

## COLORADO STATE COURT ADMINISTRATOR'S OFFICE



## DOMESTIC RELATIONS TRIAGE PROJECT

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## Acknowledgements

We would like to thank the following persons for contributing their knowledge, resources and commitment to this project:

Hon. Angela R. Arkin (Ret.)  
Hon. Randy Arp  
Professor Rebecca Aviel  
Nicole Becht  
Jessica Brill  
Hon. Jason Carrithers  
Selena Cassidy  
Hon. Natalie Chase  
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Laura Page  
Gail Pickarts  
Mary Perry  
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Sharon Sturges  
Aaron Suazo  
Melinda Taylor  
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Penny Wagner  
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Linda Weinerman  
Traci Worthan  
Jessica Zender  
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Executive Summary  
Colorado Domestic Relations Triage Project  
August 2018



### **The Vision for Domestic Relations Triage**

The objective of this project was developing and testing the use of triage tools in the management of domestic relations cases. Colorado identified three court locations to help create and test a triage tool and process. The participating jurisdictions in Douglas, Jefferson, Eagle and Summit Counties referenced triage approaches from across the country to create processes that would work in Colorado. While the planning and testing process was challenging, preliminary data and feedback from the judicial representatives substantiates a basis for continuing and refining a triage process.

### **Colorado Domestic Relations Landscape**

Colorado consists of 5.7 million people living within 64 demographically and geographically diverse counties. Colorado's 22 judicial districts received over 35,000 new domestic relations case filings in 2017, ranging from 143 to 5,999 filings per judicial district. Colorado experiences significant challenges in domestic relations. As in other states, this is an area of law dominated by self-representation, with one or both parties appearing without counsel in 56% to 83% of cases statewide. To assist in resolution of these cases, Colorado was one of the first states to establish rules for domestic relations intended to minimize negative impacts of adversarial litigation. Colorado Rule of Civil Procedure 16.2 promotes differentiated case management, with disclosure requirements, discovery and hearings tailored to the needs of each case and requires courts to actively manage cases by evaluating each at all stages to determine scheduling, resource, disclosure/discovery, and experts needs. The goal is just, timely and cost-effective court processes.

### **Triage Screening Tool, Case Tracks and Performance Management**

The pilot jurisdictions worked together with NCSC and the State Court Administrator's Office to develop a Triage Screening Tool that provides judicial officers, family court facilitators and Self Represented Litigant Coordinators the ability to quickly assess needs of a case by placing each case on one of three "tracks." The participants indicated that the Tool was useful as designed and that it helped to introduce standardized considerations and a common language for managing cases most expeditiously. One magistrate noted that the Tool raised important questions for the cases marked as high-risk and high-need, indicating that her district would continue to use the Tool, cognizant of the resources needed to resolve the most challenging cases.

- The "Fast Track," or "Green Track," would serve parties who fit criteria for quick case resolution, including an existing decision making or parenting time agreement, a pre- or post-marital agreement, or an obvious, workable solution, among other characteristics.
- The "Yellow Track" are those case that are neither ready or destined for a contested trial yet lacking an immediate solution or requiring some higher level of individualized assistance to manage cases.
- The "Red Track" includes cases needing immediate court intervention, such as allegations of parental substance abuse, domestic violence.



Analysis of cases with a track selection during the 3-month pilot period indicated:

- 75% of cases were assigned to a Green track
- 14.5% were assigned to a Yellow track
- 5.1% were assigned to a Red track
- 2.7 % were assigned to Green/Yellow track
- 2.7% were assigned to Yellow/Red track

The Colorado State Court Administrator's Office designed a "dashboard" to measure performance for domestic relations case processing, showing time to disposition, active pending caseload and frequency of hearings pre- and post-adjudication, proxy measures for complexity and conflict.

### **Focus Groups Feedback**

Participants agreed that the Triage Tool provided value. As one district representative indicated:

*"We were already triaging cases before. However, this could be a helpful tool for judicial districts implementing new triage processes... This is a uniform way [of analyzing cases] that could be perfected."*

Participants in project locations also noted:

- The Screening Tool doubled the time required to prepare cases but prompted a closer look at internal court processes and their effectiveness.
- The Tool added less value in cases in which both parties had counsel and it was early in the life of the case.
- Adding the track selection at the bottom of the Tool to clearly reflect the case track determination would improve the design of the Tool.
- A collaborative process consisting of judges, magistrates, and Self-Help Centers would be most effective approach to refining the Tool.

### **Positive Preliminary Findings**

The three-month testing period was designed to test the viability of the Tool and processes and did not expect to present outcomes data. Even so, preliminary case management data as well as feedback provided by the pilot jurisdictions would indicate that the Tool offers promise.

These specific elements would help to move domestic relations triage forward:

## **1. Refine the Tools and Processes Developed**

The protocols presented in this report can be further refined at a statewide level and can be adapted to suit the needs of other jurisdictions, inside and outside of Colorado. Pilot sites moved the conversation towards triage as they created tools, established a triage approach based on a standard set of principles, developed a training curriculum for triage, established consensus on a uniform system of monitoring cases, and tested it out, even showing some modest indicators of process improvement.



## **2. Keep Studying**

For triage processes to expand statewide, the SCAO and local Best Practice Teams should continue collecting observations about the pilot and experimenting with the tools, collecting information from court users to understand how they perceive processes and regularly monitor case processing data.

## **3. Continue to Discuss Triage and Domestic Violence**

More discussion is needed on the role of triage screening tool in cases involving allegations and substantiated domestic violence.

## **4. Review Pilot Cases in 6-9 Months**

Colorado's jurisdictional 91 day waiting period for resolution of dissolution of marriage limits the court's ability to fast track cases and limits the usefulness of data collected during the pilot project. A longer testing period for the Triage Screening Tool would be favorable to gather data that could be more informative than the limited comparative value of data presented for three months during the pilot program. Colorado has historical data measuring time to disposition for all case types. Going forward, Colorado can compare this data to ensure that any case management changes made (for example, a rule encouraging trial) would support and not hinder time to disposition. Measuring the Age of Active Pending Caseload (number of days from filing until the time of measurement) will help Colorado monitor at what stage cases may be stalling and may need intervention to progress through the system. Applied on an ongoing basis to domestic relations cases, this measure will also reveal the accuracy of identifying cases according to conflict and complexity. In addition to these measures, Colorado courts should continue to monitor complexity by the number of events (e.g., hearings or status conferences) required to resolve the case from filing to disposition as well as the number of events post-decree. Over time, these counts will show whether triage processes are helping families get to resolution with less court visits pre- and post-decree.

## **5. Consider How to Develop Court Responses according to Tracks**

Sites using the Triage Screening Tool should develop accurate case ratings on the assessment tool to facilitate distinguishing what kind of case warrant each individual kinds of treatment. Consistent understanding of the issues used in the Screening Tool can be achieved through continued communication, testing over time and taking into consideration the party perspective. As judicial districts consider Tracks as part of their decision-making process, they will also need to consider what services (mediation, evaluation, case management) should be prioritized according to the Tracks. Courts may also need to identify additional resources to resolve the most challenging cases.

## **6. Develop Training for Triage Statewide**

Continued efforts to establish a usable Triage Screening Tool throughout Colorado will need to involve building on the workshops and tools established during this project. Based on the lessons learned from this pilot project, and the constant development process needed for the creation of a useful triage tool, setting up appropriate change management procedures for domestic relations staff to embrace changes related to the implementation of the Tool will be vital.



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## 1. The Judicial Landscape of Colorado Family Law Cases

Inhabiting Colorado are almost 5.7 million people, according to 2018 estimates. These Coloradans reside within 64 demographically and geographically diverse counties. These counties range in size from 34 to 4,773 square miles, with populations ranging from under 700 to almost 700,000. Resolving the legal problems of this populace are the county and district trial courts of Colorado's 22 judicial districts.

These 22 judicial districts received over 35,000 new domestic relations case filings in Fiscal Year 2017, ranging from 143 to 5,999 filings per judicial district. Statewide, 75% of parties in domestic relations cases represented themselves in court, with pro se party rates ranging from a low of 66% to a high of 88% among the judicial districts. Statewide, 67% of domestic relations cases in Fiscal Year 2017 involved no attorney representation, meaning that both sides represented themselves. The case level rate of pro se representation varied among judicial districts from 56% to 83%.

Providing information and assistance, but not legal advice or representation, to these large numbers of litigants without attorney representation are Self-Represented Litigant Coordinators, nicknamed "Sherlocks." Sherlocks are Judicial Department employees located in the self-help centers of each judicial district. Complementing the work of Sherlocks are an array of self-help forms and instructions on the court's website, [https://www.courts.state.co.us/Self\\_Help/Index.cfm](https://www.courts.state.co.us/Self_Help/Index.cfm), as well as the new Colorado Legal Help Center, <http://www.coloradolegalhelpcenter.us/>, hosted by the Colorado Supreme Court library. Assisting the district judges and magistrates who handle domestic relations cases are Family Court Facilitators, who often work directly with the parties to ready the cases for resolution through settlement or trial.

Colorado Rule of Civil Procedure 16.2 governs domestic relations case processes, from case management to disclosure requirements to trial: The rule provides a uniform procedure for resolving cases, with the aim of minimizing negative impacts of adversarial litigation. The rule promotes differentiated case management, with disclosure requirements, discovery and hearings tailored to the needs of each case and requires courts to actively manage cases by evaluating each at all stages to determine scheduling, resource, disclosure/discovery, and experts needs. The goal is just, timely and cost-effective court processes. Although the rule permits each judicial district to adopt a Standard Case Management Order, based on specific needs and resources of the judicial district, it also anticipates modification of standard processes on a case-by-case basis. Absent the filing of a Stipulated Case Management Plan by counsel, Rule 16.2 requires the holding of an initial status conference within 42 days after the filing of the petition. These initial status conferences, conducted by judicial officers or family court facilitators, assist with the identification of disputed and agreed upon issues, setting of deadlines, resolution of emergencies, explanation of court processes and options, making of referrals, setting of expectations and establishment of the likely path from case filing to resolution, including next steps. Rule 16.2 also permits the resolution of emergency issues, as well as the issuance of interim orders and temporary orders, based on the needs of each case.

Colorado's version of the Uniform Dissolution of Marriage Act, C.R.S. 14-10-101 et seq., allows dissolution of marriages only after at least 91 days have elapsed since the court acquired jurisdiction, even when the parties filed together to dissolve their marriage. Parties may obtain their decrees of dissolution without any court appearances, following this 91-day waiting period, in cases that do not

involve children or, in cases that do involve children, if both parties have legal representation, assuming satisfaction of certain requirements.

Depending on court locales, the availability of financial resources, and case needs, courts may involve any of a multitude of professionals to provide services or perform investigatory functions, including language interpreters, mediators, child and family investigators, parental responsibility evaluators, early neutral assessors, parenting coordinators, decision-makers, special masters, and the like. The availability of these professionals and other services, such as parenting time supervision, parenting education, domestic violence advocacy, shelters, substance abuse testing, evaluation and treatment, and mental health services, varies tremendously from one court location to another. Geography, community resources, party financial means, court staffing, and other local differences require great flexibility in case handling and resolution, not only from one judicial district to the next, but often within a judicial district. These local differences and the great need for flexibility limit the usefulness of prescribing particular interventions or court processes for a particular triage track.

Also notable is the jurisdictional 91-day waiting period for resolution of dissolution of marriage actions: This waiting period limits the ability of courts to fast-track cases and limits the usefulness of data obtained prior to issuance of this report. Outcomes for cases filed during the DR Triage Project's three-month testing period, during which Pilot Sites utilized the Triage Screening Tool, are unknown because of this jurisdictional, non-waivable 91-day waiting period. Data on these cases six or nine months from now will better inform the triage processes utilized during this project. In hindsight, given the 91-day waiting period, a longer period to test the Triage Screening Tool or a longer period of time from which to gather data would be more informative.

## 2. Triage in Domestic Relations

Merriam-Webster defines 'triage' as "the assigning of priority order to projects on the basis of where funds and other resources can be best used, are most needed, or are most likely to achieve success."<sup>1</sup> The purpose of triage, specifically in domestic relations cases, is to move away from a "one-size fits all" paradigm that views all conflict as negative and requires parties involved in conflict to go through a standard set of graduated interventions before litigation. Triage in domestic relations helps develop effective interventions tailored to the unique needs of each family, providing courts with an articulated system for assessing the appropriate interventions and tracks to case resolution based on the complexity of factual and legal issues and the dimensions of party conflict.

Colorado's State Court Administrator's Office ("SCAO") enlisted the expertise of the National Center for State Courts ("NCSC") to develop and systematize triage practices based on existing triage principles and recommended protocols to better match case needs with existing resources, thereby improving the management of dissolution, legal separation, and APR cases. Three pilot sites took part in the project, including the 1<sup>st</sup> Judicial District (Jefferson County), the 5<sup>th</sup> Judicial District (Eagle/Summit Counties), and the 18<sup>th</sup> Judicial District (Douglas County), Colorado. The project began in October 2016 with an in-

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<sup>1</sup> <https://www.merriam-webster.com/dictionary/triage>

person kickoff meeting. Following the project kickoff, the pilots participated in a series of online webinars that introduced existing triage best practice approaches from across the nation for the pilots to consider in their work to streamline their own triage processes through case track assignment and introduction of local services to parties earlier in the court process, benefitting the communities each serves.

It was determined that the triage process must add value by enhancing current practices and must not jeopardize the current systems or diminish flexibility in the different pilot sites. Numerous documents were developed and considered for inclusion in a model triage protocol, including a new cover letter to litigants, a case information sheet, and Triage Screening Tool. Inspired by NCSC's "The High-Performance Court and Divorce Case Triage<sup>2</sup>," Alaska's Early Resolution Program<sup>3</sup>, and with input from the three pilot sites, a Triage Screening Tool was developed that would provide family court facilitators and self-represented litigant coordinators ("Sherlocks") with the ability to quickly gauge which services should be offered or provided to parties by placing them on one of three "tracks" – the "Fast Track" or "Green Track" for those who fit criteria for quick case resolution, a "Red Track" for cases involving allegations of violence, substance abuse, or a complete lack of agreement among the parties, and a "Yellow Track" for cases in between the other two tracks, who may only need light intervention or court assistance to reach an agreed resolution.

### 3. The Triage Process

#### 3.1 Pilot Site Selection and Site Visits

The SCAO received seven applications for the triage project. The Triage Subcommittee of the Supreme Court Standing Committee on Family Issues selected three pilot sites - a small, medium and large site - based on the number of domestic relations filings in fiscal year 2015, a range of 522 to 3,427: the 1<sup>st</sup> Judicial District, which handles a high volume of new domestic relations filings, the 5<sup>th</sup> Judicial District, a rural district with the smallest volume of annual new filings, and Douglas County, in the 18<sup>th</sup> Judicial District, which handles an intermediate volume of new case filings. Applications considered by the selection committee addressed the following criteria:

- Percentage of cases in the court involving one or more self-represented parties;
- Status of any existing projects in the court aimed at using triage in DR cases;
- Receptivity of the DR judicial officers and court staff to innovations in case processing;
- Adequacy of staffing to develop and implement triage;
- Foreseeable barriers in the court to implementing a DR triage process;
- The existence or planned creation of a DR Best Practice Court Team;
- The rural or urban nature of the court location;
- The court's willingness to:
  - Work closely with the National Center for State Courts ("NCSC") Team, Office of the State

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<sup>2</sup><http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Children%20Families/The-HPC-and-Divorce-Case-Triage-Final-Report-12312014.ashx>

<sup>3</sup><http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2016/Faster%20Cheaper%20as%20SatisfyingAn%20Evaluation%20of%20Alaska's%20Early%20Resolution%20Triage%20Program.ashx>

Court Administrator (“SCAO”) Project Team and Core Planning Team, including the Standing Committee on Family Issues Triage Subcommittee, in person and by telephone or webinar throughout 2016-2017; and

- Create an active Implementation Team, including one or more judge, magistrate, family court facilitator, Sherlock and other stakeholders to implement and tailor the project to the court, collect data, attend training and support project implementation;
- And any other factors that would make the court a good fit for the project.

Led by the NCSC Team, the initial kickoff meeting held October 7, 2016 at the Ralph L. Carr Judicial Center in Denver, Colorado included participation from each pilot site, including family court facilitators, attorneys, Sherlocks, judicial officers, mental health professionals, court appointees and others, such as members of local multi-disciplinary Domestic Relations Best Practice Court Teams, invited by each pilot. Members of the Triage Subcommittee of the Standing Committee on Family Issues and the SCAO Team were also present. At the kickoff meeting, participants shared their visions for the project and considered how they might improve the administration of services in their communities. Thereafter, the NCSC and SCAO Teams completed initial site visits to learn about the DR-related business problems of each pilot site, with the goal of developing a triage process that would lessen or solve those business problems. The initial site visits revealed the following problems:

#### **1<sup>st</sup> Judicial District**

- For pro se litigants, the case resolution process is either too cumbersome (i.e., they must jump through too many hoops) or the process provides insufficient assistance, resources or interventions;
- The challenge of identifying, at the outset, cases in which parties are likely to be “non-stop litigators,” and providing interventions at the front end of the case to decrease the propensity toward “non-stop” litigation;
- The difficulty of identifying and addressing complex cases early in the process to better allocate effective resources, such as special masters and joint experts;
- The need for early identification of cases that will need multi-day permanent orders hearings and routing them to effective litigation alternatives; and
- The need for a uniform method of handling similar cases across the many mixed-docket divisions.

#### **5<sup>th</sup> Judicial District**

- Limited availability of court-based resources, including time and personnel;
- The necessity of court personnel traveling among multiple courthouses to serve multiple communities;
- The deficit of external resources, such as court appointees, service providers, etc.;
- The challenge of identifying, up front, and effectively handling cases with high conflict and/or high need pro se litigants; and
- Existing processes are resource intensive and heavily reliant on the experience, expertise and judgment of seasoned staff, rather than articulated protocol or criteria.

