

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent: _____	▲ COURT USE ONLY ▲ <hr/> Case Number: _____ Division Courtroom
ORDER APPOINTING CHILD AND FAMILY INVESTIGATOR PURSUANT TO §14-10-116.5, C.R.S.	

This matter is before the Court on the Court's motion, Petitioner's motion, or Co-Petitioner/Respondent's motion for the appointment of a Child and Family Investigator pursuant to §14-10-116.5, C.R.S.

Finding in the best interests of the child(ren), the Court hereby appoints as Child and Family Investigator (CFI):

Name: _____
 Mailing Address: _____
 Telephone #: _____ Fax #: _____ Email: _____

Information about the child(ren):

Full Name of Child	Date of Birth

Information about the Petitioner: Date of Birth: _____
 Name: _____ Attorney: _____
 Mailing Address: _____
 City & Zip: _____
 Home Phone #: _____ Work Phone #: _____ Cell Phone #: _____
 E-mail: _____

Information about the Co-Petitioner/Respondent: Date of Birth: _____
 Name: _____ Attorney: _____
 Mailing Address: _____
 City & Zip: _____
 Home Phone #: _____ Work Phone #: _____ Cell #: _____
 E-mail: _____

Protection/Restraining Orders:

There is is not a protection/restraining order in place involving the parties and/or child(ren): County of _____, State of _____, in case number _____.

The person restrained is: _____ . The protected person(s) is/are _____.

Responsibilities of the Child and Family Investigator:

1. The CFI shall comply with the applicable provisions set forth in Chief Justice Directives 04-05, 04-06, and 04-08, as subsequently amended, and with the requirements of §14-10-116.5, C.R.S.

2. The CFI shall investigate, report and make recommendations on the following specific issues: _____

_____ that affect, or may affect, the best interests of the minor or dependent child(ren), as that term is described in §14-10-124, C.R.S.

3. The CFI shall not conduct psychological testing. Drug or alcohol or other evaluations should only be done if specifically ordered by the Court and only when such evaluation is the sole issue for which the appointment of the CFI was made. If the CFI believes any such testing or evaluation would be a benefit to the parties and/or child(ren) and would assist the Court the CFI should provide this information to the parties and the Court as soon as possible and shall include this information in a report to the Court. The CFI may inform the Court of such information prior to the filing of the final report. In doing so the CFI shall ensure all parties have notice and an opportunity to participate in any such communications. Psychological testing may be conducted by further order of the Court by a professional other than the CFI.

4. No services of other professionals shall be provided unless agreed to by the parties or ordered by the Court; except that each party may obtain individual therapy for him/herself at any time.

5. The CFI shall file a concise, written report and shall provide copies to the parties and/or their counsel of record by _____ (date). The next event in this case is a _____ scheduled for _____ (date) at _____ (time) in Courtroom _____. The CFI is is not directed to attend this hearing in person by telephone at this number: _____.

Responsibilities of the Parties:

1. Each party or their counsel shall initiate contact with the CFI within 10 days from the date of this Order to arrange his/her first meeting with the CFI. Each party and counsel shall confer with the CFI when and as the CFI directs, and shall cooperate fully with the CFI. The CFI may report to the court a party's cooperation or lack of cooperation.
2. The parties shall provide the CFI with all court orders addressing matters of parenting time or parental rights and responsibilities that are issued on or after the effective date of this Order. These orders are to be provided to the CFI and all documentation currently in the court file that will assist the CFI in his/her investigation.
3. The parties or their counsel are responsible for providing information concerning other cases which have a relationship to this case when requested to do so by the CFI.

Release of Confidential Information:

The parties shall sign any releases necessary to allow the CFI to properly conduct his/her investigations; and the CFI may request the Court to issue any other necessary order for release information.

Modification or Termination of the Child and Family Investigator's Appointment:

The Court shall maintain the discretion to modify or terminate this appointment at any time during the proceedings. This appointment shall terminate upon the following unless otherwise ordered by the Court:

- when the CFI's report has been filed with the Court.
- upon entry and the Court's signature of the Permanent Orders in this case.
- when motions have been resolved by the entry of orders in this post-decree issue.
- other: _____

Payment of Costs and Fees in Favor of the Child and Family Investigator:

The CFIs fees are in the nature of child support as the role of the CFI is to investigate, report and make recommendations to the Court on any issues that affect or may affect the best interest of the child(ren).

A. Privately Paid CFIs.

1. Investigation and Report. A presumptive maximum fee of \$2,000 per appointment shall be established for the investigative and reporting work of all privately paid CFIs. The total investigation and report fees of a privately paid CFI shall not exceed this presumptive \$2,000 cap unless prior court approval is obtained in the form of a written order with specific findings concerning the extraordinary circumstances that justify the excess fees.

