

DISTRICT COURT, LARIMER COUNTY, COLORADO
201 LaPorte Avenue, Suite 100
Fort Collins, Colorado 80521
(970) 498-6100

In re the Parental Responsibilities Concerning:

Petitioner,

and

Respondent.

Case Number: 05DR

Courtroom: 5D

**INITIAL CASE MANAGEMENT ORDER
PURSUANT TO C.R.C.P 16.2 (EFFECTIVE 01-01-05)**

READ THIS ORDER CAREFULLY

ASSIGNMENT OF CASES

All domestic relations cases are assigned to District Court Magistrate Stephen J. Schapanski in Courtroom 5D. There are some hearings which are held before another magistrate or a district judge and some conferences held with the Family Court Facilitator. However, this does not change the courtroom assignment. The case remains assigned at all times to Magistrate Schapanski who will directly supervise its progress. All pleadings or filings of any kind should therefore continue to refer to the courtroom assignment in the caption as Courtroom 5D. Further details not otherwise set forth in this order as to which hearings or proceedings are held by which judicial officer and other general local procedural information for domestic relations cases may be obtained in written form at the Clerk of Combined Courts office.

COURT FACILITATED MANAGEMENT

Procedures generally covering the management of domestic relations cases are set forth in Rule 16.2 of the Colorado Rules of Civil Procedure. You may obtain a copy of this rule at many public libraries and online at <http://www.courts.state.co.us/supct/rules/rulesindex.htm>. However, pursuant to said rule each judicial district may make case management orders generally consistent with the rule but taking into account the specific needs and resources of the judicial district. Accordingly, it is strongly recommended that you read the rule, as well as this order and any subsequent case management orders carefully to assure that you are fully informed and advised. In the event of any conflict between the rule and the case management order, the case management order controls. The objective of Rule 16.2 and the orders entered by this court to manage this case is to insure that your case will move as efficiently and inexpensively as possible to a fair and timely conclusion, while reducing the negative impact of adversarial litigation wherever possible. You are reminded that any orders entered in this case are just that, orders. They are not merely suggestions, or requests. Your full compliance with the court's orders will assure that the intent of the rule is carried out.

FAMILY COURT FACILITATOR

This judicial district employs a Family Court Facilitator, Susan Winfield. Her office is located on the fifth floor of the Justice Center, in office 5E. Ms. Winfield is an attorney. The Family Court Facilitator is not a judicial officer, but does work closely with Magistrate Schapanski to assure that domestic relations cases proceed through the court process at an appropriate pace. The Family Court Facilitator will be conducting many of the conferences under Rule 16.2 and will otherwise be reviewing files for compliance with case management orders and monitoring the progress of the case. The court expects all attorneys and parties to fully cooperate with the Family Court Facilitator. The Family Court Facilitator is also a valuable resource in assisting parties and counsel in understanding applicable court procedures and policies.

MANDATORY INITIAL CONFERENCE

Pursuant to Rule 16.2(c)(1)(E), an initial status conference must occur no later than 40 days from the filing of the Petition. Within a few days of this order a judicial assistant will issue a Notice of the date and time for such conference. The only exception to initiation of this Notice will be a case where all documents necessary to finalize the case are filed with the Petition. This initial conference will most likely be with the Family Court Facilitator. If a party is represented by an attorney of record, the Notice will be sent to the attorney. If not, it will be sent to the party. If the Petition is signed by both parties, i.e., a co-petition, or if proof of personal service or waiver is filed with the Petition, then the Notice will be sent to both parties, or counsel, as applicable. If not, the Notice will be sent to Petitioner, or counsel, who is then responsible for serving it on Respondent. The details concerning requirements and expectations for said conference will be contained in the Notice.

PARENTAL EDUCATION SEMINAR

If the parties have any children under the age of eighteen who are the subject of this case, the court finds pursuant to C.R.S. §14-10-123.7 that it would be beneficial to the parties and in the best interests of the child(ren) for the parties to attend a parental education seminar concerning the impact of separation and divorce on children. It is therefore ordered that within 40 days of this order the parties shall attend the seminar for successful co-parenting conducted by Divorce Transitions, or another similar co-parenting seminar approved by the court. Registration materials for Divorce Transitions, an approved seminar, are attached to this order. Failure to comply with this order may be considered by the court in determining whether a parent is acting in the child's best interests. This may affect any later orders entered concerning allocation of parental responsibilities and parenting time. Further, non-compliance with this order may result in issuance by the court of an order to the non-complying party to appear before this court to show cause why he or she should not be found in contempt of court.

PRO SE PARTIES

It is always strongly recommended that you obtain competent legal advice and representation, if possible. However, if you are representing yourself in this case you are what the law describes as *pro se*. It is suggested that you obtain from the Clerk of the Combined Courts office the applicable *pro se* instructions which have been prepared locally, as well as the Colorado Judicial Department instructions and forms, which can also be obtained from the Clerk's office. The latter are also available online at www.courts.state.co.us.

EMERGENCY MATTERS/EVIDENTIARY HEARINGS/TEMPORARY ORDERS/MOTIONS

1. If possible, emergency matters should be brought to the attention of the Family Court Facilitator or judicial officer at a regularly scheduled status conference. If this is not possible, the matter should be raised by a motion filed with the Combined Clerk of Courts office. Do not file a

notice to set. Do not bring these matters to the attention of the Family Court Facilitator other than at a regularly scheduled conference, and do not bring these matters directly to the attention of any court clerks. The motion will be reviewed by a judicial officer and either ruled upon or set for hearing, if necessary. The court wants to emphasize that the term emergency should be read literally, i.e., a true emergency, such as a civil protection order or an order seeking restriction on parenting time due to endangerment, not simply a matter that a party would prefer to have addressed soon such as a dispute concerning regular parenting time, a financial issue or other usual temporary orders matters.