#### **18<sup>th</sup> Judicial District**

- Particularly post-decree, for cases involving allegations of parental substance abuse, best practices are needed to balance competing interests of child safety and uninterrupted, normalized parent-child relationships, when possible;
- Best practices are also needed for cases involving high conflict, problematic parent-child relationships, domestic violence and underdeveloped parenting skills.

### 3.2 Workshops and Additional Assistance

Throughout the Colorado Domestic Relations Triage Project, the mission was to develop and systematize triage practices based on existing triage principles and recommended protocols to better match case needs with existing resources, thereby improving the management of dissolution, legal separation and APR cases. Through a series of online workshops and pilot site visits, the project sought to develop and implement a triage methodology that supports the sorting and management of cases by typology through the provision of technical assistance. Technical assistance focused on consideration and identification of solutions for existing business problems, consideration of existing data, maximization of existing resources, identification of service limitations and creation of strategies to support resource requests, furthering the body of knowledge in domestic relations triage practices across the state.

After the kickoff meeting and following visits to each pilot site, the NCSC and SCAO convened and jointly created a project plan that proposed and summarized six interactive online workshops. These workshops would lead to the production of project deliverables and would aid in the creation of a model triage protocol. Telephone conferences and input from each pilot site led to the creation of a final project work plan [see Appendix Plan A], provided to participants. The plan outlined the following six webinar-based workshops, created to facilitate discussion among participants and to disseminate empirical research to pilot sites, with each gradually building toward the creation of the Triage Screening Tool:

- Workshop 1: Value of a Systemized Triage Approach and Review of Existing Data;
- Workshop 2: Data and Performance Measurement;
- Workshop 3: Case Typologies;
- Workshop 4: Nonstop Litigators, Domestic Violence, and Mental Health Issues;
- Workshop 5: Case Handling Protocols and Matching Services to Case Typologies; and
- Workshop 6: Final Tool Development and Implementation Kickoff.

#### **Workshop 1: Value of a Systemized Triage Approach and Review of Existing Data**

During Workshop 1, the presenters shared business problems identified by each pilot site during the site visits and worked with participants to refine the group's vision for the project. Workshop 1 addressed current Colorado domestic triage processes and provided an overview of national triage case studies. The session included an overview of the High-Performance Court Framework Domestic Relations Screening Tool previously developed by NCSC and consideration of its value and practicality in the pilot sites.

## **Workshop 2: Data and Performance Measurement**

During Workshop 2, NCSC's Research Director, Richard Schauffler, shared the importance of data collection to measure the success of the anticipated triage process. Joining Richard was Jessica Zender, a representative from SCAO's Data Unit. Together, they shared the current data available in Colorado and discussed its usefulness in measuring the success of systematized triage processes. Finally, with the help of the pilot sites, Richard and Jessica brainstormed other data, not currently available, that would be useful and could potentially be generated in the future.

## **Workshop 3: Case Typologies and Tracks**

Workshop 3 introduced the triage tracks conceptualized by Dr. Michael Saini of the University of Toronto. Dr. Saini presented case typologies he originated, including Stampers, Contemplators, Nudgers, Entrenchables, and Intractables, each respectively progressively higher levels of court intervention. Participants learned about triage processes in Cuyahoga County, Ohio and Maricopa County, Arizona, along with different methods of creating local service inventories to match case needs on each triage path. Finally, participants explored a draft Triage Screening Tool, with homework requiring each pilot's consideration of modifications that would increase the tool's value and effectiveness.

## **Workshop 4: Nonstop Litigators, Domestic Violence, and Mental Health Issues**

In Workshop 4, Alaska's Stacey Marz discussed Alaska's Early Resolution program and frontloading services to litigants. The group discussed essential components of the final Triage Screening Tool and refined case tracks. Gabrielle Davis and Loretta Frederick of the Battered Women's Justice Project and Debora Denny of Nebraska's State Court Administrator's Office discussed domestic violence screening essentials. Ms. Denny also discussed domestic relations case management strategies. John A. Rymers, MA, LPC, CAC III, and Dr. Michael Saini discussed mental health screening essentials. Homework included further refinement of the draft Triage Screening Tool.

## **Workshop 5: Case Handling Protocols and Matching Services to Case Typologies**

In Workshop 5, John Rymers and Dr. Michael Saini discussed best screening practices for cases involving concerns about parental substance abuse and mental health. Workshop participants asked Dr. Saini about screening difficult parties, provision of services, and early access to a judicial officer as case management strategies. Project participants continued to refine the draft Triage Screening Tool.

## **Workshop 6: Final Tool Development and Implementation Kickoff**

Workshop 6, held at the Jefferson County Justice Center, brought the three pilots together in person to finalize the Triage Screening Tool and refine the plan for its implementation. Through the first five workshops and Implementation Kickoff, participants worked collaboratively on the creation of a shared triage instrument that would assist with case sorting and management, based on case typology. The workshop series and Implementation Kickoff generated various iterations of triage instruments and tools from each project site, and efforts to create shared instruments, tools and resources. Appendix Plan A relates to this initial approach, which included numerous draft tools, instruments and resources that were neither finalized nor adopted by all pilot sites: a Data Collection and Analysis Plan, a Draft Colorado Domestic Relations Triage Handbook, Fast Track Letter, Case Questionnaire, My Case Plan, Survivor Information and Referrals, Domestic Relations Resource Card, Bench Card for Navigating Parenting Time/Decision-Making Cases with Allegations of Mental Health Challenges, Bench Card for Navigating Substance Abuse Allegations in Cases involving Children and form

Order to Obtain Services and/or Parenting Time Conditions.

### **Additional Assistance**

During the process of refining these tools and instruments, the pilot sites ultimately concluded that each wished to maintain the flexibility to manage cases in a manner unique to each site, rather than to test a new, shared method of managing cases once they were sorted by type. The pilot sites determined that the risk of managing sorted cases in a uniform manner that differed from each of their current practices or desired innovations outweighed the potential benefits of doing so. Although there was a willingness to innovate and test new approaches, the pilots did not agree to uniform new approaches. For example, one wished to implement a Fast Track process that involved a document used in the clerk's office for each new case filing to identify cases with urgent or emergency issues, and others expressed concern about doing so. In sum, each pilot favored different innovative approaches and case management processes. We include these Plan A documents not only because of the time invested in their development, but also because of their potential value, as other jurisdictions may wish to utilize some of these resources or approaches, as written or with adaptations.

Thereafter, the NCSC and SCAO collaborated to develop minimum expectations for testing the Triage Screening Tool that would maximize the flexibility of each pilot to manage cases within each track, consistent with local practices and resource availability. With this flexibility, pilot sites need not depart from their current approaches and need not uniformly handle cases within each track. The minimum expectations for each pilot site included:

- Capturing the pilot's domestic relations triage protocol in writing;
- Testing the uniform Triage Screening Tool developed by project participants in all new dissolution, legal separation and allocation of parental responsibility filings from February 1 through April 30, 2018; and
- Providing feedback regarding the Triage Project and Triage Screening Tool through data collection, surveys and focus groups.

Moving away from the initial project approach, "Plan A," project participants focused on the pilot-specific development of a written triage protocol consistent with a set of common DR triage principles, integration of a shared Triage Screening Tool into each of their existing processes and development of useful management reports.

The modified approach, "Plan B," charged each pilot site with creating or recording its own triage protocol on a template to capture its unique triage processes, based on the following triage principles:

Principle 1: Provide triage and survivor information to litigants

Principle 2: Review court files and party backgrounds

Principle 3: Identify conflict and readiness for resolution indicators and emergency issues

Principle 4: Designate and record triage case path

Principle 5: Form local teams and create community resource inventories

Principle 6: Implement data collection and analysis plan at state and local levels

Although individual to each pilot, these site-specific triage protocols incorporated six triage principles to assure a level of standardization, while providing each pilot site the necessary flexibility to capture unique case management preferences, styles and philosophies. The Appendix labeled as "Plan B" include Colorado DR Triage Approach: Principles, Protocols and Templates, Readiness for Resolution

Indicators, an early version of the Colorado DR Triage Case Assessment Sheet, Evaluating the Use of Colorado Domestic Relations Triage, Colorado DR Triage Pilot Preparation for Testing, final Triage Tool, and completed DR Triage Protocols for each pilot site. NCSC participated in three coaching sessions with the pilots in May of 2017 to ensure they were ready to test the Triage Screening Tool.

### 3.3 The Triage Screening Tool

Multiple sources inspired creation of the Triage Screening Tool: A review of domestic screening tools used nationally, NCSC's *High-Performance Court and Divorce Case Triage*,<sup>4</sup> Alaska's Early Resolution Program,<sup>5</sup> the work of domestic relations courts across the nation, and input from the three pilot sites. Underlying development of the Triage Screening Tool was the intent to provide judicial officers, family court facilitators and Sherlocks the ability to quickly gauge needed services by placing each case on one of three "tracks" – the "Fast Track," or "Green Track," would serve parties who fit criteria for quick case resolution, including an existing decision making or parenting time agreement, a pre- or post-marital agreement, or an obvious, workable solution, among other characteristics. The "Red Track" includes cases needing immediate court intervention, such as allegations of parental substance abuse, domestic violence, or other similar problem. Finally, the "Yellow Track" cases would be those neither ready or destined for a contested trial yet lacking an immediate solution or requiring some higher level of assistance. Below are the track characteristics.

#### **GREEN TRACK**

- Existing agreements or arrangements for decision making and/or parenting time;
- Short marriages, with presumably minimal assets or debts;
- Marriages or relationships in which the parties have lived separately for prolonged time;
- Minimal debt or assets to divide;
- Existence of a current child support agreement or simple disagreement about the amount of child support;
- An obvious workable solution;
- Pre- or post-marital agreements;
- Military employment;
- Young, unmarried parties with an infant; and/or
- Teenage children.

#### **YELLOW TRACK**

- Indecision by one or both parties;
- Allegation of common law marriage;
- Property disputes;

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<sup>4</sup><http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Children%20Families/The-HPC-and-Divorce-Case-Triage-Final-Report-12312014.ashx>

<sup>5</sup><http://www.ncsc.org/~media/Files/PDF/Education%20and%20Careers/CEDP%20Papers/2016/Faster%20Cheaper%20as%20SatisfyingAn%20Evaluation%20of%20Alaska's%20Early%20Resolution%20Triage%20Program.ashx>

- Long marriage during which the parties accumulated more than nominal property;
- Semi-complicated financial issues;
- Parties needing some, but not substantial, help regarding potential solutions;
- Parties needing more information;
- A planned geographical move by one party;
- A non-parent Petitioner;
- A child with special needs;
- A child resisting parenting time;
- Safety concerns;
- Extreme views by one or both parties regarding case resolution.

### **RED TRACK**

- A request or apparent need for immediate court intervention;
- Allegations of current parental mental health problems;
- Allegations of current parental substance abuse;
- Challenge to court jurisdiction;
- A complicated financial situation (e.g., business entities requiring valuation);
- No apparent solution to resolve the case;
- Allegations of parental abduction;
- Disagreement regarding a parent's planned relocation;
- A non-parent Petitioner;
- A pending dependency and neglect case;
- Domestic violence allegations or protection orders;
- Relevant pending criminal case(s);
- An incarcerated parent;
- Involvement of a Tribal Court; and/or need for expert witnesses.

Throughout the development of the Triage Screening Tool, the pilot sites provided input into its content and ultimately determined how the screening tool would be utilized during the testing period. Based on comments received, the 57 initial criteria were distilled into seven core areas, along with an "Other" category to avoid omission of important factors.

The Final Screening Tool collects basic information about the domestic relations case (e.g., case number, decree status), the family involved (dates of marriage and separation, number and ages of children) and a set of eight assessment factors. Each assessment factor - "Agreement", "Potential Settlement", "Legal", "Parenting Plan", "Communication/Allegations", "Safety", "Court History", and "Other" - has three "conditions" arranged along a continuum, ranging from Green to Yellow to Red, with Green conditions representing the least serious circumstance ("Co-petition or existing agreement" under the "Agreement" heading, "Uncontested cases" under "Legal", etc.) to more serious conditions for Yellow ("Partial agreement on issues", etc.) and the most serious for Red ("Issues requiring judicial ruling", etc.). The family court facilitator or judicial officer can mark the form to indicate the presence and seriousness of issues in the case. The Tool concludes with a color-coded banner, titled "Track Determination," ranging from Green to Yellow to Red for the selection of a track.

Through a recorded teleconference, the sites received training on using the Screening Tool. The marking of one or more categories as "Red" suggested categorizing the case in the Red Track, despite other indications of Green, for example, a determination that the family court facilitator or judicial

officer could override. Green and Yellow indicators warranted equal weight, with the odd number of categories guiding the ultimate track determination of Green or Yellow. Users would select the track most reflective of the factors on the continuum.

From January through April of 2018, pilots tested the Triage Screening Tool. See Appendix Plan B for the Tool. Analysis of its use follows in Section 4 below.

### 3.4 A Note about the Triage Tool and Domestic Violence Screening

Although the Triage Tool does not expressly address domestic violence (DV), project participants discussed at length the appropriateness of screening for DV based on the courts' statutory duty to provide information concerning DV services and potential financial resources pursuant to C.R.S. Sec. 14-10-123.6(4), related to the best interest of the child analysis pursuant to C.R.S. Sec. 14-10-124.5(1.5), in which DV and sexual assault are threshold factors, and based on the relevance of DV, domestic abuse and sexual assault to civil protection order proceedings that are often ancillary to domestic relations cases, pursuant to C.R.S. 13-14-101 et seq.

Discussion also addressed the relevance of DV to the triage case track selection, considering survivor self-determination regarding track selection and the importance of highlighting case track implications related to DV. For example, a paternalistic view may favor assignment of DV-related cases to the red track for greater judicial involvement and oversight, such as the availability of parenting time and safe exchange safeguards, etc. However, an informed survivor may find the most prudent course to be a fast-track dissolution, even foregoing legal remedies that may be available at trial, such as more maintenance, supervised exchanges, etc. Further, given the prohibition against *ex parte* proceedings, concerns about discovery and the desire to avoid increasing risk to survivors and children, participants largely favored providing survivor-oriented information that would enable the survivor to make informed decisions about whether, when and how much to disclose in open court, rather than subjecting her to questions in open court or on a questionnaire regarding DV unless she disclosed DV, through case filings or in open court, or DV allegations were apparent in court databases in other cases, such as civil protection orders, criminal cases, or dependency and neglect cases.

These discussions led to the creation of the Survivor Information and Referrals handout found in Appendix Plan A, to be tailored with local referrals. Finally, various DV experts favored referral of survivors to victim advocates who could safety plan with an assurance confidentiality, which the court cannot provide. Ultimately, none of the pilots elected to use the Survivor Information and Referral handout and instead, provide DV information with their Case Management Orders. Other court locations may find this resource worth using.

### 3.5 Triage Screening Tool Pilot Testing

During a final pre-test call on January 19, 2018, participants reviewed final changes to the Triage Screening Tool and discussed testing procedures. Testing of the Triage Screening Tool began on February 1, 2018 and continued through April 30, 2018.

## 4. Process Evaluation

This process evaluation aims to determine the viability of devising a model triage protocol and screening tool that can be taken to scale in Colorado.

### Performance Measures

As part of the process evaluation, the NCSC recommended that judicial districts participating in the pilot project implement and use performance measures to evaluate the effectiveness of the systematized triage process, with the goal of providing actionable information for judicial districts implementing new case management and triage processes while drawing from existing data.

#### 4.1 Timeliness & Efficiency

NCSC recommends measuring timeliness and efficiency of case management processes using two *CourTools*<sup>6</sup> measures:

- **Measure 3: Time to Disposition:** the percentage of cases disposed or otherwise resolved within established time frames, which requires data on the date of case filing and the date of case disposition/resolution. The measure captures how quickly cases move through the system and adherence to timeliness goals. Colorado has a long-held and effective practice of measuring time to disposition such that, on an ongoing basis, this measure will be useful in ensuring that any case management changes made (for example, a rule encouraging trial) would support and not hinder time to disposition.
- **Measure 4: Age of Active Pending Caseload:** the age of active pending cases measures the number of days from filing until the time of measurement. This measure identifies whether cases stall and need intervention to progress through the system. Applied on an ongoing basis to domestic relations cases, this measure reveals the accuracy of identifying cases according to conflict and complexity.

The testing period provided a gauge of the viability of new processes, including the use of these measures. NCSC requested SCAO data on time to disposition and an “open active” report for domestic relations cases in the Pilot Sites. Exhibit 1 summarizes the data provided on time to disposition for each pilot site in two 3-month periods. The first three months shown are prior to the pilot, November 1, 2017 to January 31, 2018, and the second three months reflects the timeframe covered by testing of the Tool, February 1, 2018 to April 30, 2018. Given the brief testing period, Colorado’s 91-day waiting period, the comparative value of data presented for three months prior and three months during the

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<sup>6</sup> National Center for State Courts. 2005. *CourTools*. Williamsburg, VA.: National Center for State Courts. See [www.courttools.org](http://www.courttools.org)

pilot is limited. The information presented illustrates the potential future value of data to monitor the management of domestic relations cases generally and in terms of complexity and conflict.

**Exhibit 1: Time to Disposition by Pilot Site**

*Nov. 1, 2017 to Jan. 31, 2018*

	# of Cases	Avg. Days to Disposition	Days to Disposition by % of Cases		
			25%	50%	75%
1st Judicial District	851	214	97	134	203
5th Judicial District	132	402	97	144	299
Douglas County	433	171	92	98	134

*Feb. 1, 2018 to Apr 30, 2018*

	# of Cases	Avg. Days to Disposition	Days to Disposition by % of Cases		
			25%	50%	75%
1st Judicial District	772	237	97	141	209
5th Judicial District	117	314	99	134	200
Douglas County	376	223	79	97	157

Each table shows the number of days to disposition in 25%, 50%, and 75% of cases. Prior to the Screening Tool Testing, the 5<sup>th</sup> Judicial District disposed of 75% of cases in 299 days. During the Screening Tool Testing, the same judicial district disposed of 75% in only 200 days. Understanding the impact of the Tool Testing requires a review of the data 6 to 12 months in the future, capturing the disposition of the cases that were filed during testing of the Screening Tool. Thus, while this data must be interpreted with caution, this may indicate an increase in timeliness of case processing which could only be known for certain if the processes continue to be used and the data continues to be tracked.