2. Testimony and Preparation Time. It is anticipated that, in some matters, the testimony of the privately paid CFI will be sought by the parties or deemed necessary by the court. In such matters, a presumptive maximum fee of \$500 per appointment shall be established concerning such testimony, including any preparation or other work performed in association with giving such testimony. The total testimony and preparation time fees of a privately paid CFI shall not exceed this presumptive \$500 cap unless prior court approval is obtained in the form of a written order with specific findings concerning the extraordinary circumstances that justify the excess fees.

3. Hourly Rate. Every order appointing a privately paid CFI shall state the CFI's hourly rate. If the CFI charges one rate for investigative and reporting work and another rate for testimony and preparation time, the CFI appointment order shall state both hourly rates.

B. State Paid CFIs.

1. State Paid Non-Attorney CFIs. The maximum hourly rate and maximum total fee amount per appointment for state paid non-attorney CFIs is established by CJD 04-05. These non-attorney CFIs are paid by the SCAO in matters where one or more of the parties have been found to be indigent. State paid non-attorney CFIs seeking fees that exceed the maximum allowable amount must comply with the procedures for approval set forth in CJD 04-05. Claims for payment by state paid non-attorney CFIs shall be submitted by the CFI in accordance with the guidelines set forth in CJD 04-05.

2. State Paid Attorney CFIs. As set forth by CJD 04-06, the maximum fee amount per appointment for state paid attorney CFIs are set by the OCR. These attorney CFIs are paid by the OCR in matters where one or

more of the parties has been found to be indigent. State paid attorney CFIs seeking fees in excess of the OCR's maximum allowable amount must comply with the OCR's procedures for approval of excess fees.

After considering the financial resources and/or other equitable circumstances of the parties, the Court apportions the payment of the fee of the CFI as follows:

No party is indigent. The CFI will be paid a flat fee of \$ _____.00 OR a retainer of \$ _____ to be applied to an hourly rate of \$ _____, no later than _____ (date). If an hourly rate is indicated, the CFI shall bill the hourly rate against the retainer, any fees and costs in excess of the retainer, up to the maximum set forth above or otherwise ordered, shall be apportioned as set forth below and shall be paid within 30 days of the date billed, unless otherwise ordered by the court or agreed in writing between the parties.

The Petitioner will pay the CFI amount of \$ _____ or _____ % by that date.

The Co-Petitioner/Respondent will pay the CFI the amount of \$ _____ or _____ % by that date.

The Court finds that both parties are indigent. Both the Petitioner and Co-Petitioner/Respondent have completed the required JDF 208 form, and are indigent, in accordance with the requirements of CJD 04-05 (non-attorney CFI) or CJD 04-06 (attorney CFI), and therefore orders that the fees and costs of the CFI will be borne by the State pursuant to the procedures and at the hourly rate set forth in CJD 04-05 (non-attorney CFI) or CJD 04-06 (attorney CFI). Presumptive maximum fees for state paid attorney CFIs are set by the OCR. State paid attorney CFIs must comply with the OCR's billing policies and procedures.

The Court finds that one party _____ (name of party) is indigent.

The party identified above has completed the required JDF 208 form, and is indigent, in accordance with the requirements of CJD 04-05 (non-attorney CFI) or CJD 04-06 (attorney CFI) and therefore orders that _____ % of the fees and costs of the CFI will be borne by the State pursuant to the procedures and at the hourly rate set forth in CJD 04-05 (non-attorney CFI) or CJD 04-06 (attorney CFI), with the remaining amount as determined by the Court to be paid by the non-indigent party to the CFI directly. Presumptive maximum fees for state paid attorney CFIs are set by the Office of the Child Representative (OCR). State paid attorney CFIs must comply with the OCR's billing policies and procedures. The non-indigent party _____ (name of party) shall pay the CFI a flat fee of \$ _____ OR a retainer of \$ _____ to be applied to an hourly rate of \$ _____ no later than _____ (date). If an hourly rate is indicated, then the CFI shall bill the hourly rate against the retainer, any fees and costs in excess of the retainer, up to _____ % of the maximum set forth above or otherwise ordered, shall be paid within 30 days of the date billed, unless otherwise ordered by the court.

The Court approves a sliding fee scale as follows: _____

The Court maintains the discretion to reallocate the apportionment of fees at permanent orders or the post-decree final hearing.

The CFI shall not commence the Court's investigation until the flat fee or retainer is paid in full and the CFI shall apprise the Court within ten days of his/her inability to proceed with the case because of non-payment. Upon notification to the Court, the Court may set a forthwith hearing which will require the mandatory appearance of the non-paying party(ies). Failure of either party to comply with this Order may result in sanctions by the Court, up to six months in the County Jail, or a fine.

Date: _____

Judge Magistrate

CERTIFICATE OF SERVICE

I certify that on _____ (date), I mailed, faxed, e-filed, or hand-delivered a copy of this Order to the following:

- Attorney for Petitioner or Petitioner *pro se*
- Attorney for Co-Petitioner/Respondent or Co-Petitioner/Respondent *pro se*
- Child and Family Investigator
- Other: _____

Clerk