2. Temporary orders pursuant to C.R.S. §14-10-108 may be entered either by agreement or by a court hearing. A stipulation or agreement may be reached as to these matters either at a status conference on the record or a written stipulation and order may be filed at any time prior to final orders. Alternatively, a motion for temporary orders may be filed and a hearing set before Magistrate Cynthia Hartman through the usual procedures of Courtroom 4D. The filing of the motion for temporary orders and the scheduling of the hearing does not require further court order authorizing same. Disclosure of witnesses pursuant to Rule 16.2(e)(3) for temporary orders or forthwith hearings shall be made no later than commencement of the hearing.

3. Motions related to jurisdiction, change of venue, service, consolidation of cases, protection orders, contempt, amendment of the petition or response, withdrawal or substitution of counsel, to seal or limit access to the file, *in limine* related to evidentiary hearings, requesting review of an order by a magistrate, stipulated orders, temporary orders and emergency matters as set forth in the foregoing paragraph, and post judgment motions, including those under Rules 59 and 60, may be filed with the court at any time without prior authorization. However, the foregoing motions, with the exception of temporary orders, will not be set for hearing except as required by statute or by court authorization. All other motions shall only be filed and scheduled as determined at a status conference or in an emergency upon order of the court. Any such motion filed without authorization will be rejected for filing without further notice.

MANDATORY DISCLOSURES

Pursuant to Rule 16.2(e) there is a duty to affirmatively disclose to the other party all information set forth in said rule without awaiting inquiry from the other party. It is most important at this stage of the case to emphasize the importance of fully complying with the requirements set forth in subsection (2) of Rule 16.2(e) within 40 days after service of the petition or filing of a co-petition. The disclosures are to be made to the other party, or counsel, if applicable, not to the court. Only financial affidavits, child support worksheets and a Certificate of Compliance shall be filed with the court. All other mandatory disclosure documents shall not be filed with the court.

DISCOVERY/USE OF EXPERTS

Discovery and use of experts shall only be permitted as set forth in Rule 16.2(f) and (g). The court intends to actively address these matters, as appropriate, consistent with the spirit of the rule, in subsequent status conferences and case management orders.

MEDIATION

Mediation is one frequently used method of alternative dispute resolution (ADR). The law recognizes the benefits to the parties, particularly in domestic relations cases, of settling the issues themselves. Mediation is simply another way of negotiating a settlement. It is done with the assistance of a trained mediator, preferably with knowledge of domestic relations law. There are several brochures available in the Clerk of Combined Courts office describing the mediation process in more detail. The parties are encouraged to explore mediation as soon as

reasonably possible. The court does enter an automatic or routine order requiring mediation in every case, although this issue will be further addressed at any status conferences and if this case is not otherwise resolved mediation will very likely later be required.

IF THIS CASE WAS FILED AS A CO-PETITION, THIS ORDER WAS EITHER PERSONALLY HANDED TO EACH CO-PETITIONER, OR COUNSEL, OR MAILED TO HIM OR HER AT THE ADDRESS LISTED IN THE PETITION. IF NOT, THE PETITIONER, OR COUNSEL FOR PETITIONER, IF APPLICABLE, SHALL BE RESPONSIBLE FOR NOTIFYING RESPONDENT OF THIS ORDER. ACCORDINGLY, PETITIONER SHALL SERVE OR MAIL TO RESPONDENT A COPY OF THIS ORDER AND, IF APPLICABLE, THE REGISTRATION MATERIALS FOR THE CO-PARENTING SEMINAR. PETITIONER SHALL FILE WITH THE COURT A RETURN OF SERVICE OR CERTIFICATE OF MAILING VERIFYING NOTIFICATION TO RESPONDENT.

Dated this day of , 2005.

BY THE COURT



Stephen J. Schapanski
District Court Magistrate

ADDENDUM TO INITIAL CASE MANAGEMENT ORDER

Pursuant to C.R.S. §14-10-107.8 and 123.6 you are advised that the resources listed below for domestic violence services and potential financial resources are available in Larimer County. The parties are strongly encouraged to obtain such services for their children, when appropriate. If the children participate in such services, the Court will apportion the cost of such services between the parties as it deems appropriate.

**Domestic Violence
Victim Resources**

Alternatives to Violence
313 E. Fourth St.
Loveland, CO 80537
669-5150

Crossroads Safehouse, Inc.
P.O. Box 993
Ft. Collins, CO 80522
482-3502

Estes Valley Victim Advocates
P.O. Box 1287
Estes Park, CO 80517
577-9781

Victim Compensation Fund
201 LaPorte Ave., Suite 200
Ft. Collins, CO 80521- 2763
498-7248

**Domestic Violence
Perpetrator Resources**

ARC-Ft. Collins
2629 Redwing Rd Suite 365
Ft. Collins, CO 80526
224-1253

ARC-Loveland
177 S. Madison
Loveland, CO 80537
667-8700

Hope Counseling Center- Ft. Collins
212 W Mountain
Ft. Collins, CO 80524
493-1157

Hope Counseling Center-Loveland
446 N. Garfield Ave.
Loveland, CO 80537
669-1700

Monarch Counseling Services
(Provides domestic violence perpetrator
counseling in Estes Park)
129 N. Harrison
Lafayette, CO 80026
(303) 665-9044

PROVE (Dr. Leonard Medoff)
1217 E. Elizabeth, Bldg. 6
Ft. Collins, CO 80524
484-0663

In addition to the above there are other qualified psychiatrists, psychologists, counselors and therapists which you may utilize.

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