Exhibit 2 provides Age of Pending Caseload data. As indicated above, this measure shows whether cases are stalling on a statewide basis. When printed to scale and applied on an ongoing basis to domestic relations cases, this measure will allow Colorado to consider the conflict and complexity of cases statewide. Over time, this measure can show the impacts of triage or other practices.

## Exhibit 2: Age of Pending Caseload, Domestic Relations Cases Statewide

### Domestic Relations - CJD 08-05 Organization Goals: No more than 5% of cases open more than 1 year

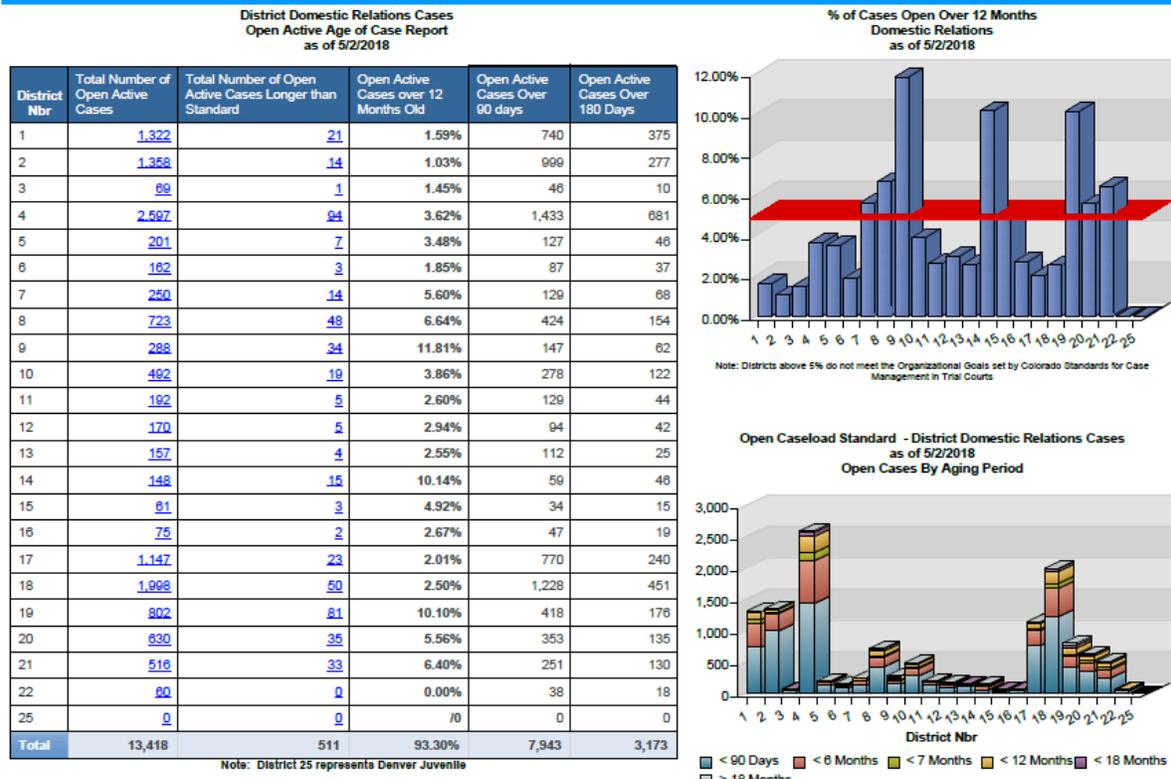


Exhibit 3 summarizes the data in Exhibit 2 for the three pilot sites. The data displayed below shows minimal variation among the sites, each of which performs well regarding dispositional timeframes. For example, all three sites show disposition in most cases within 12 months, and all three are below the statewide average of 3.8% in the percentage of cases active over 12 months.

### Exhibit 3: Time from Filing to Disposition

	Cases Disposed				# Active Over 12 Months	% Active Over 12 Months
	# of Cases	% within 90 Days	% within 180 Days	% within 12 months		
1st Judicial District	1,322	44.0%	71.6%	98.4%	21	1.6%
5th Judicial District	201	36.8%	77.1%	96.5%	7	3.5%
Douglas County	606	39.9%	77.1%	97.4%	16	2.6%
Statewide	13,418	40.8%	76.4%	96.2%	511	3.8%

Court administration should continue to regularly produce these reports at the State and local level to monitor the effectiveness of any triage or other domestic relations case management processes. A best practice would be to consider these reports both at local Best Practice Team meetings and on a statewide basis, perhaps through the statewide Supreme Court Standing Committee on Family Issues. Doing so will allow judicial districts to effectively monitor caseloads, to identify patterns and trends, and to capture any anomalies. The reports can provide a basis for comparison regarding year-to-year variations and to assess the impact of triage on case processing.

## 4.2 Complexity and Conflict

In addition to performance measures, Colorado courts should build in a front-end assessment of complexity, including factors such as property, children and other case characteristics. A proxy measure to assess complexity is the number of events (e.g., hearings or status conferences) required to resolve the case from filing to disposition. Exhibit 4 shows the events per case for the pilot sites for the same three-month periods described in Exhibit 1. As with Exhibit 1, the data in Exhibit 4 may reflect more effective case handling in the 5<sup>th</sup> Judicial District, showing a decrease in the average number of events per case from 42.3 prior to the Screening Tool testing to 33.7 during the Screening Tool Testing. However, the events per case shown below are not reflective of the new case filings *during* the Tool Testing period since this data only captures closed cases. A new report, run 6 to 12 months from now, would capture new case filings *during* the Tool Testing.

### Exhibit 4: Events per Case

	Nov. 1, 2017 to Jan. 31, 2018			Feb. 1, 2018 to Apr 30, 2018		
	# of Cases Closed	Total # of Events	Avg. # of Events per Case	# of Cases Closed	Total # of Events	Avg. # of Events per Case
1st Judicial District	850	24,747	29.1	763	21,343	28.0
5th Judicial District	129	5,454	42.3	113	3,811	33.7
Douglas County	427	11,882	27.8	372	10,284	27.6

Data interpretation is challenging, since the number of hearings may indicate high *conflict* rather than high *complexity*. Assessing the level of conflict is part of the triage process and includes factors such as history of prior legal conflict between the parties and their ability to communicate with one another. Overall, the measurement strategy for complexity and conflict should assess the frequency of events and hearings, and investigate the driver of these results by looking at individual case files.

### 4.3 Procedural Fairness

Procedural fairness measures the extent to which parties believe the judicial officer handled the case in a fair and impartial manner. While parties do not necessarily expect to win, they expect to have their “day in court.” Perceptions of a court’s fairness, respect, equal treatment, and concern may measure procedural fairness. A 5-question survey would be sufficient to measure procedural fairness. Colorado has a long history of administering the NCSC Access and Fairness Survey to judicial districts across the state. Should triage processes advance in Colorado, a survey tailored to domestic relations would provide useful feedback about parties’ perceptions of access and fairness.

### 4.4 Judicial Officer and Court Staff Perspectives

The perspectives of judicial officers and court staff who handle domestic relations cases are important and provide the context and interpretation of the above qualitative and quantitative performance measures and process evaluation results. Despite the ease of administering an online survey for each audience, focus groups would likely better identify and illuminate the issues, if financially feasible. Within the scope of this project, focus groups best captured perceptions of the processes. If triage processes expand statewide, perhaps Best Practice Teams, the Colorado Bar Association Family Law Section or the American Academy of Matrimonial Lawyers could complete surveys about their perceptions of domestic relations processes and provide suggestions for improvement.

## 5. Analysis

This section considers the development of case triage protocols submitted by each jurisdiction, feedback provided via focus groups after the Triage Screening Tool testing period, and use of the Triage Screening Tool, including preliminary data analysis.

### 5.1 Development of protocols submitted by each jurisdiction

After the six workshops and the project kickoff, each pilot site captured its triage protocols, using a template provided by SCAO that reflected the following principles:

Principle 1: Provide triage and survivor information to litigants

Principle 2: Review court files and party backgrounds

Principle 3: Identify conflict and readiness for resolution indicators and emergency issues

Principle 4: Designate and record triage case path

Principle 5: Form local teams and inventory community resources

Principle 6: Implement data collection and analysis plan at state and local level

The pilot site protocols are included in the appendices. The pilot sites implemented these protocols to varying degrees, according to local resources and practices. The pilots applied Principle 3, testing of the

Triage Screening Tool. The following discussion addresses variation among pilots regarding the principles.

Under Principle 1, the First Judicial District designed its own party information sheet explaining the “Fast Track” processes. See Appendices. The First Judicial District also convened internally to design responses for each of the tracks, from Green to Red. Notably, in the analysis below, the First Judicial District had the highest degree of interrater fidelity to use of the Tool, perhaps because its users applied and understood it with greater consistency. Douglas County and the Fifth Judicial District made no changes in the information provided to parties during the testing period. None of the pilot sites utilized the DV Survivor Information sheet developed during the workshops but did continue to provide survivor information as an attachment to the Case Management Order issued at the time of filing. Even though the DV Survivor Information Sheet was informational only, and would not be included in files, the pilot sites said that they had concerns about disclosure of issues.

Principle 2, a systematic review of the domestic relations file and of court databases for party involvement in dependency and neglect cases, criminal cases, civil protection order cases and other domestic relations cases prior to the Initial Status Conference is consistent with the screening process employed in the Alaska courts and with existing practices of some Colorado districts. In Alaska, court personnel review pleadings prior to the party’s appearance to determine whether cases could be resolved through its expedited process. This review would also reveal potential safety issues, referral or resource needs, and complicating factors, such as the existence of pending criminal or dependency cases, the possibility of conflicting protection order terms, the suitability of mediation, etc. The pilot sites indicated that they ask parties about other existing cases during the Initial Status Conference because of insufficient time to review the case management system beforehand.

Principles 3 and 4 involve use of the Triage Screening Tool and designation of a case track. As described in Section 4, each pilot site used the Triage Screening Tool. The Fifth and First Judicial Districts consistently designated and recorded the case track determination.

Regarding Principle 5, the Fifth Judicial District, because of its smaller size and geography, utilizes informal communication among judicial officers, the family court facilitator, the Sherlock, domestic relations lawyers and local providers. The Fifth Judicial District agreed to update a Community Resource Inventory as resources become available. Douglas County created a comprehensive Douglas Community Resources Inventory with input from its Best Practice Team.

## 5.2 Focus Groups

On May 5, 2018, NCSC staff conducted two separate focus groups via conference call, one with the SCAO and one with the pilot sites, to determine what worked well, lessons learned and opportunities for improvement regarding the project. All participants agreed that an effective triage protocol must add value, must increase workload only minimally, if at all, and must maintain or enhance the current functioning of their case management systems, including flexibility. The participants discussed the final Triage Screening Tool, which evolved through many revisions, as well as its testing.

The SCAO focus group addressed the model triage protocol and Triage Screening Tool design and testing process. While Colorado is an innovator in the realm of domestic relations with family court facilitators, Sherlocks, best practice court teams, annual judicial officer training, use of mediation and availability of Early Neutral Assessment, Colorado has not extensively documented decision-making processes for resolving domestic relations cases. Creation of the Triage Screening Tool and model triage protocols provided an opportunity to develop a common language and conversation around a specific set of principles. Participants actively participated in discussions about the risk elements used to design the questions on the Triage Screening Tool, which was essential to determining its tracks. SCAO staff expressed appreciation for the project's flexibility and evolving design, which accommodated differences among pilot sites and enabled adaptation for circumstances of each locale.

*"I appreciated the flexibility for people to work in the protocols and switch gears, to be responsive to the realities of each judicial district."*

The SCAO focus group discussed potential improvements to the instruments created during this project to increase their utility and adaptability. SCAO staff noted that the courts did not use many of the forms collaboratively developed during the project and expressed interest in possibly adapting the Triage Screening Tool for litigant use prior to filing. Participants suggested expanding the instruments used in the pilot study to encompass a broader scope of services and modifying them to address specific litigant needs. Participants discussed the possible adaptation of existing tools, such as the Access and Fairness Survey, for domestic relations litigants.

*"The survey is good for knowing where a courthouse is, but we could ask more critical questions, like knowing how to access DV assistance."*

All agreed that better messaging and communication at the beginning of the project would increase understanding and manage expectations prior to commitment by the pilot sites. Throughout the process, pilot site interest and willingness seemingly increased. Recognizing the difficulty of navigating new territory with no certain path would have helped prepare the pilot sites.

*"We should have been more descriptive at the beginning of the process of what the objectives were and what would be involved during implementation."*

Another avenue for potential improvement is increasing judicial leadership and involvement in the design and implementation of innovations. Without judicial buy-in, system changes will not succeed. Judges can not only share innovations with their judicial colleagues, but also promote them from other stakeholders, such as litigants, attorneys and other court personnel. Moving forward, SCAO staff recommended in-person training and high-quality workshops that present the material in various ways, multiple times. Project leaders must convey the message that there is no one-size-fits all approach, but flexibility is important. Other lessons learned include setting realistic goals, starting small, managing expectations, identifying goals, identifying potential benefits, realistically assessing outcomes, and defining outcome measures for success, such as correct identification of track, provision of timely intervention and resources, financial savings, and/or litigant satisfaction with case outcomes.

### 5.3 Pilot Site Focus Group

The pilot site focus group primarily addressed the Triage Screening Tool itself, as well as the selection and training processes:

Provision of Information and Selection Process: Participants agreed on the need for more information during the selection process, as pilot sites lacked information needed to make an informed decision. One such fact pertains to use of the grant funds. Whereas grant funding was designed to support the provision of technical assistance to the pilots, many participants believed that funds would be received by the pilot site applicants for their direct use in establishment or maintenance of triage processes. Another concern related to a site's acceptance into the project, based on an application focused on specific business problems that were outside of the project scope. However, everyone agreed that pilot sites participated because of their interest in the process.

The Interactive Workshops: Participants expressed mixed perceptions of the workshop trainings. While participants expressed that they found the workshop presentations to be interesting, they did not see the nexus to case triage.

*"The speakers were interesting but it felt like a disconnect. I would have preferred that time be spent on the tool's creation."*

The Triage Screening Tool Development: Project participants, the NCSC Team and the SCAO Team collaborated to develop a Screening Tool that would 1) promote more informed decision-making by litigants regarding available tracks to case resolution and that would 2) enable family court facilitators, judicial officers and Sherlocks to quickly, consistently and systematically identify appropriate services and court treatment by placing cases on one of three "tracks" – the "Fast Track" for parties who fit criteria for quick resolution, a "Red" track for cases involving complexity or high conflict indicators such as violence, substance abuse, or fundamental disagreement among the parties, and a "Yellow" track for parties with only intermediate needs for intervention or assistance, marked by moderate levels of complexity or conflict.

The Triage Screening Tool Testing: Project leaders asked the pilot sites to test the Triage Screening Tool by using it to "track" new case filings. NCSC staff asked the pilots about their experiences using the Screening Tool and other resources developed during the project, such as the Fast Track Letter, Case Questionnaire and Inventory of Services. All three judicial districts did use the Triage Screening Tool. Participants reported using the Tool to focus on current issues articulated by the parties, not to probe litigant backgrounds or explore possible issues that litigants had not raised. For example, if parties agreed on all issues, the screener did not inquire about mental health and substance abuse, as they felt that doing so could influence a party to raise an issue or create conflict where none existed.

In some cases, particularly those involving two attorneys, early completion of the Screening Tool, prior to C.R.C.P. 16.2 disclosures, seemed premature and ineffective at identifying the case tracks. Participants agreed that the Screening Tool was least valuable in those two-attorney cases, and more valuable for cases involving only one represented party. For cases involving two pro se parties, the

Screening Tool seemed to capture, in writing, the case sorting that otherwise occurred mentally. Participants stated that the Screening Tool doubled the time required to prepare cases but prompted a closer look at internal court processes and their effectiveness. Participants opined that the form may be more valuable to new, inexperienced personnel who were unable to mentally triage cases.

*“We were already triaging cases before. However, this could be a helpful tool for judicial districts implementing new triage processes... This is a uniform way [of analyzing cases] that could be perfected.”*

Participants suggested adding the track selection at the bottom of the form to clearly reflect the determination and removing the reference to pre- or post-decree, which they perceived as unnecessary and confusing. Overall, participants agreed that the Project was useful and expressed their interest in moving forward. They favor using collaborative, interactive teams of judges, magistrates, and Self Help Centers in the future.

*“The learning dialogue needs to continue to strengthen and continue to break down barriers in triage.”*

#### 5.4 Use of Triage Screening Tool

To make recommendations for Colorado’s triage processes going forward, NCSC performed an analysis of the use of the tool during the three-month testing process. The analysis was intended to determine if the tool was useful as designed, if any elements or categories could be reduced, and to start to point to the predictive capacity of the tool. NCSC endeavored to analyze whether all of the case criteria led to correctly identifying cases needing minimal (“Green”), moderate (“Yellow”) or high (“Red”) levels of assistance and whether cases stayed on the tracks initially identified on the Screening Tool.

Analyzing the success of case track selection generated by the Triage Screening Tool would require a longer piloting period that extends at least until resolution of the cases, and ideally, for a period after case resolution to allow consideration of data regarding the number and type of post-decree filings. As previously stated, the 91-day waiting period between filing and entry of a decree and the three-month testing period limit the conclusions that can be drawn, as case outcomes for those cases filed during the testing period are almost entirely unknown. Further, data provided during the pilot was incomplete as described below. However, at this point, the data collected from the pilots illustrates the prevalence of tracks selected and the lack of redundancy in issues as related to the track selection. Given the feedback provided during the focus groups, that the Tool provided a useful framework for case management decision-making, it is recommended that the pilot sites offer feedback to refine the tool and recommend its usage to other jurisdictions.

