

# Initial Status Conference

## C.R.C.P. 16.2

By Family Court Facilitators

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# Why Are You Here?

- ▶ You are here to complete your court ordered Initial Status Conference.
- ▶ All Dissolution of Marriage, Dissolution of Civil Union, Legal Separation, Allocation of Parental Responsibilities, Invalidity of Marriage & Invalidity of Civil Union cases must complete an Initial Status Conference within 42 days of the filing of the case.





# ISC Overview & Case Management Order

- ▶ **Order and Notice of ISC**
  - Attached is **Case Management Order**.
  - Both are orders of the court signed by a judge.
  - Parties are required to comply with both orders.
- ▶ Your case will be set for an internal review for about 45 days out from today's date. This is for the court to check the status of your case and whether or not you have complied with the orders.
- ▶ Your case can be delayed or dismissed if you do not comply with the orders.
- ▶ **Temporary Orders Hearing** – Can be requested by either party. This is a hearing where orders can be put in place until your Final Orders Hearing.



# At the end of today you will receive:



- ▶ An Initial Status Conference Order that outlines specific due dates for your case.
- ▶ Process instructions and a list of forms required to complete your case.
- ▶ FCF contact information – Email is Best!



Please Notice This

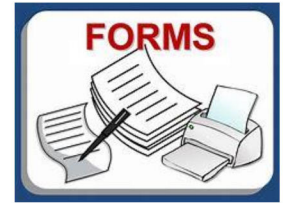


# Meaningful Notice to The Other Party/Service



- ▶ Rule 4 of the Colorado Rules of Civil Procedure requires that meaningful notice be provided to the other party:
  1. **Co-Petitioner Filing:** Petition signed by both parties prior to filing.
  2. **Waiver & Acceptance of Service:** Signed by the other party.
  3. **Proof or Return of Service Form:** Completed and signed by the server.
  4. **Publication by Consolidated Notice:** When the other party cannot be located for service.

# Filing a Response & Fees

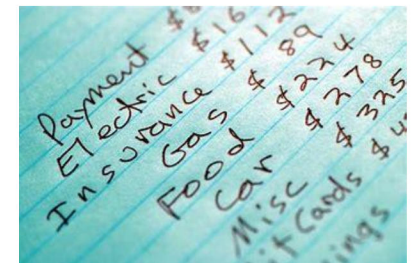


- ▶ Once served, the Respondent has **21 days** (if served in state) or **35 days** (if served out of state) to file a Response to the Petition.
- ▶ The Response to the Petition lets the court and the other party know what you are objecting to and what orders you are asking for.
- ▶ **Filing Fee:** \$116 is charged to the Respondent for the first responsive pleading .
- ▶ Fee waiver available upon approval.



# Sworn Financial Statement & Mandatory Disclosures

- ▶ Each party is **REQUIRED** to file their own Sworn Financial Statement (JDF 1111 and Supporting Schedule JDF 1111SS). This form must include a **FULL** disclosure of your current financial situation – no matter what your agreements are.
- ▶ Each party must also comply with the Mandatory Disclosures (16.2) by completing the **REQUIRED** exchange of financial documentation with each other and filing the Certificate of Compliance (JDF 1104) with the court.



# Want to waive the Disclosures?

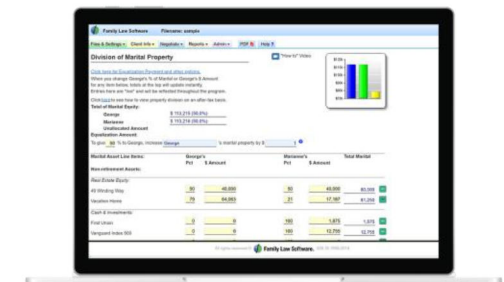
## **ALL MUST APPLY below:**

- ▶ File a complete AND consistent Sworn Financial Statement (JDF 1111) – still a requirement.
- ▶ Not requesting maintenance/spousal support
- ▶ Not pregnant, NO minor children (together) and neither supports a minor child.
- ▶ Marital assets equal less than \$100k
- ▶ No Pension/trust and/or separate property interests that are more than \$10k
- ▶ Combined debts minus any mortgage is less than 50k.
- ▶ See JDF 1372



# Spousal/Partner Support Advisement

- ▶ **REQUIRED** on Divorces/Legal Separations/Invalidities – even if neither party is requesting it.
- ▶ The Facilitators will provide you with a copy of the Spousal Support Advisement.
- ▶ It is up to the parties to **READ** and **CALCULATE** the guideline amounts as direct.
- ▶ This is **ONLY** a Guideline as to support amounts and length of payments.
- ▶ Download the free Family Law Software to assist with calculations.



# Spousal and Child Support Worksheets

- ▶ **ALL cases are required to submit a calculated worksheet. It does not matter what your agreements are re: support.**
  - **Divorce/Legal Separation/Invalidity cases with or without kids are required to file a calculated/signed spousal support worksheet.**
  - **Divorce/Legal Separation/Invalidity cases involving children under the age of 19 are required to file a calculated/signed Child Support worksheet AND the calculated/signed spousal support worksheet.**
  - **Custody (APR) cases are required to submit a calculated/signed child support worksheet.**
    - The only exception to the child support worksheet would be if child support was already ordered through a separate case.

