** Hearings are set for a maximum of 1 ½ hours; with **each party having 35 minutes** and 20 minutes for the court ruling. These time limits will be strictly enforced. Parties must have a copy of each exhibit available for the witnesses. Copies of exhibits not e-filed shall be provided to the Court. The clerk will also collect any courtesy copies of any documents the party wishes to provide. The hearing will begin with affirmation of any partial agreements. Parties are encouraged to focus on disputed items, and to provide stipulations to undisputed items, such as use of property, vehicles, insurance matters, uncontested payments of certain debts, decision-making responsibilities, and parenting time. **Counsel shall be prepared to proceed by providing offers of proof**, with the witness available for cross-examination or Court inquiry. Counsel is reminded that the offers of proof should be factual in nature, and not closing arguments.

If there is insufficient time at the conclusion of the hearing, the Court will either issue a written ruling, or schedule another appearance for parties/counsel for a ruling from the bench. If there is sufficient time available, the Court will likely rule from the bench at the close of the evidence. In the Court’s discretion, the Court may take the matter under advisement and issue a written ruling, or schedule the matter for a bench ruling.

**Continuances/Settlement of Temporary Orders:** By agreement, the parties may vacate the temporary orders’ hearing and the parties/counsel are not required to attend if the parties specifically agree not to go forward with the hearing. However, if the Parties do not have a scheduled future court date, the parties must appear to set that new date. Parties should be aware that if one party appears for the hearing and is prepared to go forward, the Court will hold the hearing. Therefore, any agreements should be firmly established and confirmed in writing. Filing of agreements, or some telephone notice of a temporary orders’ agreement, is appreciated. The Court reserves its authority to reject any settlement agreement that improperly limits the Court’s jurisdiction or appears unconscionable. Deviations from the child support guidelines shall be supported factually.

**Temporary Orders/Ruling:** In most cases, if the Court rules from the bench, the moving party shall prepare Temporary Orders for endorsement by the Court. Where the moving party is pro se, the responding party’s attorney shall prepare Temporary Orders for endorsement by the Court. The preparing party should seek approval as to the form of the order from the opposing party/counsel. Where both parties are pro se, the Court will prepare Temporary Order, or require the parties to order a transcript of any ruling. In any event, a copy of the proposed order shall be provided to the other party/counsel. At the request of either party, with the requesting party responsible for the cost (subject to reallocation at permanent orders), a transcript will be prepared and the Court will endorse an order adopting that transcript. Any request for review shall be filed within 21 days of the filing of the signed order.

Dated April 7, 2016

 

 JOHN A. JOSTAD

 DISTRICT COURT MAGISTRATE