## 5.5 Data Description and Processing

Excluding duplicated cases, this study examined data from 589 Triage Screening Tools. The Screening Tool provided a system of ratings for 7 key issues: agreements, potential settlement, legal, parenting plan, communication allegations, safety, court history and other as defined in Section 2.3 above. The following table summarizes average ratings by issue in each of the three pilot sites, with a rating of one signifying the Green track, two signifying the Yellow track and three signifying the Red track. In other words, when the judicial officer or family court facilitator marked Green for “parenting plan” and “safety,” the issue was coded as one, suggesting that the parties had completed the parenting plan and needed no assistance and safety was not a complicating factor requiring interventions or judicial attention. In other words, the indicators pointed toward a Fast Track, contemplating quick resolution with minimal court involvement. Likewise, court personnel coding an issue such as “communication” as two would suggest that the parties may need some intervention or judicial assistance, as communication is something of a barrier, perhaps warranting a mediation referral, for example. Finally, the numeric value of three points toward the Red track, as a greater level of court intervention may be needed, such as immediate issuance of interim orders by a judicial officer to stabilize the situation. When no rating was chosen, the issue was coded 0. While each issue is abbreviated to a single term, the Screening Tool can be found in . Training was provided live and by recording on the Tool prior to the pilot use.

## 5.6 How useful was the tool in indicating Tracks?

Since the testing period was intended to assess the viability and usability of the Triage Screening Tool, NCSC decided to provide the data without inference of track, and with inference of track. The following table summarizes the track selections made by case screeners in each pilot site.

**Table 1: Track Selection in Domestic Relations Cases  
(Excluded Cases Not Assigned a Track by Screener)**

County	Pathways Chosen					Total Cases
	Green	Green/ Yellow	Yellow	Yellow/ Red	Red	
Jefferson	84.2%	0.0%	12.0%	0.0%	3.8%	183
Eagle	55.6%	8.9%	24.4%	8.9%	2.2%	45
Summit	46.4%	10.7%	14.3%	10.7%	17.9%	28
All Cases	75.0%	2.7%	14.5%	2.7%	5.1%	100.0%
Case Counts	192	7	37	7	13	256

Excluding the cases without a track selection, 75% of all cases were given a Green track. However, considerable variation is found from one pilot site to another. In Jefferson County, nearly 85% of cases were set on the Green track, while Eagle and Summit counties assigned closer to 50% of cases to Green.

**Table 2: Track Selection in Domestic Relations Cases  
(Cases Not Assigned a Track by Screener Included as Green; Mixed Track Selections Assigned the Higher Track)**

County	Pathways Chosen			Total Cases
	Green	Yellow	Red	
Jefferson	84.2%	12.0%	3.8%	183
Eagle	68.3%	23.8%	7.9%	63
Summit	70.0%	14.0%	16.0%	50
All Cases	78.4%	14.9%	6.8%	100.0%
Case Counts	232	44	20	296

This treatment of cases for which the screener did not assign a track as Green, which still shows differences between pilot sites, reflects proportions that are much more consistent from one pilot site to the next. Nonetheless, Jefferson County still has the highest proportion of Green track cases, with 84% of its cases expressly assigned to the Green track. Table 2 shows a visible trend from more to fewer cases as the level for needed intervention or court assistance elevates.

Accepting these figures as estimates of the observed use of the tracks, the simplest track (Green) covers the overwhelming majority of cases (nearly 80%), with 15% in the elevated Yellow track and just short of 7% in the highest Red track. These proportions agree with the expectation that the highest risk or most serious track should be reserved for a small portion of very difficult cases and the simplest track should cover most cases in which risks are comparatively low. Table 2 also shows the middle category serves as a residual for cases that require more intervention or judicial attention.

The Douglas County data differ notably from data originating out of the other pilot sites. With a handful of exceptions, all of which involved the Red track, the Douglas screeners did not mark the track selections on the Triage Screening Tools. Since the Douglas screeners nearly completed rating the issues, but not the overall track assignments, we can estimate the track assignments that would likely be made in Douglas County using assignments based on the most common ratings given by issue in the case. The table below presents those results. The track assignments for other courts, are also included for the sake of comparison.

**Table 3: Inferred Tracks for Douglas County in Domestic Relations Cases and Assigned in Other Pilot Sites (Cases Not Assigned a Track by Screener Included as Green; Mixed Track Selections Assigned the Higher Track)**

County	Pathway Inferred			Total Cases
	Green	Yellow	Red	
Douglas	56.3%	31.1%	12.6%	293
County	Pathway Assigned			Total Cases
	Green	Yellow	Red	
Jefferson	84.2%	12.0%	3.8%	183
Eagle	68.3%	23.8%	7.9%	63
Summit	70.0%	14.0%	16.0%	50
Assigned Cases	78.4%	14.9%	6.8%	296

Consistent with the observations evident in Tables 1 and 2, tracks inferred from issue ratings in Douglas County reflect the need for a higher level of intervention or court attention. Only 56% of cases in the Douglas sample would receive a Green track based on equally-weighted ratings of the issues marked on the Triage Screening Tools. The share of the Douglas sample categorized as Green is 12% lower than the 68% Green in Eagle, which has the lowest share of Green assignments marked on the Triage Screening Tools, and 22% lower than the overall cases assigned to the Green track. Jefferson County, the only site in which screeners marked track assignments for all Triage Screening Tools, has nearly 30% more cases assigned Green, than Douglas County.

### 5.7 Absence of Redundancy in the Relationships Among Issue Ratings

The final analysis explores the correlation among issue ratings. Put another way, we examine whether a Green rating in the Agreements issue, for instance, is likely to coincide with a Green rating in the Settlement issue, and so on. Issue ratings that correlate highly do not hold much independent information and may be candidates for combination or elimination.

The first table presents the correlation matrix for the Green rating in each issue area. A 1:1 correlation shows that factors are redundant.

**Table 4: Redundancy of Items/Correlation between Issues and Rating (Green)**

Issue (Green Rating)	Issue (Green Rating)							
	Agreements	Potential Settlement	Legal	Parenting Plan	Communication-Allegations	Safety	Court History	Other
Agreements	1.0							
Potential Settlement	0.5	1.0						
Legal	0.9	0.3	1.0					
Parenting Plan	0.7	0.4	0.7	1.0				
Communication-Allegations	0.6	0.4	0.6	1.0	1.0			
Safety	0.6	0.6	0.5	0.9	0.9	1.0		
Court History	0.4	0.6	-0.1	0.2	0.3	0.9	1.0	
Other	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.

The highest correlations are observed between Communications-Allegations and Parenting Plan, Legal and Agreements, Safety and Parenting Plan, Safety and Communication-Allegations, and Court History and Safety. The Other issue is excluded, because there is no variation in the eligible observations (no cases are rated Green for the Other issue.) Table 5 offers the same analysis for Yellow issue ratings.

**Table 5: Redundancy of Items/Correlation between Issues and Rating (Yellow)**

Issue (Yellow Rating)	Issue (Yellow Rating)							
	Agreements	Potential Settlement	Legal	Parenting Plan	Communication-Allegations	Safety	Court History	Other
Agreements	1.0							
Potential Settlement	1.0	1.0						
Legal	0.8	0.9	1.0					
Parenting Plan	0.7	0.8	0.6	1.0				
Communication-Allegations	-1.0	-1.0	0.4	0.5	1.0			
Safety	-1.0	-1.0	0.2	0.3	0.6	1.0		
Court History	-1.0	-1.0	0.2	0.2	0.5	0.5	1.0	
Other	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	0.7	1.0

Several very high correlations are observed, again, but the highest correlations tend to be among the first few issues on the form. The relationships between almost all issues and the last one (Other) are perfectly negative, while the correlations between the last few items and each other also tend to be high. This could be due to a tendency for heightened perceived risks to produce more serious ratings early on the form, then subsequent issues experience roll-off (leaving them blank) after a track decision is reached. It is also possible that the last few categories are more likely to be coded when they are consequential (i.e., when they indicate heightened risk). The correlations for the Red ratings follows.

**Table 6: Redundancy of Items/Correlation between Issues and Rating (Red)**

Issue (Red Rating)	Issue (Red Rating)							
	Agreements	Potential Settlement	Legal	Parenting Plan	Communication-Allegations	Safety	Court History	Other
Agreements	1.0							
Potential Settlement	0.9	1.0						
Legal	1.0	-1.0	1.0					
Parenting Plan	0.6	1.0	1.0	1.0				
Communication-Allegations	0.5	-1.0	1.0	0.7	1.0			
Safety	0.3	0.5	1.0	0.6	0.5	1.0		
Court History	-1.0	-1.0	-1.0	0.5	0.3	0.6	1.0	
Other	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	1.0

Several similarities emerge between the Red ratings and Yellow ratings. Other is entirely negatively associated with all the other issues. Agreements is strongly related to the second and third issue but declines with each subsequent issue.

None of the issues are completely redundant. Complete redundancy would appear if one issue were perfectly and positively correlated with another issue (or more than one). Negative correlations (below zero), even perfect negative correlations (-1.0) indicates that a rating appears only when the same rating does not appear in another issue, which is the opposite of redundancy. Due to the high incidence of roll-off (the tendency for issues further down the form to be left unrated) obscures the true relationships between those issues and those that were rated more consistently.

That said, the correlations between the Agreements issue and Potential Settlement issue evince the closest sign that the two issues are strongly related. The correlation for Green ratings is only 0.5, but it is 1.0 for Yellow and 0.9 for Red, perfect or near perfect alignment. Only a handful of comments were added for either issue, but of the 8 comments made for Potential Settlement, 3 reported that the parties agreed, either on assets or debt. Perhaps these two issues were closely linked in the minds of many hearing officers. Those who participated in the pilot should be asked to refine the Tool, and to consider which issue they found more useful. The other could be eliminated from future iterations.

### 5.8 Were there deviations from the Track assignments?

As indicated above, the Tool was not used the same way in each jurisdiction, nor was a Track selected according to the Tool in each jurisdiction. Below, in the context of deviations from Track assignments, we explore the concept of roll-off.

The below table shows the tendency of roll-off, the tendency of lower items on a ballot or checklist to go unfilled. Upon review of the submitted triage sheets, judicial districts informed that at a certain point, the case screener made a track assignment on a case before finishing the form, leaving the remaining issues blank.

**Table 7: Roll-off/Percentage of Issue Areas Given No Rating by Jurisdiction**

County	Issue							
	Agreements	Potential Settlement	Legal	Parenting Plan	Communication-Allegations	Safety	Court History	Other
Douglas	5.8%	8.2%	6.1%	34.8%	5.8%	5.8%	7.5%	94.9%
Jefferson	20.4%	81.2%	22.5%	61.3%	63.9%	73.3%	93.7%	99.0%
Eagle	53.1%	87.5%	78.1%	81.3%	78.1%	71.9%	82.8%	100.0%
Summit	64.0%	90.0%	84.0%	82.0%	80.0%	72.0%	76.0%	98.0%
All Courts	20.4%	46.8%	25.6%	52.2%	38.3%	40.0%	48.8%	97.0%

The prevalence of issue areas without ratings outside of Douglas County could be addressed in two ways. Issues that were not rated could be given a Green rating, under the assumption that when no rating was marked, the issue is assumed to “default” to the lowest level of concern. The other option is to leave them unrated, inferring judgment only from issues that were given a rating. Due to uncertainty about unrated issue areas, issues that are not rated on the Triage Screening Tools are not coded for Green, Yellow, or Red.

Following the screener’s rating of each issue in each case, the Triage Screening Tool provided space for case screeners to mark the case’s track assignment (Green, Yellow, or Red). A review of the 589 Triage Screening Tools revealed that track assignments were not made for all cases, principally in Douglas County. Douglas County offered to receive the forms back to remedy this omission but doing so would have changed the testing process. Should Colorado continue to use the Tool or a variation, this can be easily remedied by ensuring that participants are clear on how the Tool should be used.

### 5.9 What would be needed to take the Tool to scale statewide?

With the caveat that the Tool was not used the same way in each jurisdiction, nor was a Track selected according to the Issues in each jurisdiction, it appears that the Tool offers promise for indicating Tracks. Furthermore, the Tool as designed does not show outright duplication of factors. To take the Tool to scale statewide, Colorado is encouraged to convene a work session to refine a triage tool based on the pilot sites’ experiences using the Tool. Any future use of the Tool should be after training to ensure uniform definition of terms and usage. These specific considerations should be taken into account, in making any future modifications to the Tool:

1. Mark the track assignment on the Triage Screening Tool:

Incomplete and inconsistent reporting limited the data available for analysis and potential inferences from the entered data. The most significant limitation on pilot data analysis was the lack of track selections. Although perhaps screeners selected the Red track in most or all cases where doing so was appropriate, and while it is likely that most of the unmarked forms were intended for the Green track, as appears to be the case in Eagle and Summit counties, the lack of Yellow track selections creates confusion about the use of the form and understanding of the track assignments.

2. Explore the basis for the heightened number of cases with elevated conflict and complexity indicators in Douglas County:

The issue ratings for Douglas County were considerably higher than for the other pilot sites, perhaps suggesting a more literal reading of the issue rating language than elsewhere, or perhaps suggesting the prevalence of unique conflict and complexity attributes among Douglas litigants, such as the increased involvement of lawyers. If the Triage Screening Tool seeks to identify causes for heightened concern or differential treatment, the ratings should be carefully associated with the circumstances that necessitate more substantial interventions or greater court attention. For instance, the Yellow rating on the Agreements issue reads “Partial agreement on issues.” A judicial officer may find that the parties have reached a partial agreement but have not yet had the opportunity to explore whether agreement is feasible on the remaining issues, and thus, no agreement exists. However, without evidence of significant disagreement or of conflict that will likely prevent further agreement, rating the issue as Yellow may be inappropriate. Problems that are common or generally solvable within the framework of the standard procedure (the Green track) should not be identified as a potential basis for elevated treatment.

3. Develop anchoring vignettes, equivalent training materials, or written explanations or definitions of the issues, with examples warranting Green, Yellow and Red treatment:

Doing so would assist with uniform and accurate case ratings on the Triage Assessment Tool. Used for years in surveys for self-reported health by the World Health Organization, anchoring vignettes attempt to map scales for a reported discrete dimension onto explicit, concrete examples in order to avoid “differential item functioning,” wherein respondents report different responses to the same question even though their experience or intended meaning is the same (or, alternatively, report the same response despite having different intentions). Ratings could be expressed in terms of the likelihood of requiring a certain type of response from the court or of complicating a particular stage of the process of the case. Another approach may be to consistently express issues in terms of the underlying determinants of those issues. For example, although only a handful of cases had comments attached to the Potential Settlement issue, all of them addressed the scope of assets and/or debt the parties held. There may be other factors that contribute to how difficult settlement will be for a couple, but those two appear to be a consequential component of it that is only made explicit in the language for the Green rating.

4. Complete the Triage Screening Tool from start to finish:

Another impediment to inference from the pilot data is the prevalence of roll-off. The observed tendency of users to score ratings for earlier items in the Screening Tool with more frequency suggests that issues were rated up to the point, when a track was selected, and the subsequent issues were not rated. This does suggest that the issues were informative to the track choice but obscures the relationships between issue ratings and between the ratings and track assignment. Issues further along on the Screening Tool, specifically Parenting Plan, Communication-Allegations, and Safety, have a powerful effect on elevated assignments when they are ranked, but perhaps this effect on elevated track assignments occurred because those issues were rated only when the first few issues were inconclusive. The fourth, fifth, and sixth

issues may have been more likely to be scored when they were consequential, and the previous issues were not, creating the appearance of an amplified impact.

## 6. Conclusion and Recommendations

The objective of this project was to apply triage and newly emerging practices in the management of domestic relations cases to a State that has already demonstrated innovation in this area. Colorado has long recognized that adversarial processes are inadequate to provide justice for families and has worked to simplify dissolution for the benefit of families. However, any change effort comes with challenges. For one, this project contemplated developing screening tools and processes that have not otherwise been broadly implemented across the country. For another, Colorado judges and family court facilitators are already working hard to stay up with domestic relations case filings and this project did not come with additional staffing. Despite challenges, the pilot jurisdictions involved here, and the State Court Administrator's Office moved forward within present abilities.

The project objective was to collaborate on the creation of a Triage Screening Tool that could be utilized to develop appropriate interventions to the unique needs of each family in domestic relations cases. Focus on the service needs of litigants related to the complexity and conflict in individual cases is important, and domestic relation courts usually do not use standard screening and assessment tools. A tool is useful in ensuring that all parties receive the benefit of the same decision-making processes. Effective development and utilization of a screening tool depends strongly on participating sites accepting ownership over the instrument. Interactive workshops during the tool development and testing processes inspired ownership by the pilot sites in this project. The Tool and the protocols were specifically designed to be responsive to the realities of each judicial district. Focus groups conducted with the pilot sites revealed that domestic relations professionals believed the resulting Tool provided benefit, particularly for jurisdictions seeking to implement triage practices. In collaboration of pilot judicial district sites in Douglas, Jefferson, Eagle and Summit Counties during the testing period, NCSC and SCAO worked with pilot sites to develop a Triage Screening Tool that was consistent with local practices and resource availability to manage cases within the green, yellow and red tracks depending on individual case characteristics.

Perhaps one of the greatest practical benefits of this project was the creation of a balanced scorecard for domestic relations case management. Based on national recommendations, SCAO set up a dashboard to monitor the management of domestic relation cases using existing available case management data to monitor cases according to efficiency, timeliness, complexity and conflict. Preliminary data acquired from the pilot sites show interesting findings that begin to show promise for future attempts at innovative management of domestic relation cases, despite facing challenges. Limited data from the pilot sites allude to the improvements like reduction of time for cases to be disposed and reduction of average case events for some sites. Initial usage of the Screening Tool also tested the issue ratings protocol and inclusion of cases into corresponding tracts. The early data offer a glimpse at the potential of bringing a new process to case management and the promise it holds if the tool is used with fidelity. Colorado is strongly encouraged to continue to use this tool over time to

monitor the impact of triage or any domestic relations case management practices to ensure that practices are assisting case management.

