

TWENTY-FIRST JUDICIAL DISTRICT, MESA COUNTY, COLORADO

STANDARD CASE MANAGEMENT ORDER REGARDING DOMESTIC RELATIONS CASES

Rule 16.2, C.R.C.P., concerning case management in domestic relations cases went into effect on January 1, 2005. By its terms, this rule "contemplates management and facilitation of the case by the court," including "active case management from filing to resolution or hearing on all pending issues." It also permits each judicial district to adopt a Standard Case Management Order that "takes into account the specific needs and resources of the judicial district."

To the extent that Rule 16.2 would otherwise require active case management of every district court action under Articles 10, 11 and 13 of Title 14, C.R.S., it would impose a burden which the court lacks the resources to shoulder without detrimentally affecting its ability to timely perform its duties in criminal, juvenile delinquency, dependency and neglect, civil and other cases, which have their own requirements and deadlines.

In this judicial district, the court supervision contemplated by Rule 16.2 is not necessary for "a just, timely and cost effective process" in most cases in which one or both parties is represented by counsel. In fact, in most such cases, strict compliance with this rule would actually result in a slower and more expensive process by imposing additional, unnecessary requirements on counsel.

It is the consensus of the court that our limited resources can best be devoted to case management and facilitation of cases in which neither party is represented by counsel and which present issues of allocation of parental decision-making responsibility and parenting time. After the system created for these cases has been in place for a time, it may be extended to all domestic relations cases in which neither party is represented by counsel.

For all types of cases, this District will accept the current three page financial affidavit, JDF 1111-A, in lieu of the eleven page affidavit, JDF 1111 R 1/05. On appropriate cases, the judges or magistrates will certainly retain authority to require the lengthier affidavits.

A. One or Both Parties are Represented by Counsel

In cases governed by Rule 16.2 and in which, at any point, any of the parties are represented by counsel, the requirements of Rule 16.2 are hereby modified as follows:

- 1) status conferences, including the initial status conference, shall be held only upon request of a party or at the court's discretion;
- 2) within forty days after personal jurisdiction is acquired over all parties, counsel and any unrepresented parties shall file with the court a stipulated case management plan signed by counsel and any unrepresented parties; if they are unable to agree on a case management plan, they shall file within the same time period a joint motion for case management order which identifies their areas of agreement and disagreement and the court shall thereafter enter a case management order;
- 3) any appropriate motions may be filed without the court's permission in advance.

B. None of the Parties are Represented by Counsel

In cases governed by Rule 16.2 and paternity cases in which none of the parties is represented by counsel and issues of allocation of parental decision-making responsibility or parenting time are present, the following procedure shall be followed:

- 1) before a petition is filed, the petitioner (and co-petitioner, if applicable) shall be directed to Court Assistance personnel, who will review the petition and other documents to be filed for completeness, schedule an initial status conference with the Family Court Facilitator, and direct the petitioner to serve a notice of initial status conference upon the respondent;
- 2) at the initial status conference, the Family Court Facilitator shall determine whether the case should be scheduled for a temporary orders hearing before a magistrate, a non-contested permanent orders hearing before a magistrate, a contested permanent orders hearing before a magistrate or judge, or another status conference with the Family Court Facilitator, and shall assist the parties in scheduling;
- 3) in addition to the foregoing, the Family Court Facilitator may order the parties to engage in mediation, complete a parenting class or both;

- 4) the Family Court Facilitator is empowered to enter emergency orders governing possession or use of marital real or personal property pending a temporary orders hearing or subsequent status conference;
- 5) the Family Court Facilitator is also empowered to enter orders adopting stipulations which have been entered into by the parties.
- 6) the Family Court Facilitator has the authority to enter an order appointing a special advocate.
- 7) pursuant to Rule 4, C.R.M., the Family Court Facilitator is appointed as a magistrate empowered to enter the orders contemplated in paragraphs (3), (4), (5) and (6) above.

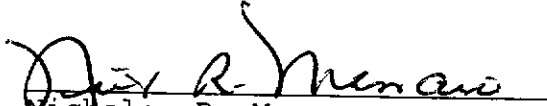
C. No Attorney and No Parenting Issues

In cases governed by Rule 16.2 in which no party is represented by counsel and issues of allocation of parental decision-making responsibility and parenting time are not present, the parties may receive an Information Sheet from the Clerk's office which will provide guidance.

This Case Management Order applies to cases filed on or after January 1, 2005.

Done this 13th day of January, 2005.

BY THE COURT:


Nicholas R. Massaro
Chief Judge
Twenty-first Judicial District