

<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"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning:  <hr/> Petitioner:  And  Co-Petitioner/Respondent:	   ▲ <b>COURT USE ONLY</b> ▲ <hr/> Case Number:  Division                      Courtroom
<b>ORDER APPOINTING CHILD AND FAMILY INVESTIGATOR PURSUANT TO §14-10-116.5, C.R.S.</b>	

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 (CFI) pursuant to §14-10-116.5, C.R.S. This case is:

- pre-decree, governed by §14-10-124, C.R.S.; or
- post-decree case governed by §14-10-129, C.R.S.

The Court appoints as CFI:

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
\_\_\_\_\_  
Fax #: \_\_\_\_\_ Email: \_\_\_\_\_

**Information about the Child(ren):**

Full Name of Child	Date of Birth


**Information about the Petitioner:**

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
City & Zip: \_\_\_\_\_  
Home Phone #: \_\_\_\_\_ Work Phone #: \_\_\_\_\_  
Cell Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Attorney: \_\_\_\_\_ Attorney  
Phone #: \_\_\_\_\_

**Information about the Co-Petitioner/Respondent:**

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
City & Zip: \_\_\_\_\_  
Home Phone #: \_\_\_\_\_ Work Phone #: \_\_\_\_\_  
Cell #: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Attorney: \_\_\_\_\_ Attorney  
Phone #: \_\_\_\_\_

**Protection/Restraining Orders:** There  
 is  is not a protection/restraining order in place involving the parties and/or child(ren): County of \_\_\_\_\_ of \_\_\_\_\_, State of \_\_\_\_\_, in case number \_\_\_\_\_.  
The person restrained is: \_\_\_\_\_  
The protected person(s) is/are \_\_\_\_\_.

**Responsibilities of the CFI:**

1. The CFI shall comply with Chief Justice Directives 04-05 and 04-08, as subsequently amended, and with §14-10-116.5, C.R.S. Within seven days of appointment, the CFI shall file the Mandatory Disclosure Form, JDF 1338, disclosing the existence or non-existence and nature of any familial, financial, or social relationship the CFI has or had with the child(ren), any party, the attorneys of record, or the Judicial Officer.
2. The CFI shall investigate, report and make recommendations on the following specific issues: \_\_\_\_\_

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pursuant to the applicable pre-decree or post-decree legal standard.

3. The CFI shall not conduct psychological testing. The CFI shall not perform or require drug, alcohol, polygraph or other testing, inspection or evaluation unless specifically ordered by the Court. If the CFI believes testing, inspection or evaluation would benefit the parties and/or child(ren) and would assist the Court, the CFI shall notify the Court and parties as soon as possible and shall include this information in the CFI report. This prohibition does not prevent the CFI from conducting domestic violence screening the CFI is competent to perform.
4. Because a CFI is the investigative arm of the Court, a CFI must not make referrals or recommendations to the parties or to the Court for specific professionals, unless a party makes a written request for referral or recommendation or unless the Court requests a referral or recommendation.
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  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, as well as existing documents in the Court file that are relevant to the CFI investigation or requested by the CFI.
3. The parties or their counsel must provide information concerning other cases that have a relationship to this case when requested by the CFI.

**Release of Confidential Information:**

The parties shall sign any releases necessary to allow the CFI to properly conduct his/her investigation. The CFI may request the Court's issuance of any other necessary order for release of information.

**Modification or Termination of the CFI's Appointment:**

The Court shall retain 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:

- upon filing the CFI report with the Court.
- upon entry of Permanent Orders.
- upon entry of orders resolving this post-decree issue.
- other: \_\_\_\_\_

**Payment of Costs and Fees in Favor of the CFI:**

CFI 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 interests of the child(ren).

**A. Privately Paid CFIs.**

1. Investigation and Report. A presumptive maximum fee of \$2,750 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 \$2,750 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.**

CJD 04-05 establishes the maximum hourly rate and maximum total fee per appointment. The Office of the State Court Administrator compensates CFIs in matters in which the Court has found one or more of the parties to be indigent. State paid CFIs seeking fees that exceed the maximum total fee must comply with the approval procedures set forth in CJD 04-05.

**C. Payment of Fees and Costs.**

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 retainer of \$\_\_\_\_\_ to be applied to an hourly rate of \$\_\_\_\_\_, no later than \_\_\_\_\_ (date). 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 the 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 JDF 208 and are indigent in accordance with the requirements of CJD 04-05. The Court therefore orders the fees and costs of the CFI to be borne by the State pursuant to the procedures and at the hourly rate set forth in CJD 04-05.
- The Court finds that one party \_\_\_\_\_ (name of party) is indigent.
- The party identified above has completed JDF 208 and is indigent in accordance with the requirements of CJD 04-05. The Court 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, with the remaining amount as determined by the Court to be paid by the nonindigent party to the CFI directly. The non-indigent party \_\_\_\_\_ (name of party) shall pay the CFI a retainer of \$\_\_\_\_\_ to be applied to an hourly rate of \$\_\_\_\_\_ no later than \_\_\_\_\_(date). 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 retains the discretion to reallocate the apportionment of fees at permanent orders or the postdecree final hearing.

The Court further orders: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The CFI shall not commence the Court’s investigation until the retainer is paid in full. The CFI shall apprise the Court within 10 days of his/her inability to proceed with the case because of nonpayment. The Court may set a hearing requiring the mandatory appearance of the nonpaying party(ies). Failure to comply with this Order may result in contempt of Court proceedings involving sanctions by the Court, including 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*
- CFI
- Other: \_\_\_\_\_

\_\_\_\_\_  
Clerk