The pilot sites took on an ambitious and innovative project to help alleviate challenges encountered due to the absence of written protocols for case management professionals. Despite issues with implementing this program with no additional resources and working with staff already handling high caseloads, the participants successfully created a screening tool that offers promise. The SCAO and sites involved furthered the use of domestic relations triage by creating new tools, developing a domestic relations case management training curriculum and establishing a uniform system of monitoring cases. Throughout the testing process, case management data even pointed to the potential for modest indicators of process improvement.

Given progress made during this effort, Colorado could further develop processes to support a vision of triage and improved case management for families. The following recommendations are intended to help Colorado continue the forward momentum:

## 6.1 Improving Guidelines for Triage Use in Colorado DR Cases

- Convene a working meeting of willing members of the pilot to consider the tools developed in addition to the Triage Tool to refine based on lived experience;
- Consider reviewing the 589 cases addressed in the Triage Screening Tool in 6-9 months to assess whether:
  - The track selected served the purpose intended;
  - Further definition is needed for each of the issue areas;
  - Whether particular interventions (including interim orders, mediation, ENA, etc.) correlate with success on particular track assignments and/or with issue ratings (for example: Mediation does not correlate with settlement and minimal post-decree filings for cases assigned the Red Track; ENA correlates with settlement and minimal post-decree filings six months following permanent orders when the Parenting Plan issue was rated Yellow);
  - The initial track assignment changed, and if so, the basis for the change (e.g., a new factual development in the case, such as an arrest or inpatient psychiatric treatment, a new significant other, resulting in increased party conflict, etc.);
  - Certain issues are more or less accurate in predicting the correct track; For example, perhaps the presence of “Legal Issues,” which should be defined (e.g., questions of jurisdiction, common law marriage, etc., or alternately, defined as parties involved in other legal cases, such as criminal or civil protection order cases) are predictive of elevated track treatment; Perhaps the elevated treatment of the case on the Yellow or Red track proves on necessary, and perhaps instead, the Green track is more appropriate after the legal question is resolved; Alternatively, cases that are not assigned an elevated Yellow or Red track but that contain a Yellow or Red rating on the Parenting Plan issue, for example, may be more problematic and benefit from an elevated track assignment, with a higher level of intervention or court assistance, suggesting that the Parenting Plan issue should be more consequential in track selection than other issues; and
  - Survey litigants in the 589 cases.

## 6.2 Training Plan for Statewide Dissemination

The pilot sites and SCAO presented on domestic relations case triage generally and on this project specifically at the 2018 DR Best Practice Court Institute for Judges, Magistrates, Facilitators and Sherlocks. NCSC recommends that SCAO, the pilot sites and other interested jurisdictions consider feedback from that recorded forum to refine the Triage Screening Tool, consider adaptation and testing the utility of other resources developed during this project, and consider ongoing training regarding triage, including use of the webinar Workshops created during this project. Implementation of triage in additional locations should follow site visits, consider local domestic relations practices, and rely on available resources to tailor the court protocols for handling cases in each track assignment and/or with particular issue ratings, as occurred in Jefferson County. Districts considering systematizing their triage processes and/or using a version of the Triage Screening Tool should develop written protocols for administering it to ensure uniform administration. Districts are encouraged to involve personnel from the Clerk's office early on, and others whose work may be impacted by process changes. Districts are encouraged to obtain perspectives from external stakeholders potentially impacted, including perspectives from victim advocates for matters involving domestic violence. Any written materials generated for receipt by parties should be screened for appropriate word choice and reading level.

NCSC recommends continued consideration of triage processes through discussion with the piloting jurisdictions about the potential for implementation of a model triage protocol and screening tool statewide. Strategies learned from this pilot project should inform domestic relations triage reform in Colorado, building upon the valuable, but preliminary, information collected during this project.

## 7. Appendices

Triage Protocol - Plan A

Triage Protocol - Plan B

## Triage Protocol - Plan A



# COLORADO DOMESTIC RELATIONS CASE TRIAGE PROJECT



## MISSION STATEMENT

The purpose of this project is to develop and systematize triage practices based on existing triage principles and recommended protocols to better match case needs with existing resources, thereby improving the management of dissolution, legal separation and APR cases.

## TRIASGE TOOL DEVELOPMENT, PILOTING AND MONITORING

Through a series of online workshops and pilot site visits, project participants will develop and implement a domestic relations triage methodology that supports the sorting and management of cases by typology.

### PROJECT TIMELINE

#### September 2016

- Pilot Selection

#### October 2016

- Kickoff Meeting
- Teleconferences with Pilot Sites

#### November 2016

- Pilot Site Visits
- Workshop 1: Value of a Systematized Triage Approach and Review of Existing Data

#### December 2016

- Workshop 2: Data and Performance Measurement

#### January 2017

- Workshop 3: Case Typologies

#### February 2017

- Workshop 4: Nonstop Litigators, DV and Mental Health Issues

#### March 2017

- Workshop 5: Case Handling Protocols and Matching Services to Case Typologies

#### April 2017

- Workshop 6: Final Tool Development & Implementation Kickoff
- Pilot Site Visits

#### May—August 2017

- Pilot Site Implementation

#### September-October 2017

- NCSC Data Analysis and Report

#### November 2017

- Project Debrief

### PROJECT ACTIVITIES

#### Pilot Site Visits and Technical Assistance

Site visits will include:

- observation and information gathering of existing pilot site triage practices;
- meeting with pilot site implementation teams; and
- training on tool implementation and monitoring.

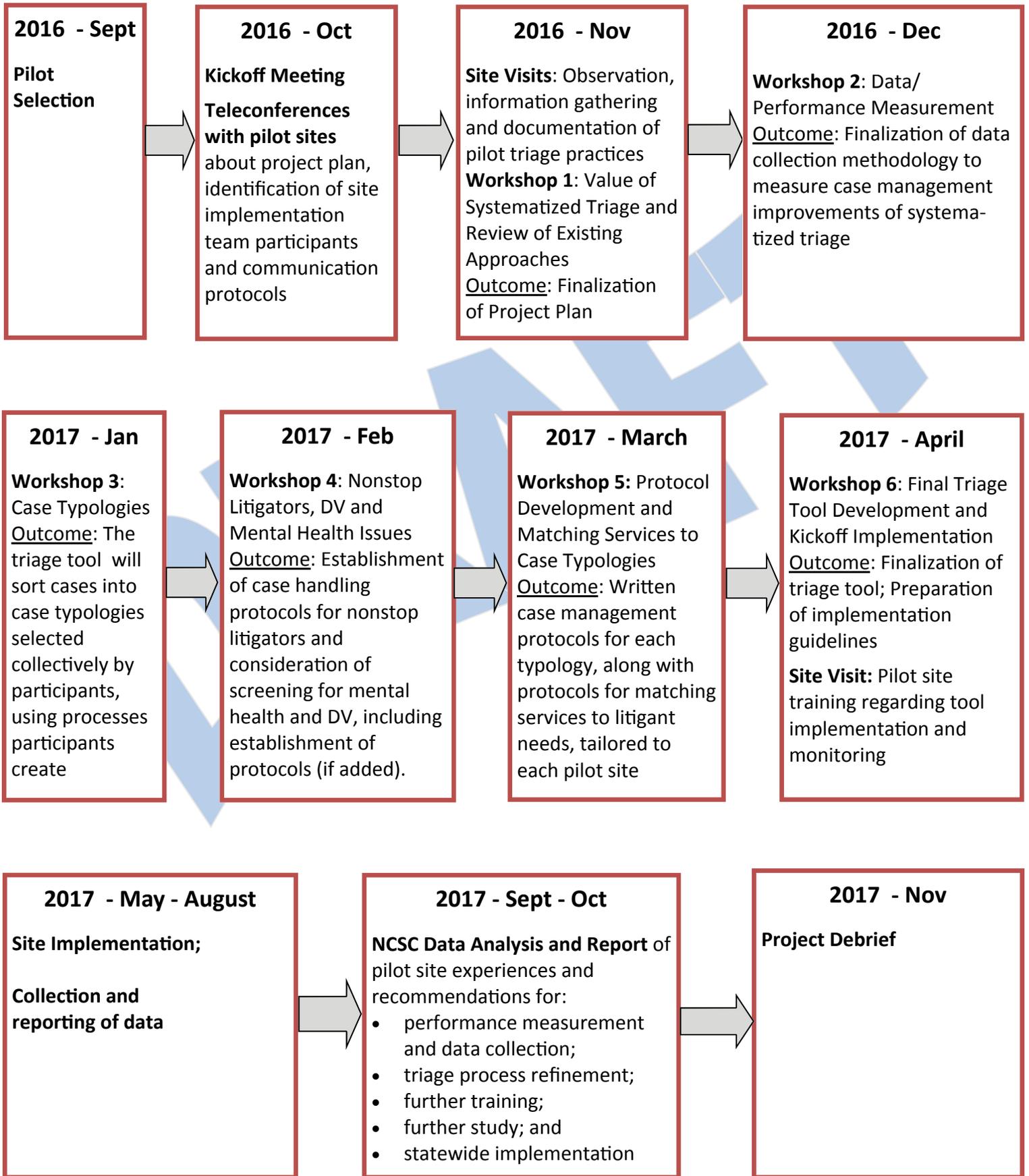
#### Principles of Triage Workshop Series

Online workshops will guide the development and implementation of the triage tool and establishment of performance measures. The workshops will draw from national experts in dissolution, emerging studies in effective triage practices and Colorado experts in family court facilitation and simplified dissolution to develop case typologies, services that match each, case processing protocols and performance measures. The interactive workshops will synthesize the most up-to-date research with information gathered in sites visits, ultimately producing a Colorado-specific systematized triage approach. Workshops include:

- **Workshop 1:** Value of a Systematized Triage Approach and Review of Existing Data
- **Workshop 2:** Data and Performance Measurement
- **Workshop 3:** Case Typologies
- **Workshop 4:** Nonstop Litigators, Domestic Violence and Mental Health Issues
- **Workshop 5:** Case Handling Protocols and Matching Services to Case Typologies
- **Workshop 6:** Final Triage Tool Development and Implementation Kickoff



# COLORADO DR TRIAGE PROJECT TIMELINE, MILESTONES AND MAJOR EVENTS



# COLORADO DOMESTIC RELATIONS CASE TRIAGE PROJECT PRINCIPLES OF TRIAGE WORKSHOP SERIES

## MISSION STATEMENT

The purpose of this project is to develop and systematize triage practices based on existing triage principles and recommended protocols to better match case needs with existing resources, thereby improving the management of dissolution, legal separation and APR cases.

**“As to methods,  
there may be a million and then some,  
but principles are few.**

**The woman who grasps principles  
can successfully select her methods”**

**– Ralph Waldo Emerson**

THROUGH A SERIES OF INTERACTIVE VIRTUAL WORKSHOPS, THE NATIONAL CENTER FOR STATE COURTS (NCSC) AND THE OFFICE OF THE STATE COURT ADMINISTRATOR (SCAO) WILL CONVENE DISCUSSION AND GUIDE PILOT SITE PARTICIPANTS IN THE DEVELOPMENT OF TRIAGE TOOLS, THEIR IMPLEMENTATION, AND ESTABLISHMENT OF PERFORMANCE MEASURES. PARTICIPATION OF YOUR WHOLE TEAM IS CRITICAL! THOSE UNABLE TO PARTICIPATE LIVE ARE URGED TO WATCH THE RECORDED WEBINARS. WEBINARS WILL BE TWO OR THREE HOURS EACH, BEGINNING AT NOON, WITH DATES TO BE ANNOUNCED.

## WHY A PRINCIPLES OF TRIAGE WORKSHOP SERIES?

By drawing upon national experts and emerging studies in effective DR practices, and in conjunction with Colorado’s experts in family court facilitation and simplified dissolution, this project will convene a series of workshops to refine principles of DR triage, incorporating:

- Recent studies of civil and domestic triage processes;
- Performance measurement and program monitoring to support resource needs;
- Typologies of DR cases;
- Proven case management and service delivery practices; and
- Social science and clinical research on working with parties in conflict.

Pilot sites will receive technical assistance to consider and identify solutions for existing business problems, consider existing data, maximize existing resources, identify service limitations and build strategies to support resource requests. This project will further the body of knowledge in DR triage practices across the state.

# COLORADO DOMESTIC RELATIONS

## CASE TRIAGE PROJECT PRINCIPLES OF TRIAGE WORKSHOP SERIES

### **WORKSHOP 1: VALUE OF A SYSTEMATIZED TRIAGE APPROACH; REVIEW OF EXISTING DATA** (NOON-2, NOVEMBER/DECEMBER 2016 DATE TBD)

LEARNING OBJECTIVES: THIS WORKSHOP WILL REVIEW LITERATURE ON DR CASE TRIAGE ACROSS THE NATION, INCLUDING PRACTICES IN COLORADO'S PILOT SITES. RELYING ON ITS EXPERTISE FROM NUMEROUS TRIAGE PROJECTS, THE NCSC WILL SHARE ITS PROJECT VISION AND SOLICIT YOUR FEEDBACK TO INCORPORATE INTO THE OFFICIAL PROJECT PLAN.

#### AGENDA:

- REVIEW OF TRIAGE LITERATURE FROM OTHER STATES
- REVIEW OF TRIAGE PRACTICES IN COLORADO PILOT SITES
- NCSC VISION FOR THE PROJECT
- PILOT SITE PARTICIPANT VISION FOR THE PROJECT
- Q&A FROM PILOT SITES
- NEXT STEPS

OUTCOME: THE OFFICIAL PROJECT PLAN PREPARED BY THE NCSC WILL REFLECT THE SPECIFIC PROCESSES TO BE UNDERTAKEN TO DEVELOP A SYSTEMATIZED APPROACH TO TRIAGE, INFORMED BY THE EFFORTS OF OTHER STATES, INPUT FROM NCSC AND PILOT SITE EXPERTS, AND TAILORED TO COLORADO.

### **WORKSHOP 2: DATA AND PERFORMANCE MEASUREMENT** (NOON-2, JANUARY 2017 DATE TBD)

LEARNING OBJECTIVES: LED BY RICHARD SCHAUFFLER, HEAD OF THE NCSC RESEARCH DIVISION, AND OFFICE OF THE STATE COURT ADMINISTRATOR DATA UNIT PERSONNEL, THIS WORKSHOP WILL IDENTIFY AVAILABLE COLORADO DOMESTIC RELATIONS CASE DATA, ADDRESS THE IMPORTANCE OF DATA COLLECTION, AND CONSIDER THE UTILITY OF AVAILABLE DATA IN MEASURING THE IMPACT OF A SYSTEMATIZED TRIAGE PROCESS ON CASE MANAGEMENT.

#### AGENDA:

- IMPORTANCE OF DATA COLLECTION
- REVIEW OF DATA AVAILABLE IN COLORADO
- DISCUSSION: UTILITY OF AVAILABLE DATA IN MEASURING SUCCESS OF SYSTEMATIZED TRIAGE APPROACH
- DISCUSSION: MISSING DATA AND SOURCES FOR GATHERING IT

OUTCOME: THE NCSC WILL FINALIZE THE METHODOLOGY FOR DATA COLLECTION DURING THE PROJECT IMPLEMENTATION PHASE TO ASSESS IMPROVEMENTS IN CASE MANAGEMENT, EFFICIENCY AND OVERALL PROJECT SUCCESS.

# COLORADO DOMESTIC RELATIONS

## CASE TRIAGE PROJECT PRINCIPLES OF TRIAGE WORKSHOP SERIES

### WORKSHOP 3: CASE TYPOLOGIES (NOON-2, FEBRUARY 2017 DATE TBD)

LEARNING OBJECTIVES: PARTICIPANTS WILL BRAINSTORM CASE TYPOLOGIES AND REACH A CONSENSUS ON THOSE TO BE USED DURING THE PROJECT, WHETHER BASED ON THE LEVEL OF CONFLICT, CASE COMPLEXITY, OR OTHER FACTORS IDENTIFIED BY THE PARTICIPANTS AS NECESSARY IN SORTING CASES INTO THE APPROPRIATE CASE MANAGEMENT PATH.

#### AGENDA:

- REVIEW OF POTENTIAL TYPOLOGIES
- CASE TYPOLOGY BRAINSTORM
- DISCUSSION AND DECISIONS REGARDING CASE TYPOLOGIES TO BE UTILIZED

#### OUTCOME:

THE TRIAGE TOOL UNDER DEVELOPMENT WILL SORT CASES INTO THE CASE TYPOLOGIES SELECTED COLLECTIVELY BY THE PARTICIPANTS, USING PROCESSES CREATED BY THE PARTICIPANTS.

### WORKSHOP 4: NONSTOP LITIGATORS, DOMESTIC VIOLENCE AND MENTAL HEALTH ISSUES (NOON-3, MARCH 2017 DATE TBD)

LEARNING OBJECTIVES: WHILE THE NUMBER OF CASES WITH NONSTOP FILINGS MAY BE SMALL, THEY CAN EASILY OVERWHELM JUDICIAL AND LITIGANT RESOURCES. WE WILL REVIEW RECOMMENDED CASE MANAGEMENT STRATEGIES FOR THESE CASES AND CREATE CASE MANAGEMENT PROTOCOLS FOR THEM. EXPERTS WILL ALSO DISCUSS DOMESTIC VIOLENCE AND MENTAL HEALTH SCREENING, INCLUDING LOGISTICAL ASPECTS, SUCH AS THE PURPOSE FOR SCREENING AND WHO, WHEN, WHERE, AND HOW TO CONDUCT IT USING OR ADAPTING EXISTING SCREENING TOOLS. AFTER CONSIDERING SCREENING OPTIONS, PARTICIPANTS WILL DETERMINE HOW TO WORK MOST EFFECTIVELY WITH CASES INVOLVING DOMESTIC VIOLENCE AND/OR MENTAL HEALTH AS PART OF THE PILOT TRIAGE METHODOLOGY.

