

**Third Corrective Order
to Rule Change 2004(19)**

**Colorado Rules of Civil Procedure
Chapter 2. Pleadings and Motions
Rule 16.2. Case Management (Domestic Relations)**

**Appendix to Chapters 1 to 17A
FORMS
(See Rule 84.)**

(Some Forms in this Appendix are available from the Colorado Courts web page at
<http://www.courts.state.co.us/chs/court/forms/selfhelpcenter.htm>)

[The Court has approved the substitution of the “Sworn Financial Statement” and “Supporting Schedules” to replace the “Financial Affidavit” (JDF 1111) currently appended to Rule 16.2. Minor attendant changes were also made to the Mandatory Disclosures form, also appended to the Rule. Please accept the current Financial Affidavit for a grace period extending through August 1, 2006.]

Form 35.1. MANDATORY DISCLOSURE IS AMENDED AS PROVIDED HEREIN.
Form 35.2. ~~FINANCIAL AFFIDAVIT~~ IS REPEALED AND READOPTED AS THE SWORN
FINANCIAL STATEMENT
(New) FORM 35.3. SUPPORTING SCHEDULES (Sworn Financial Statement)
NOTE: FORM 35.3 PATTERN INTERROGATORIES (DOMESTIC RELATIONS) IS
RENUMBERED AMENDED AND ADOPTED AS FORM 35.4
FORM 35.4 PATTERN REQUESTS FOR PRODUCTION OF DOCUMENTS (DOMESTIC
RELATIONS) IS RENUMBERED AMENDED AND ADOPTED AS FORM 35.5

Repealed, Amended and Adopted by the Court, En Banc, February 9, 2006, and is effective March 1, 2006

JUSTICE RICE and JUSTICE COATS would not approve this rule.

BY THE COURT:

Rebecca Love KourlisMary J. Mullarkey
Chief Justice, Colorado Supreme Court

Colorado Rules of Civil Procedure
Chapter 2. Pleadings and Motions
Rule 16.2 Case Management (Domestic Relations)

Rule 16.2. Court Facilitated Management of Domestic Relations Cases and General Provisions Governing Duty of Disclosure

(a) through (d) No change.

(e) **Disclosure.**

(1) No Change.

(2) A party shall, without a formal discovery request, provide the Mandatory Disclosures, as set forth in the form and content of Appendix to Chapters 1 to 17A, Form 35.1, C.R.C.P., and shall provide a completed [Sworn Financial Statement affidavit and \(if applicable\) Supporting Schedules as set forth in the form](#) and content of Appendix to Chapters 1 to 17A , Form 35.2 [and Form 35.3](#), C.R.C.P , to the other party within 40 days after service of a petition or a post decree motion involving financial issues. The parties shall exchange the required Mandatory Disclosures, ~~and~~ the [Sworn Financial Statement affidavit and \(if applicable\) Supporting Schedules](#) by the time of the initial status conference to the extent reasonably possible.

(3) No Change.

(4) No Change

(5) No Change

(6) ~~–) The Sworn Financial Statement affidavits, Supporting Schedules (if applicable)~~ and child support worksheets shall be filed with the court. Other mandatory disclosure documents shall not be filed with the court.

(7) No Change

(8) No Change

(9) No Change

(10) No Change

(f) **Discovery.** Discovery shall be subject to active case management by the court consistent with this Rule.

(1) No Change

(2) No Change

(3) After an initial status conference or as agreed to in a Stipulated Case Management Plan filed pursuant to (c)(1)(E), a party may serve on each adverse party any of the pattern interrogatories and requests for production of documents contained in the Appendix to Chapters 1 to 17A Form 35.43 and Form 35.54, C.R.C.P. A party may also serve on each adverse party 10 additional written interrogatories and 10 additional requests for production of documents, each of which shall consist of a single question or request.

(4) No Change

(5) No Change

(6) No Change

(7) No Change

(g) No Change.

(h) Trial Management Certificates.

(1) If both parties are not represented by counsel, then each party shall file with the court a brief statement identifying the disputed issues and that party's witnesses and exhibits including updated [Sworn Financial Statements and \(if applicable\) Supporting Schedules affidavits](#), together with copies thereof, mailed to the opposing party at least 10 days prior to the hearing date or at such other time as ordered by the court.

(2) If at least one party is represented by counsel, the parties shall file a joint Trial Management Certificate 10 days prior to the hearing date or at such other time as ordered by the court. Petitioner's counsel (or respondent's counsel if petitioner is pro se) shall be responsible for scheduling meetings among counsel and parties and preparing and filing the Trial Management Certificate. The joint Trial Management Certificate shall set forth stipulations and undisputed facts, any requests for attorney fees, disputed issues and specific points of law, lists of lay witnesses and expert witnesses the parties intend to call at hearing, and a list of exhibits, including updated [Sworn Financial Statement affidavits, Supporting Schedules \(if applicable\)](#) and proposed child support work sheets. The parties shall exchange copies of exhibits at least 10 days prior to hearing.

(i) through (j) No Change.

Committee Comments (C.R.C.P. 16.2)

Disclosures:

This Rule is premised upon an expectation that regular status conferences will be conducted informally, that the parties will provide all necessary disclosures and that formal discovery, if authorized, will be tailored to the specific issues of the case. Disclosure of expert testimony and the signing of disclosures and discovery responses will be governed by C.R.C.P. 26 as specifically incorporated into section (e) of new Rule 16.2.

Rule 26.2:

The current Rule 26.2 will be repealed. Disclosure of expert testimony and the signing of disclosures and discovery responses will be governed by C.R.C.P. 26 as specifically incorporated into section (e) of new Rule 16.2. Relevant provisions of C.R.C.P. 26 that relate to any additional discovery authorized by

the court or stipulated to by the parties under sections (f) and (g) of the new Rule have been incorporated into new Rule 16.2. It is the intent of the committee that relevant caselaw under Rule 26.2 or Rule 26 will have precedential value. The pattern interrogatories and pattern requests for production of documents will also be modified to be consistent with new Rule 16.2.

Appendices and Forms:

The Supreme Court approved the mandatory disclosures, ~~and financial affidavit~~ sworn financial statement and supporting schedules forms referenced in 16.2(e)(2), and inclusion of ~~both these~~ forms in the Appendix to Chapters 1 to 17A of the Colorado Rules of Civil Procedure. Rule 16.2 requires compliance with the mandatory disclosures, and completion of the sworn financial statement ~~financial affidavit~~ form and supplemental schedule (if applicable) submitted with this Rule to achieve the disclosure intended by the Rule. The court also approved the amended pattern interrogatories (Form 35.43) and pattern requests for production (Form 35.54). The court further approved the form of the Stipulated Case Management Plan, an associated Order referenced in 16.2(c)(1)(C), and the Court Authorization for Financial Disclosure, referenced in 16.2(e)(9), which forms now have JDF numbers.

Settlement Conferences:

Rule 121, Section 1-17 has been amended to permit a judge or magistrate to conduct a settlement conference or utilize other alternative dispute resolution techniques under Rule 16.2(i).