# Property & Financial Agreement



- ▶ In Dissolution of Marriage, Legal Separation or Invalidity of Marriage cases, a Property & Financial Agreement/Separation Agreement (Form JDF 1115) IS REQUIRED, telling the court what your agreements are on each issue.
- ▶ If the court approves your JDF 1115, it will become a court order **ONCE** your case is completed.
- ▶ Even if you and the other party agree on some, but not all, issues in your case, you should file a (jointly signed) partial Separation Agreement letting the court know what issues you agree on, and where you disagree.
- ▶ If you and the other party are not able to any agreements, it is still advisable to file your own JDF 1115.
- ▶ This form requires LIQUID INK/ORIGINAL (non-electronic, copied, faxed or emailed) signatures. If you have a FULL agreement on ALL issues – you will file one JDF 1115 (jointly signed).

# Parenting Plan & Child Support Worksheet



- ▶ The Parenting Plan (Form JDF 1113) tells the court how you and the other party will parent your child(ren) (regular parenting time, holiday parenting time, decision-making, etc.), and how you will financially support them.
- ▶ If you and the other party agree on ALL issues – you will file one JDF 1113 with BOTH parties' original/non-electronic signatures.
- ▶ If you and the other party agree on some but not all issues regarding your children, you should file a partial Parenting Plan letting the court know what agreements you have.
- ▶ If you and the other party do not agree on any issues regarding your children, it is still advisable to file your own Parenting Plan.



# Required Level 1 Parenting Class



- ▶ Must be completed by all parties to a case involving children under the age of 18.
- ▶ Some classes will require a fee.
- ▶ Once the class is complete, you are to file your certificate of completion with the court.

# Mediation Requirement



- ▶ Mediation is an intervention by a trained neutral third party with the purpose of assisting two or more individuals to reach their own solutions.
- ▶ Mediation is **REQUIRED** in your case when you do not have a full agreement on all issues in your case. If you and the other party have disputed issues and you do not complete mediation, your case may be delayed or dismissed.
- ▶ Parties are encouraged to set mediation as soon as possible. You do not have to reach an agreement at mediation. Any issues not resolved by the parties will be decided by the judge or magistrate at your hearing.
- ▶ You may use the Office of Dispute Resolution (ODR) or a private mediator. ODR charges \$150 per person for a two-hour mediation unless your income qualifies you for a fee reduction (JDF 211). Mediation fees must be paid to the mediator at least 10 days prior to your scheduled date. Private mediators set their own schedules and fees.
- ▶ ODR mediation is held virtually.
- ▶ Please let your Family Court Facilitator and your mediator know if you have safety concerns or issues related to domestic violence.

# Another Mediation Option:

## FREE ENA is Entirely Child Focused

- ▶ The goal of ENA is to move families through court as quickly, fairly and inexpensively as possible. **Early agreements tend to benefit the children. If parties come to an agreement during the session, they can see their judge on the same day.** Most cases come to a full agreement during the ENA session and receive temporary orders and/or complete their case that day. *Statutory requirements (waiting period) still apply.*
- ▶ Our 4<sup>th</sup> Judicial **ENA Team consists of 2 child and family experts** (a licensed clinical social worker, an attorney) **and YOU.**
- ▶ ENA is a great alternative for those cases in which both parents have the child's best interest at heart but have not yet come to an agreement regarding parenting time and decision making.
- ▶ ENA is not a good fit for cases with disputed issues regarding property and finances. It is not for parties with safety concerns.
- ▶ If you are interested, your Family Court Facilitator will refer you to the ENA team to discuss scheduling. ENA is free.

# Mediators

## DO

- ▶ **Do** help parties work together to come to their own agreements.
- ▶ **Do** provide neutral, impartial, professional, and confidential services.

## DO NOT

- ▶ **Do not** represent either party, provide legal advice, or make decisions about the outcome of your case.
- ▶ **Do not** assist you with completing any forms that you need to file for your case.



# Change of Contact Info and Social Security Numbers Required

- ▶ It is the duty of each party to notify the court of any change of address or contact info.
- ▶ Your contact information can only be changed by submitting the Notice of Change Regarding Contact Info form (JDF 1312)
- ▶ Social Security #'s are needed to enter support orders and are kept access restricted to the public.



# Court Care

- ▶ Children are not allowed in ANY court proceeding. FREE childcare is provided (based upon availability and health of the child) through Court Care for children ages 6 wks to 14 years old. Court Care is located in room S140.



# How to file Paperwork

ORIGINAL

- ▶ **Mailing to the Courthouse:** Requires the Original + 2 copies of each document – Single sided documents only. Include 2 self-addressed stamped envelopes (one addressed to each party). The court will keep the original, date stamp and send back the copies.
- ▶ **Hand Delivery:** Room S-101 of the courthouse is now open M-F from 730am to 430pm. Bring your original + 2 copies (no double sided documents).
- ▶ **Address:** El Paso County Clerk's Office, 270 S. Tejon, Colorado Springs, CO 80903

# Pro Se E-Filing

## Available January/February 2020

- ▶ One-time opt-in fee of \$12.00
  - This creates a Colorado Courts E-Filing (CCE) account.
  - Once your account is created, you can check the status of your case 24/7.
- ▶ Per Submission Fee - \$12.00
  - This is charged each time you file. You can file multiple forms at one time.
  - There are additional fees for mailing forms to the other side, etc.
- ▶ None of the fees are refundable.
- ▶ No fee waivers for electronic filings.
- ▶ On the Colorado Judicial Website, select Public Access and E-Filing for Non-Attorneys for more information.



# Additional Assistance



- ▶ You may ask for an optional 30 min one-on- one follow up appointment w/the Family Court Facilitator – usually about 3-4 weeks from today’s date.
- ▶ If you choose not to schedule a follow up today, you may also contact our office at 719.452.5104 to schedule a 15 min phone appointment during the FCF Access Hours.