#### AGENDA:

- RECOMMENDED CASE MANAGEMENT STRATEGIES FOR THE NONSTOP LITIGATORS
- EXISTING CASE MANAGEMENT STRATEGIES FOR THE NONSTOP LITIGATORS
- 5 W'S OF DV SCREENING
- 5 W'S OF MENTAL HEALTH SCREENING
- FACILITATED PARTICIPANT DISCUSSION AND DECISIONS ON HOW TO WORK MOST EFFECTIVELY WITH CASES INVOLVING DOMESTIC VIOLENCE AND/OR MENTAL HEALTH AS PART OF THE PILOT TRIAGE METHODOLOGY

#### OUTCOME:

THE TRIAGE TOOL WILL INCLUDE OR EXCLUDE SCREENING FOR MENTAL HEALTH AND/OR DOMESTIC VIOLENCE ISSUES, BASED ON THE COLLECTIVE DETERMINATION OF THE PARTICIPANTS. IF INCLUDED, PARTICIPANTS WILL REACH CONSENSUS ON SCREENING PROTOCOL (WHO, WHAT, WHEN, WHERE, WHY AND HOW) AND IF EXCLUDED, PARTICIPANTS WILL DETERMINE OTHER MEANS OF DIRECTING LITIGANTS TOWARD RESOURCES. DURING OR AFTER THIS WORKSHOP, PARTICIPANTS WILL ALSO DEVELOP CASE MANAGEMENT PROTOCOLS FOR THE NONSTOP LITIGATORS.

# COLORADO DOMESTIC RELATIONS

## CASE TRIAGE PROJECT PRINCIPLES OF TRIAGE WORKSHOP SERIES

### **WORKSHOP 5: CASE HANDLING PROTOCOLS AND MATCHING SERVICES TO CASE TYPOLOGIES** (NOON-3, MARCH 2017 DATE TBD)

LEARNING OBJECTIVES: FACILITATED BY THE NCSC TEAM, PILOT SITES WILL ESTABLISH CASE HANDLING PROTOCOLS FOR EACH CASE TYPOLOGY OTHER THAN THE “NONSTOP LITIGATORS” ADDRESSED IN WORKSHOP 4, FROM PRE-FILING THROUGH PERMANENT ORDERS, INCLUDING QUESTIONS TO BE ASKED OF THE LITIGANTS AND THE FORMAT FOR ASKING THOSE QUESTIONS (WHO WILL ASK, WHEN, WHERE, AND HOW) AND INDEPENDENT REVIEW OF OTHER DATA (E.G., PRIOR DR FILINGS, PROTECTION ORDERS, D&N CASES, CRIMINAL CASES, ETC.). PILOT SITES WILL IDENTIFY AVAILABLE LOCAL OR ONLINE RESOURCES AND DETERMINE HOW TO BEST INTEGRATE THESE RESOURCES INTO CASE MANAGEMENT PROTOCOLS FOR EACH TYPOLOGY.

#### AGENDA:

- IDENTIFICATION OF AVAILABLE LOCAL OR ONLINE RESOURCES
- DISCUSSION OF APPROPRIATE USE OF RESOURCES FOR EACH CASE TYPOLOGY
- ESTABLISHMENT OF CASE MANAGEMENT PROTOCOLS AND TIME FRAMES FOR EACH TYPOLOGY

OUTCOME: CONSENSUS-BASED WRITTEN CASE MANAGEMENT PROTOCOLS WILL EXIST FOR EACH CASE TYPOLOGY, ALONG WITH PROTOCOLS FOR MATCHING SERVICES TO LITIGANT NEEDS, TAILORED TO EACH PILOT SITE.

### **WORKSHOP 6: FINAL TRIAGE TOOL DEVELOPMENT AND IMPLEMENTATION KICKOFF** (NOON-2, APRIL 2017 DATE TBD)

LEARNING OBJECTIVES: GUIDED BY THE NCSC AND SCAO TEAMS, PILOT SITES WILL FINALIZE THE CREATION OF A WRITTEN TRIAGE TOOL THAT SORTS CASES INTO CASE TYPOLOGIES AND INCORPORATES PROTOCOLS FOR MANAGEMENT OF EACH CASE TYPE, BASED ON THE DISCUSSIONS AND DECISIONS FROM PRIOR WORKSHOPS.

#### AGENDA:

- FINALIZE WORK ON TRIAGE PROCESSES

OUTCOME: PARTICIPANTS WILL HAVE A FINALIZED DR TRIAGE TOOL AND ESTABLISHED CASE MANAGEMENT PROTOCOLS FOR EACH CASE TYPOLOGY, ALONG WITH A SYSTEM FOR PERFORMANCE MEASUREMENT AND PROGRAM MONITORING.

## Colorado Domestic Relations Triage Project Data Collection and Analysis Plan



Project Implementation, as proposed, does not involve additional steps for data collection within the pilots for purposes of analysis by the SCAO Data Unit or the National Center for State Courts. The Implementation Plan does propose a method of tracking the path of a case through the system for purposes of case handling. There are no automated codes that allow data collection on case path or path changes, absent manual data collection. Likewise, no litigant survey has been proposed. Time permitting, this possibility may be discussed at the Implementation Kickoff. Survey administration would likely occur three or six months following case closure, removing the urgency of decisions on this issue.

1. **Time to Disposition**: The SCAO Data Unit will calculate and provide time to disposition on a quarterly basis for the pilots, using the timeframe in Chief Justice Directive 08-05 (95% within 365 days) and will include 90- and 180-day increments.

2. **Age of Pending Caseload**: The SCAO Data Unit will produce this report on a quarterly basis and is requesting a modification of the existing report to allow more flexibility, resulting in information by specific locations and for specific case classes, rather than statewide and for all case classes. The report may include 90-day and 180 days cut points in the reporting.

3. **Complexity** and 4. **Conflict**: The question remains how to measure **complexity and conflict**. Possible proxies include:

Complexity: Count of events from filing to entry of judgment; and

Conflict: Count of events in first six months after entry of judgment.

Are these measures good proxies for conflict and complexity? If so, is this meaningful data to gather? Are there other available events or measures for complexity and conflict? What event or code constitutes entry of judgment?

5. **Litigant Surveys**: Existing Access and Fairness surveys cannot be altered for this pilot project. We considered use of Access and Fairness surveys as a baseline measure for all three pilots. Surveys include responses from those at court for a “Family” matter, a broad category exceeding both DR case types and the scope of the pilot. The data was insufficient in Summit County (0 cases in 2016 and 2 in 2012). In Douglas, there were 19 responses for 2013 and in Jefferson County, 56 in 2015. If the group decides to administer litigant surveys, the Data Unit may be able to assist with data entry and analysis of any surveys done in the pilots, depending on other projects and time frames.

6. **Judge/Staff Perspectives**: Kara will host three telephone Focus Groups to gather judicial officer and staff perspectives on the project and triage processes. Participants may select a date to participate: October 11, 16 or 30 (noon–1). Kara will distribute conference call instructions.

# DRAFT COLORADO DOMESTIC RELATIONS TRIAGE HANDBOOK

Generous input from 2016-2017 DR Triage participants and oversight by the Standing Committee on Family Issues led to creation of this handbook. The pilot test of these processes from June through September 2017 will result in their refinement.

**MISSION STATEMENT** The purpose of this project:

- To develop and systematize triage practices based on existing triage principles and recommended protocols that better match case needs with resources or interventions and
- To improve the management of dissolution, legal separation and APR cases by eliminating unnecessary steps and delay and “right sizing” court involvement and interventions,
- thereby resulting in
  - the best use of judicial resource time and expertise;
  - earlier access to appropriate interventions; and
  - informed litigants making informed choices.

## PILOT COURTS

- 1<sup>st</sup> Judicial District (Gilpin and Jefferson Counties)
- 5<sup>th</sup> Judicial District (Clear Creek, Eagle, Lake and Summit Counties)
- Douglas Count (18<sup>th</sup> Judicial District)

**SCOPE** New APR, Dissolution and Legal Separation cases

FY 2016 District Court Domestic Relations Filings by Case Type					
	APR	Dissolution	Legal Separation	Total (12/months)	Anticipated Filings during Implementation
1 <sup>st</sup> JD	560	2,418	83	3,061	<b>1,022</b>
5 <sup>th</sup> JD	71	344	12	427	<b>142</b>
Douglas	126	1315	59	1,500	<b>500</b>

**IMPLEMENTATION OVERVIEW**, pages 2-5

- Proposed time frame, page 2
- Proposed triage user guide, pages 2-3
- Proposed triage processes, pages 4

**CONTACTS**, page 4

## APPENDICES

### Appendix 1, for litigants

- 1A: Proposed case party questionnaire (1sided, litigant turns in at ISC)
- 1B: Proposed fast track letter, fast track case solutions (2 sided, litigant keeps)
- 1C: Proposed “my case plan” and notes (1 sided, litigant keeps)
- 1D: Proposed survivor information and resources (2 sided, litigant keeps)

### Appendix 2, for judicial officers and court staff

- 2A: Proposed DR local resource list
- 2B: Proposed mental health bench card
- 2C: Proposed substance abuse bench card
- 2D Proposed order to obtain interventions or services

**IMPLEMENTATION OVERVIEW**

**Proposed Time Frame**

May 11  
 June 1 through Sept. 29  
 Oct. 11 (12-1 TeleConference)  
 Oct. 16 (12-1 TeleConference)  
 Oct. 30 (12-1 TeleConference)  
 Oct. 1 through Nov. 30

**Event**

**Final triage tool development/Implementation Kickoff Site Implementation;** Collection and reporting of data  
**Focus Group 1:** Judge and Court Staff Perspectives  
**Focus Group 2:** Judge and Court Staff Perspectives  
**Focus Group 3:** Judge and Court Staff Perspectives  
 National Center for State Court analysis and report on

- performance measurement and data collection;
- triage process refinement;
- further training;
- further study; and
- statewide implementation

**Proposed Triage User Guide**

*The right amount of process and oversight at the right time*

<b><u>Green Path/Fast Track</u></b>	<b><u>Yellow Path</u></b>	<b><u>Red Path</u></b>
<ul style="list-style-type: none"> <li>• Speedy track to decree</li> <li>• Agreement on most or all issues</li> </ul>	<ul style="list-style-type: none"> <li>• Case needs some attention</li> <li>• Not a full agreement</li> <li>• No or few complications</li> </ul>	<ul style="list-style-type: none"> <li>• Little or no agreement</li> <li>• High conflict or high complexity</li> <li>• More than a few complications</li> </ul>
<p style="text-align: center;"><b><u>Indicators</u></b></p> <ul style="list-style-type: none"> <li>• Full/partial agreement; or</li> <li>• “Don’t know” if there is agreement</li> <li>• Maintenance not sought or agreed upon</li> <li>• CS calculation help needed</li> <li>• Obvious solutions</li> <li>• No known power/control issues</li> <li>• Some ability to communicate</li> <li>• Perceived ability to resolve case with help</li> <li>• Short marriage</li> <li>• Long separation</li> </ul>	<p style="text-align: center;"><b><u>Indicators (No more than 1)</u></b></p> <ul style="list-style-type: none"> <li>• At least 1 party perceives some likelihood of agreement</li> <li>• Jurisdictional dispute</li> <li>• Common law marriage or invalidity dispute</li> <li>• Paternity question</li> <li>• Nonparent party</li> <li>• Pending criminal case</li> <li>• Pending D&amp;N</li> <li>• Incarceration of a party</li> <li>• Stipulated case management order</li> <li>• Complicated financials</li> <li>• Planned relocation</li> <li>• Child with special needs</li> <li>• Party with disabilities</li> <li>• Disparate answers on party questionnaire</li> <li>• One or fewer “complications”</li> </ul>	<p style="text-align: center;"><b><u>Indicators</u></b></p> <ul style="list-style-type: none"> <li>• High conflict interactions</li> <li>• High conflict allegations/filings</li> <li>• Safety-related allegations (DV, child abuse)</li> <li>• Child resisting parenting time</li> <li>• Observed or alleged power/control disparity</li> <li>• Complexities (substance abuse, MH, complex financial facts)</li> <li>• Request/need for immediate court remedy</li> <li>• High volume filings</li> <li>• Unreasonable positions (no PT, no CS, both seek maintenance, etc.)</li> </ul>

<u>Actions to Consider</u>	<u>Actions to Consider</u>	<u>Actions to Consider</u>
<ul style="list-style-type: none"> <li>• Abbreviated processes/ expedited docket</li> <li>• Waiver of ISC</li> <li>• Sherlock/FCF assistance through status conference, doc review, sample parenting plans, CS calculation</li> <li>• Referrals, including legal clinics</li> <li>• ADWO/DRNC – 91 days</li> </ul>	<ul style="list-style-type: none"> <li>• Judge rap</li> <li>• Interim stip with FCF help</li> <li>• Temp orders</li> <li>• Early appointment of needed experts (\$, voc, CFI, etc.)</li> <li>• FCF follow up and issue narrowing</li> <li>• FCF doc review</li> <li>• Mediation</li> <li>• Settlement conference</li> <li>• ENA if child expert input needed but no safety issues</li> <li>• Referrals, including legal clinics</li> </ul>	<ul style="list-style-type: none"> <li>• Judge rap</li> <li>• Interim and/or temp orders</li> <li>• Set for contested PO</li> <li>• Judicial officer follow up - Status conferences, TSC or PTCs</li> <li>• Discovery orders</li> <li>• Early appointment of experts (\$, business eval, PRE, etc.)</li> <li>• Early order for evals when allegation has evidentiary basis</li> <li>• Full processes and remedies</li> <li>• Clear, detailed orders</li> <li>• SA, MH, DV, child abuse safeguards</li> <li>• Quick enforcement of compliance and/or review</li> <li>• Special master for complicated financial or property issues</li> <li>• In camera interview of teen child</li> <li>• Consider: Mediation not recommended</li> <li>• Referrals, including level 2 parenting class if no DV</li> </ul>

**Proposed Triage Process.** Triage provides the right amount of process and oversight at the right time by identifying case characteristics that lead to the path that best fits.

1. **Triage Packet.** Litigant files case with clerk’s office and receives triage packet for self and opposing party:
  - a. Case questionnaire for each party. The litigant completes the questionnaire and returns it to the court at the ISC. Appendix 1A.
  - b. Fast track letter & fast track case solution overview, explaining the fast track process. The litigant keeps this form. Appendix 1B.
  - c. My case plan and notes. The litigant keeps this form. Appendix 1C.
  - d. Survivor information & resources. The litigant keeps this form. Appendix 1D.
  
2. **Safety/Court Involvement Review.**
  - a. Civil protection orders against either party (past 5 years to present)
  - b. D&N naming either party as respondent (present)
  - c. Criminal cases naming either party as defendant (past 5 years to present)

FCF, division staff or judicial officer records the results of this review, if any, and notes case numbers.

3. **DR File Review.** Prior to ISC, FCF, division staff or JO reviews DR filings for:
  - a. safety or emergencies and conflict indicators (e.g., petition, any response, motions to restrict, abduction prevention, motion for TO, complaint for TPO, etc.); and
  - b. readiness for resolution: what documents are missing?

FCF, division staff or judicial officer records results of this review.

4. **ISC.** At ISC, FCF/JO reviews entries from Steps 2, 3 and party questionnaire. FCF/JO enters MINC/MINO copying and pasting below template to capture critical information from party questionnaire without uploading it into JPOD:

Marriage length:

Time separated:

Stip PP or SA?

Disputed issues:

Missing docs:

Stated likelihood of agreement (low, med, high):

Stated emergencies:

Conflict level (low, med, high):

Complex issues/complications:

Current DM:

Current PT:

Interventions:

Deadlines:

Case path (green, yellow, red):

At ISC, FCF or judicial officer will:

- Inquire about past efforts to reach agreement where partial agreement or uncertainty as to agreement is indicated on party questionnaire; and
- Inquire about any problems indicated in party questionnaire (“Your Kids, Property and Jobs” and “Complications”);
- Assess for path and interventions (see above chart).

5. **Next Steps.** FCF/JO identifies next step, depending on path and specific issues (see above chart and/or Appendix 2 tools for interventions, services or referrals and/or for further inquiry about specific issues. Next steps vary based on JD.

6. **Path Change.** FCF, division staff or judicial officers notes in Eclipse any time the case changes path:
  - a. When litigants opt into a different path; or
  - b. FCF/JO identifies need for path change: settlement→green path; new problem→yellow/red path

**CONTACTS** Please contact Kara Martin, 720.625.5963 or [kara.martin@judicial.state.co.us](mailto:kara.martin@judicial.state.co.us), or Alicia Davis, 303.308.4331 or [adavis@ncsc.org](mailto:adavis@ncsc.org), with any questions.

Case Questionnaire, Case # \_\_\_\_\_

Completed by \_\_\_\_\_

**Each party should answer this Questionnaire and bring it to the Initial Status Conference**

Have you and the other party agreed to all parts of the Parenting Plan and Separation Agreement and signed them?	Yes	No	Don't Know	Part Agreement
<b>Parenting Plan (JDF 1113): Answer only if you have children together and they are under age 19</b>				
<b>Section A: Decision-Making</b> - Plan for making major decisions about kids' education, health and religion				
<b>Section B: Parenting Time</b> - Plan for kids spending time with each parent				
<b>Section C: Relocation</b> - Any plans if a party moves				
<b>Section D: Payment of Child Support, Insurance and Other Expenses</b>				
<b>Section E: Tax Exemptions</b>				
<b>Separation Agreement (JDF 1115): Answer only if you are married to each other and filed for legal separation or dissolution (divorce)</b>				
<b>Section 1: Property</b> - Plan for who will keep what - furniture, cars, home, bank or retirement accounts, etc.				
<b>Section 2: Debts</b> - Plan for who will pay each debt				
<b>Section 3: Taxes</b> - Plan for filing taxes the year of dissolution/legal separation				
<b>Section 4: Spousal Support</b> - Plan for payment (or no payment) of spousal support (also called alimony or maintenance)				

**How likely are you and the other party to agree on a Separation Agreement and Parenting Plan with some help?**

←
Definitely!
Maybe
Never!
→

Your Kids, Property, and Jobs		Both of us	Me	Other Party	Neither	Don't Know
<b>If married:</b>	<b>Financial Documents:</b> Who has financial documents (i.e. bank records, tax returns, bills, etc.)?					
	<b>Spousal Support:</b> Who will ask for spousal support, alimony, or maintenance?					
<b>Businesses:</b> Who owns a business?						
<b>Trusts:</b> Who is the beneficiary of any trust?						
<b>Jobs:</b> Who works full time?						
<b>Disability:</b> Who cannot work because of a disability?						
<b>Major Decisions about Kids:</b> Who makes these decisions now?						
<b>Parenting Time:</b> Who do the kids mostly live with?						
<b>Current Schedule:</b> Who agrees with the current parenting schedule?						

**Do you have any of these problems?**

- |   |   |
|---|---|
| <input type="checkbox"/> I have nowhere to live<br><input type="checkbox"/> Normal bills are not paid<br><input type="checkbox"/> I have no access to our money (if married)<br><input type="checkbox"/> I have concerns about alcohol/drug use | <input type="checkbox"/> I have not seen our child since _____<br><input type="checkbox"/> Our child is not safe _____<br><input type="checkbox"/> Plans to move _____<br><input type="checkbox"/> Other: _____ |
|---|---|

\_\_\_\_\_ County Combined Court  
Domestic Relations Team  
Street Address  
City, State, Zip



Re: Your Family Court Case

Greetings,

We received the papers filed in your divorce (“dissolution”), legal separation, or custody (“parental responsibilities”) case. You have choices in your path through the family court system. To help you choose the best path for your family, please read these three papers in your packet:

- Fast Track Letter to Parties: Our Fast Track Family Case Program can give you a simple, quick and inexpensive court experience. With Fast Track, your case could potentially end 91 days after it started. The Family Court Facilitator, Judge or Magistrate will tell you whether you qualify for Fast Track during your Initial Status Conference.
- Case Questionnaire: Please answer the questions on the Case Questionnaire. The Questionnaire will help us understand what help you need to resolve your case. Please bring the Questionnaire to your Initial Status Conference.
- My Case Plan: Court processes can be overwhelming. “My Case Plan” can help you with what to do next in your case. Please bring it to your Initial Status Conference.

We look forward to working with you as you move toward a solution for your case.

Sincerely,

\_\_\_\_\_ County Domestic Relations Team



## FAST TRACK FAMILY CASES

**You have choices** in your path through the court system, from making your own agreements to having a judge decide your case after a trial. You may qualify for the Fast Track program, the fastest, simplest, least expensive path through court. **Fast Track is for people who want to quickly get in and out of court.** It works if you have – or almost have - agreement about the big decisions to be made in your case regarding the division of property and debt, maintenance/alimony payments, and major child-related issues.

The Family Court Facilitator or Self Represented Litigant Coordinator can help you decide whether Fast Track may be a fit for you. Fast Track may not work for complicated or high conflict cases.

Does this sound like you?	If so, then consider:	Fast Track?
You can talk to the other party and have no major disagreements	Asking the Self-Represented Litigant Coordinator or Family Court Facilitator about court forms and processes	✓maybe
You can talk to the other party but need help making a parenting schedule	<ul style="list-style-type: none"> <li>• Mediation; or</li> <li>• Early Neutral Assessment (an attorney and mental health professional help both parties create a parenting schedule)</li> </ul>	✓maybe
Talking to the other party is tough but there are: <ul style="list-style-type: none"> <li>• no debts or property to divide</li> <li>• no requests for spousal support</li> <li>• no kids together (or agreement on “kid” issues)</li> </ul>	Asking the Self-Represented Litigant Coordinator or Family Court Facilitator for help writing your agreements	✓maybe
You need information about dividing property, debts, spousal support or child support	<ul style="list-style-type: none"> <li>• Hiring a lawyer or applying to Colorado Legal Services for one; or</li> <li>• Asking questions to the Self-Represented Litigant Coordinator or Family Court Facilitator</li> </ul>	✓maybe
You need a brief investigation and recommendations about your child	Asking the court to appoint a Child and Family Investigator	X not likely
You worry about your child’s safety because of drug/alcohol use, mental health or child abuse	Asking for: <ul style="list-style-type: none"> <li>• a Parental Responsibility Evaluation;</li> <li>• a substance abuse assessment/evaluation;</li> <li>• a temporary orders or emergency hearing; or</li> <li>• parenting time safeguards</li> </ul>	X not likely
You and/or your child are unsafe	Talking to an advocate for survivors of domestic violence for safety planning, shelter, protection order, parenting time safeguards and other help	X not likely

*With Fast Track, you can complete your case and receive your Decree in as little as 91 days*

# MY CASE PLAN

*This page is for you to keep.*

Going through the court system when family relationships change can be overwhelming. For help, you can ask questions to the Self-Help Represented Litigant Coordinator. You can talk with the Family Court Facilitator. Court staff can't give you legal advice, but they can answer many questions. You can also find court forms and instructions at [https://www.courts.state.co.us/Self\\_Help/family/](https://www.courts.state.co.us/Self_Help/family/).

**Help You Need** - Please tell us if you need information about:

Bilingual court forms/interpreter (formularios en español/ un intérprete)	Your child's schedule (with each parent)	Domestic violence (safety planning, shelter, protection order, counseling, etc.)
Filling out court forms	How major decisions for your child can be made (health, school, religion, etc.)	Stopping conflict between parents to protect your child
Low cost or free legal services (for those who qualify)	Tools for communicating or talking with the other parent	Help reaching agreements (mediation)
Dividing debts and property (what you owe and what you have)	Calculating child support according to Colorado law	Co-parenting classes
Spousal support or maintenance ("alimony")	Child Support Services (the county office that helps set, change or collect child support)	Out of courtroom divorce/custody (collaborative divorce, early neutral assessment, etc.)

My **Next Event** is \_\_\_\_\_ at \_\_\_\_\_ am/pm.

I will attend my Next Event at:

\_\_\_\_\_ Combined Court  
Address  
City, State, Zip Code  
Phone Number

**To Do List and Deadlines:**

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



### Survivor Information and Referrals

*This page is for you to keep.*

This information is given to all parties in legal separation, dissolution/divorce and parental responsibility/ custody cases. There are different paths for your case. The Self-Represented Litigant Coordinator or Family Court Facilitator can talk with you about these options and about the documents that must be filed but cannot keep information you disclose confidential. If you are a survivor or victim of domestic violence, abuse or sexual assault, you may want to talk with a victim advocate or attorney about your options and may want to create a safety plan for yourself and your children.

Case Paths		
Cases with Full Agreements Less Court Involvement	Cases with Some Agreements Medium Court Involvement	High Conflict/Highly Complex Cases Most Court Involvement
<p><b>Possible Benefits</b></p> <ul style="list-style-type: none"> <li>• quick (maybe within 91 days)</li> <li>• fewer court hearings</li> <li>• may be less intrusive; the judge may still ask questions about the agreements if there are past or current domestic violence, child abuse or civil protection order cases</li> </ul>		<p><b>Possible Benefits</b></p> <ul style="list-style-type: none"> <li>• may result in more protective court order for you and/or your child (such as protection orders, parenting time restrictions, civil protection orders, etc.)</li> <li>• may be more likely to lead to a fair outcome and/or an outcome in the child’s best interests</li> <li>• may provide the opportunity to stand up or advocate for yourself</li> </ul>
<p><b>Possible Drawbacks</b></p> <ul style="list-style-type: none"> <li>• unequal bargaining power</li> <li>• result may be less favorable</li> <li>• may provide fewer safeguards for you and/or your child (such as protection orders, parenting time restrictions, etc.)</li> </ul>		<p><b>Possible Drawbacks</b></p> <ul style="list-style-type: none"> <li>• takes longer</li> <li>• may be more expensive</li> <li>• more court hearings</li> <li>• may be more intrusive</li> </ul>
<p>How involved do you want the court to be in making decisions? What path is safest or best for you and/or your children?</p>		

**Under Colorado law**, courts can order protection for victims of domestic violence and their children. In determining the “best interest of the child” and deciding parenting time and decision-making, courts must consider domestic violence, sexual assault and child abuse. If there have been criminal cases involving domestic violence, child abuse or protection orders involving your family, the judge may ask questions about these issues. The court may appoint a Child and Family Investigator or Parental Responsibility Evaluator to investigate and make recommendations, but not decisions, about parenting time and decision-making.

Some survivors disclose domestic abuse or child abuse to request court orders that are protective. Other survivors fear that disclosing this information will increase the danger. Although judges receive training about domestic violence, some survivors worry that an abuser will be better able to persuade the judge if the case goes to trial. A person with concerns about domestic violence or child abuse can choose to inform the court in several ways: 1) Through statements made in a petition or motion, including the paperwork for a civil protection order; 2) Through statements made during court conferences, hearings or trials; or 3) Through an attorney; or 4) Through statements made to a Child and Family Investigator or Parental Responsibility Evaluator. The court cannot keep your disclosure confidential. You may want to first talk with a victim advocate about the decision to disclose.

### Mediation

If you don't have a full written agreement - a parenting plan and separation agreement – the court may order mediation. Mediation is a confidential process where a neutral person tries to help you and the other party reach agreement. Unlike a judge, mediators can't make a decision if no agreement is reached. Courts can order mediation when people do not agree on a parenting time schedule, the making of major decisions for children, calculation of child support, division of debts and property, payment of spousal support and other issues. ***Colorado law allows courts to refer cases to mediation, except when a party claims to have been the victim of physical or psychological abuse by the other party and is unwilling to participate in mediation.***

In joint mediation sessions, you and the other party would be in the same room and the mediator would talk with you both together. In shuttle mediation, you would each be in different rooms and the mediator would go back and forth to help you reach agreement. Mediators with the Office of Dispute Resolution are trained to screen for domestic violence before the mediation session starts.

Some survivors of domestic violence may feel comfortable participating in mediation, while others may not. Some mediators ask questions before the mediation to make sure that mediation is a good idea. Mediation may not be a good idea if one person holds more power or control than the other person because the people may not be on equal footing to bargain or negotiate an agreement. Only you know whether you will be comfortable and feel safe participating in mediation.

You may ask the Family Court Facilitator or Self-Represented Litigant Coordinator for ***information about protection orders or resources for shelter, safety planning or other support for survivors of domestic violence, abuse or sexual assault.*** Court staff cannot communicate confidentially with you. Therefore, you may want to consult domestic a domestic violence advocacy or support center. For court civil protection order information and forms, go to [https://www.courts.state.co.us/Self\\_Help/protectionorders/](https://www.courts.state.co.us/Self_Help/protectionorders/).

### Domestic Violence Resources

- **National Domestic Violence Hotline**, (800) 799-7233: Provides safety planning, protection order assistance and local referrals at for free, confidential services provided in more than 100 languages.
- Local Resources:


## Domestic Relations Resources for the \_\_ Judicial District

<b>General Court Appointment Resources</b>		
<b>Service/Type of Provider</b>	<b>Contact Information</b>	<b>Use and Services Provided</b>
<p><b>Child and Family Investigators</b></p> <ul style="list-style-type: none"> <li>• §14-10-116.5, C.R.S.</li> <li>• CJD 04-08 (all CFIs)</li> <li>• state and private pay</li> <li>• CJD 04-05 (state pay)</li> </ul>	<ul style="list-style-type: none"> <li>• Must be on Statewide Eligibility List and District Roster, at <a href="https://www.courts.state.co.us/Administration/Section.cfm?Section=jp3dompr">https://www.courts.state.co.us/Administration/Section.cfm?Section=jp3dompr</a>; Click: “Current Judicial District Rosters”</li> <li>• Appointee often suggested by counsel</li> <li>• For MH professionals (Reg. Psychotherapists, LPC, LCSW, CAC, Psychologists, LMFT), public disciplinary history at <a href="https://apps.colorado.gov/dora/licensing/Lookup/LicenseLookup.aspx">https://apps.colorado.gov/dora/licensing/Lookup/LicenseLookup.aspx</a>;</li> <li>• Multi-Disciplinary member directories: MDIC: <a href="http://metrodenveridc.com/members/">http://metrodenveridc.com/members/</a> BIDC: <a href="http://www.boulderidc.org/online_directory/alphamembers.php">http://www.boulderidc.org/online_directory/alphamembers.php</a> CO AFCC: <a href="http://www.coafcc.org/online_directory/alphamembers.php">http://www.coafcc.org/online_directory/alphamembers.php</a></li> <li>• For state pay, CFI must have/create Court Appointed Counsel account</li> <li>• Questions: contact <a href="mailto:kara.martin@judicial.state.co.us">kara.martin@judicial.state.co.us</a> or <a href="mailto:abby.miller@judicial.state.co.us">abby.miller@judicial.state.co.us</a></li> </ul>	<ul style="list-style-type: none"> <li>• Brief focused assessment regarding parenting time or decision-making</li> <li>• Order of appointment should narrowly state scope of appointment</li> <li>• Not appropriate for cases requiring in depth evaluation and multiple credible concerns (e.g., SA, MH, DV, child abuse, etc.)</li> </ul>
<p><b>Parental Responsibility Evaluators</b></p> <ul style="list-style-type: none"> <li>• §14-10-127, C.R.S.</li> <li>• no applicable CJD</li> <li>• no state pay option</li> </ul>	<ul style="list-style-type: none"> <li>• No statewide list</li> <li>• Appointee often suggested by counsel</li> <li>• Must be licensed MH professional</li> <li>• Can look up public disciplinary history of appointee at <a href="https://apps.colorado.gov/dora/licensing/Lookup/LicenseLookup.aspx">https://apps.colorado.gov/dora/licensing/Lookup/LicenseLookup.aspx</a></li> <li>• Multi-Disciplinary member directories: MDIC: <a href="http://metrodenveridc.com/members/">http://metrodenveridc.com/members/</a> BIDC: <a href="http://www.boulderidc.org/online_directory/alphamembers.php">http://www.boulderidc.org/online_directory/alphamembers.php</a> CO AFCC: <a href="http://www.coafcc.org/online_directory/alphamembers.php">http://www.coafcc.org/online_directory/alphamembers.php</a></li> </ul>	<ul style="list-style-type: none"> <li>• Parental responsibility evaluation with parenting time and decision-making recommendations</li> <li>• May be appropriate for complicated cases involving multiple credible concerns</li> <li>• May involve psychological testing</li> </ul>
<p><b>Parenting Coordinators</b></p> <ul style="list-style-type: none"> <li>• §14-10-128.1, C.R.S.</li> <li>• no applicable CJD</li> <li>• no state pay option</li> </ul>	<ul style="list-style-type: none"> <li>• No statewide list</li> <li>• Appointee often suggested by counsel</li> <li>• For MH professionals (Reg. Psychotherapists, LPC, LCSW, CAC, Psychologists, LMFT), public disciplinary history at <a href="https://apps.colorado.gov/dora/licensing/Lookup/LicenseLookup.aspx">https://apps.colorado.gov/dora/licensing/Lookup/LicenseLookup.aspx</a>;</li> <li>• Multi-Disciplinary member directories: MDIC: <a href="http://metrodenveridc.com/members/">http://metrodenveridc.com/members/</a> BIDC: <a href="http://www.boulderidc.org/online_directory/alphamembers.php">http://www.boulderidc.org/online_directory/alphamembers.php</a> CO AFCC: <a href="http://www.coafcc.org/online_directory/alphamembers.php">http://www.coafcc.org/online_directory/alphamembers.php</a></li> </ul>	<ul style="list-style-type: none"> <li>• No binding authority</li> <li>• Assist with resolution of parenting disputes</li> <li>• Assist with parenting plan implementation</li> <li>• Assist with parental communication</li> <li>• Assist with parenting skill development</li> <li>• Assist with conflict resolution skills</li> </ul>

<b>Decision-Makers</b> <ul style="list-style-type: none"> <li>• §14-10-128.3, C.R.S.</li> <li>• CJD 08-01</li> <li>• no state pay option</li> </ul>	<ul style="list-style-type: none"> <li>• No statewide list</li> <li>• Appointee often suggested by counsel</li> <li>• For MH professionals (Reg. Psychotherapists, LPC, LCSW, CAC, Psychologists, LMFT), public disciplinary history at <a href="https://apps.colorado.gov/dora/licensing/Lookup/LicenseLookup.aspx">https://apps.colorado.gov/dora/licensing/Lookup/LicenseLookup.aspx</a>;</li> <li>• Multi-Disciplinary member directories: MDIC: <a href="http://metrodenveridc.com/members/">http://metrodenveridc.com/members/</a> BIDC: <a href="http://www.boulderidc.org/online_directory/alphamembers.php">http://www.boulderidc.org/online_directory/alphamembers.php</a> CO AFCC: <a href="http://www.coafcc.org/online_directory/alphamembers.php">http://www.coafcc.org/online_directory/alphamembers.php</a></li> </ul>	<ul style="list-style-type: none"> <li>• Binding authority to resolve disputes as to implementation or clarification of existing orders regarding parties' children (PT disputes, specific disputed decisions, child support)</li> </ul>
<b>GAL for Adults</b> <ul style="list-style-type: none"> <li>• <i>IRM Sorensen</i></li> <li>• CRCP 17(c)</li> <li>• CJD 04-05 (state pay)</li> </ul>	<ul style="list-style-type: none"> <li>• No statewide list (appointee must be attorney)</li> <li>• Appointee often suggested by counsel</li> <li>• Court discretion who to appoint</li> <li>• For state pay, GAL must have/create Court Appointed Counsel account</li> <li>• Contact <a href="mailto:kara.martin@judicial.state.co.us">kara.martin@judicial.state.co.us</a> or <a href="mailto:abby.miller@judicial.state.co.us">abby.miller@judicial.state.co.us</a></li> </ul>	<ul style="list-style-type: none"> <li>• Appointed when party (1) is mentally impaired and incapable of understanding nature and significance of proceeding; (2) is incapable of making critical decisions; (3) lacks the intellectual capacity to communicate with counsel; or (4) is mentally or emotionally incapable of weighing advice of counsel on the particular course to pursue in own interest</li> </ul>
<b>Child Legal Representatives</b> <ul style="list-style-type: none"> <li>• §14-10-116, C.R.S.</li> <li>• CJD 04-06 (state pay)</li> <li>• State and private pay</li> </ul>	<ul style="list-style-type: none"> <li>• No statewide list for private pay</li> <li>• State pay lists: <a href="http://www.coloradochildrep.org/attorney-center/appointment-lists/">http://www.coloradochildrep.org/attorney-center/appointment-lists/</a></li> </ul>	<ul style="list-style-type: none"> <li>• Representation of child's best interests</li> </ul>
<b>Early Neutral Assessment</b>	<ul style="list-style-type: none"> <li>• No statewide list</li> <li>• District providers:</li> </ul>	<ul style="list-style-type: none"> <li>• MH/Attorney team (male, female)</li> <li>• Assists parents in creating appropriate PT and DM agreements</li> <li>• Not appropriate in cases involving major concerns (SA, MH, DV, etc.)</li> </ul>
<b>Mediation</b> <ul style="list-style-type: none"> <li>• State and private pay</li> </ul>	<ul style="list-style-type: none"> <li>• Office of Dispute Resolution contract mediators</li> <li>• Private mediators</li> </ul>	
<b>Special Masters</b>	<ul style="list-style-type: none"> <li>• No statewide list</li> </ul>	
<b>Private Judges/ Arbitration</b>	<ul style="list-style-type: none"> <li>• No statewide list</li> <li>• Private groups include <a href="https://www.jamsadr.com/">https://www.jamsadr.com/</a> and</li> </ul>	

<http://www.jaginc.com/>

Legal Resources		
Service/Type of Provider	Contact Information	Services Provided
<b>Child Support Services</b>	<a href="https://childsupport.state.co.us/siteuser/do/vfs/Frag?file=/cm:home.jsp">https://childsupport.state.co.us/siteuser/do/vfs/Frag?file=/cm:home.jsp</a> to find county office contact	<ul style="list-style-type: none"> <li>• Paternity testing and establishment</li> <li>• Child support establishment, modification and enforcement (including wage withholding, tax intercepts, license restrictions, etc.)</li> <li>• No income limits or requirements</li> </ul>
<b>Divorce/APR Clinics</b>		
<b>Reduced Cost Legal Services</b>		<ul style="list-style-type: none"> <li>• low pay/slow pay list</li> <li>• moderate means list</li> <li>• unbundled legal services</li> </ul>
<b>Free Legal Services</b>	Colorado Legal Services, <a href="http://coloradolegalservices.org/">http://coloradolegalservices.org/</a> Rocky Mountain Immigrant Advocacy Network, <a href="http://www.rmian.org/">http://www.rmian.org/</a>	
<b>Out of Court Divorce</b>		
<b>Sherlocks</b>	For statewide list of Self-Represented Litigant Coordinators, <a href="https://www.courts.state.co.us/userfiles/file/Self_Help/Sherlocks/Contact%20list%20for%20public(13).pdf">https://www.courts.state.co.us/userfiles/file/Self_Help/Sherlocks/Contact%20list%20for%20public(13).pdf</a>	<ul style="list-style-type: none"> <li>• forms and instructions for legal processes</li> <li>• information about court processes</li> <li>• referrals and resources</li> </ul>

Substance Abuse Resources		
Service/Type of Provider	Contact Information	Use and Services Provided
<b>Substance Use, Abuse Assessment</b>		
<b>Substance Use, Abuse Evaluation</b>		
<b>Alcohol or Drug Counseling/Therapy</b>		
<b>Outpatient Drug/Alcohol Treatment</b>		

<b>Inpatient Drug/Alcohol Treatment</b>		
<b>12 step meetings</b>	<a href="http://www.aa.org/pages/en_US/find-local-aa">http://www.aa.org/pages/en_US/find-local-aa</a> (Alcoholics Anonymous) <a href="http://www.naws.org/meetingsearch/">http://www.naws.org/meetingsearch/</a> (Narcotics Anonymous) <a href="https://ca.org/">https://ca.org/</a> (Cocaine Anonymous)	
<b>Breathalyzer</b>		
<b>Vehicle ignition interlock</b>		

<b>Domestic Violence Resources</b>		
<b>Service/Type of Provider</b>	<b>Contact Information</b>	<b>Services Provided</b>
<b>Survivor/Victim Advocacy</b>		Safety planning, therapy, shelter, assistance with protection orders
<b>DV Shelter</b>		Temporary lodging and _
<b>Offender Treatment</b>	Domestic Violence Offender Management Board provider directory, <a href="http://dcj.dvomb.state.co.us/">http://dcj.dvomb.state.co.us/</a>	

<b>Parenting Resources</b>		
<b>Service/Type of Provider</b>	<b>Contact Information</b>	<b>Services Provided</b>
<b>Parent Communication Tools</b>	Ourfamilywizard.com; talking parents.com	
<b>Level II Parenting Classes</b>		
<b>SPLIT Film</b>	Available free to litigants; Contact <a href="mailto:kara.martin@judicial.state.co.us">kara.martin@judicial.state.co.us</a> for login	
<b>Parent Support Groups</b>		
<b>Supervised Parenting Time</b>		
<b>Supervised Child Exchanges</b>		
<b>Therapeutic Parenting Time</b>		

<b>Mental Health Resources</b>		
<b>Service/Type of Provider</b>	<b>Contact Information</b>	<b>Services Provided</b>
<b>Counseling (Child)</b>		
<b>Counseling (Parent)</b>		
<b>Reintegration Therapy</b>		
<b>Support Groups</b>		

**Other Community Resources (Non-Legal)**

<b>Service/Type of Provider</b>	<b>Contact Information</b>	<b>Services Provided</b>

## Bench Card: Navigating Parenting Time/Decision-Making Cases with Allegations of Mental Health (MH) Challenges

**Disclaimer** This card is intended only as a quick reference to assist consideration of parenting issues when a party allegedly suffers from MH impairments that impact the ability to parent.

**Practice Tips** Stigma and fear of consequences may limit the willingness to acknowledge and seek needed treatment for temporary, divorce-related or ongoing mental health issues, particularly during DR cases. Understanding words from the bench may help remove the stigma and reduce the barriers to treatment. Mental disorders occur among adults in significant numbers: The 12-month prevalence of the U.S. adult population is 18.1% for an anxiety disorder, 6.7% for a major depressive episode, 9.5% for any mood disorder, and 9.1% of any personality disorder.<sup>1</sup>

- The “mental and physical health of all individuals involved” is one factor in the allocation of PT and DM, except that “a disability alone shall not be a basis to deny or restrict parenting time.”
- Impaired MH that **adversely impacts parenting** is the focus. Successfully treated disorders may have no relevance.
- For triage, the purpose of inquiring about MH is 1) to determine whether there is a credible MH concern that affects parenting (not to determine diagnosis); 2) to provide early referrals; 3) and to identify interventions early in the case (e.g., interim, temp, or emergency orders for child safety; PT safeguards; PRE).
- The stress of family breakups and DR litigation may trigger temporary MH issues. Differentiate between longstanding and those related to court/family transition (e.g., when did problem start/recur? Is the issue longstanding? Was parent stable prior to DR case/family transition? Efforts to stabilize/treat?)
- Focus on behavior/manifestation of problem, not diagnostic label.

**General Considerations** *“All families experience stress when the family changes. Adults and kids may be hurt, scared and angry. There are logistical challenges – money, child care, transportation, work schedules, and two homes instead of one, for starters. It’s important to get support or help during this tough time. Everybody has unique needs. For some, support of friends or family is enough; others may need help from a mental health professional. Getting help is not a sign of weakness.”*

When considering allegations that a party’s impaired mental health affects parenting, consider:

1. What evidence supports the allegation and how credible is the source of information?
2. How does the alleged MH issue manifest (e.g., anxiety, aggression, depression, suicide attempts, etc.)?
3. How does the alleged MH issue affect the parent-child relationship? Look at the parent/child relationship and bond (e.g., parentified child? enmeshed?)
4. How does the alleged MH issue affect the parent’s ability to provide care? Consider education/schooling; food and shelter; discipline; nurturing/emotional support; and physical safety.
5. What is the child’s age and how is autonomous is the child (e.g., newborn vs. teen)? How is the child doing?
6. **Recency:** How recently has the MH issue manifested and/or affected the parent-child relationship or ability to parent? Has the parent has stabilized?
7. **Frequency:** How often does the MH issue manifest and/or affect the parent-child relationship or ability to parent?
8. **Safeguards:** What protections or supports do the parent and child have to minimize impact on the child?
9. **Severity:** Is there a present safety concern, and if so, how serious (e.g., safe adult in home, safety plan, etc.)?
10. **History:** Is this a recurring issue or a pattern?
11. **Other issues:** Are there domestic violence, substance abuse or other complicating concerns?

### General Authorities for Parenting Time and Decision-Making Orders

- Sec. 14-10-123.4 (**rights of children** to have parental responsibilities decided based on BIC; right to be emotionally, mentally, and physically safe in care of either parent; right to reside and visit in homes free of DV and child abuse/neglect)
- Sec. 14-10-124(1.5) (court to determine APR in accordance with **BIC; paramount consideration to child's safety and physical, mental and emotional needs**)
- Sec. 14-10-124(1.5)(a) (if court finds PT would endanger child's physical health or significantly impair emotional development, court **can restrict** PT and **state conditions** that must be fulfilled to modify it)
- Sec. 14-10-124(4)(e) (if court finds evidence of child abuse/neglect by preponderance evidence, court can consider **conditions that ensure child safety**; list of conditions not exclusive: "An order that imposes any other condition on one or more parties that the court determines is necessary to protect the child..."; Sec. 14-10-124(4)(e)(VII))
- Sec. 14-10-124(7)(f) (court shall devise parenting plan if none submitted/approved; may include "**Any other orders**" in **best interest of child**)

INTERVENTIONS, TERMS OF ORDERS, STIPULATIONS OR OTHER ACTIONS TO CONDER (Investigatory and/or Protective)	Best Application
Provide <b>treatment/therapy referrals</b> for parent, including crisis hotlines and support groups	Make available to all litigants; Provide any time MH issues are alleged
Issue <b>interim and/or temporary orders</b> (See Sec. 14-10-108 and 14-10-125)	Credible safety/risk concerns and need for protection; high conflict
Hold <b>review hearings</b> (See Sec. 14-10-130)	Credible concerns re MH and/or recent developments re MH; Need to monitor parent stability
Prohibit possession/consumption of <b>alcohol/controlled substances</b> during or 24 hours prior to PT (See Sec. 14-10-123.4, Sec. 14-10-124(1)(a))	Credible concern that parent's substance use adversely impacts child
Appoint <b>CFI</b> (may include gathering info about parent behavior; recommendation about need for PRE; interview of child; no psychological testing); Private pay; State pay if indigent; See District CFI Rosters (See 14-10-116.5, CJD 04-08, CJD 04-05);	Credible concerns that MH may adversely affect parenting but uncertain whether PRE needed; No protective agreement and more information needed to assess scope/credibility of concerns; need for brief focused assessment on specific concerns; need for information on child's wishes
Order <b>supervised PT</b> (professional, kin or friend) and enumerate specific factual findings supporting restriction) (See Sec. 14-10-123.4, Sec. 14-10-124(1)(a)), Sec. 14-10-124(4)(d), Sec. 14-10-124(4)(e))	PT for child would endanger child's physical health or significantly impair child's emotional development; or court finds by a preponderance that party committed child abuse/neglect or DV and conditions of PT are necessary to ensure safety of child; must state specific factual findings supporting restriction; may state conditions required to seek PT modification
Order <b>therapeutic PT</b> (See Sec. 14-10-123.4, Sec. 14-10-124(1)(a)), Sec. 14-10-124(4)(d), Sec. 14-10-124(4)(e))	Problematic parenting skills; Parent needs coaching; PT for child would endanger child's physical health or significantly impair child's emotional development; or court finds by a preponderance that party committed child abuse/neglect or DV and conditions of PT are necessary to ensure safety of child; must state specific factual findings supporting restriction; may state conditions required to seek PT modification
Appoint <b>Parental Responsibility Evaluator</b> (See Sec. 14-10-127); Private pay only	Credible concern that that MH seriously hinders parenting capacity; also if other factors, such as SA; Available only to parents who can afford it

INTERVENTIONS, TERMS OF ORDERS, STIPULATIONS OR OTHER ACTIONS TO CONDER, Cont. (Investigatory and/or Protective)	Best Application
Appoint <b>CLR</b> to represent child's best interests; Private pay; State pay if indigent (See OCR Lists); (See Sec. 14-10-116, CJD 04-06);	Credible concern that parents not acting in child's best interests/not protective; Serious concerns about child's best interests; Child needs advocacy
Allocate <b>DM</b> to other parent (See Sec. 14-10-124(1.5)(b))	High conflict; MH or other factors consistently prevent parent from acting in child's best interests
Order <b>therapy for child</b> or allocate DM to parent willing to obtain therapy (See Sec. 14-10-124(1.5)(b))	Credible evidence that child's functioning and/or emotional well-being are problematic, possibly related to parent's MH issues
Order <b>medication evaluation</b> of parent (See C.R.C.P 35)	No protective agreement; Serious concerns re parent's medications; No other adequate source of information
Order <b>mental health evaluation</b> of parent (See C.R.C.P 35)	No protective agreement; Serious concerns re parent's MH; No other adequate source of information
Set <b>Sorensen hearing</b> (re: appointment of GAL for parent) (See C.R.C.P. 17 and <i>IRM Sorensen</i> , 166 P.3d 254 (Colo. App. 2007)); Private pay; State pay if indigent (CJD 04-05; no centralized roster)	Concern whether parent <ul style="list-style-type: none"> <li>• is mentally impaired so as to be incapable of understanding the nature/significance of the proceeding;</li> <li>• is incapable of making critical decisions;</li> <li>• lacks intellectual capacity to communicate with counsel; or</li> <li>• is mentally/emotionally incapable of weighing advice of counsel on course to pursue in his/her own interest</li> </ul>
<b>Prohibit PT</b> (See 14-10-124(4)(e)(VII), Sec. 14-10-123.4, Sec. 14-10-124(1)(a))	Even with safeguards, PT would endanger child's physical health or significantly impair child's emotional development; must state specific factual findings supporting restriction; may state conditions required to seek PT modification
Order <b>DHS</b> to investigate or request DHS assessment (See. Sec. 14-10-130(2) and 19-3-501)	Abuse or neglect by parent(s) and/or absence of protective parent
Order the <b>filing of D&amp;N</b> (See Sec. 19-3-501 and 19-3-304)	Severe danger due to fitness of both parents; Abuse or neglect by parent(s) and/or absence of protective parent

<sup>1</sup> According to the National Institute of Mental Health, the lead federal agency for research on mental disorders. NIMH offers expert-reviewed information on mental disorders, a range of related topics, and the latest mental health research. See <https://www.nimh.nih.gov/health/statistics/prevalence/index.shtml>.

## Bench Card: Navigating Substance Abuse Allegations in Cases Involving Children

**Disclaimer** This card is a tool to assist judicial officers 1) address the credibility and severity of substance abuse allegations; and 2) identify potential interventions and local resources for credible concerns as related to the best interest determination.

**Practice Tips** Parents may fear punishment for their addiction through restricted PT, causing them to deny, hide or minimize the problem. Acknowledging their fear, their importance in their child's life and your hope to adopt a plan that encourages sobriety may reduce this stigma. PT can be a good motivator or sobriety. Benchmarks for increased, less restrictive PT can help.

- Try to avoid increasing discomfort, resistance and reduce barriers by emphasizing:
  - *Kids generally need both parents and deserve parents who aren't compromised by substance abuse; Getting help is not a sign of weakness;*
  - *Think about the life you want for your child and for yourself; Everyone is on the same page in wanting what's best for the child.*
- The DR case can feel like a "high stakes" competition for children. Credibility of the accuser and accused are important, given the spectrum legitimate concerns to strategically asserted embellished accusations. Often parties counter-accuse.
- Can the person use substances without affecting child's physical/emotional safety (which depends on substance(s) used, frequency of use, timing of use and amount used, as well as, route of administration (e.g., oral/ingest, inhale, smoke, and IV/ injection)?
- What, if any, **interventions are needed and available** to further the court's best interest analysis and/or safeguard the child?
- This is a unique population who may not wish to address SA; The DR case may force the issue.

### General Considerations

1. **What caused you to raise** this issue? (to the person alleging substance abuse)
2. What is the **substance(s) of concern**? **When** was each substance last used? (If > 12 months ago, not a current issue)
3. **How much** of the substance is being used? In what **frequency**?
4. Has substance use **impacted the child(ren)** and if so, how?
5. **Family history** of alcohol or drug abuse or addiction?
6. Is there **anxiety, depression, mood problems** or current use of medications?
7. Is there a history of **trauma**? History of **children witnessing DV**? (Both correlate to increased likelihood of substance abuse disorder/relapse)
8. **History of treatment** (detox, inpatient, outpatient, group, marital/couples therapy, etc.)?
9. History of **problems with legal systems**, arrests for alcohol/drug related offenses (domestic quarrels, assaultive behaviors, DUI, D&N, etc.)?
10. Evidence of **problems in social, occupational or medical/physical functioning/impairment** (e.g., losing job, conflicts at work, damaged relationships, inconsistent/unpredictable or absent parenting, health problems, etc.)?
11. **DV, mental health or other concerns**?

### General Authorities for Parenting Time and Decision-Making Orders

- Sec. 14-10-123.4 (**rights of children** to have parental responsibilities decided based on BIC; right to be emotionally, mentally, and physically safe in care of either parent; right to reside and visit in homes free of DV and child abuse/neglect)
- Sec. 14-10-124(1.5) (court to determine APR in accordance with **BIC; paramount consideration to child's safety and physical, mental and emotional needs**)
- Sec. 14-10-124(1.5)(a) (if court finds PT would endanger child's physical health or significantly impair emotional development, court **can restrict** PT and **state conditions** that must be fulfilled to modify it)
- Sec. 14-10-124(4)(e) (if court finds evidence of child abuse/neglect by preponderance evidence, court can consider **conditions that ensure child safety**; list of conditions not exclusive: "An order that imposes any other condition on one or more parties that the court determines is necessary to protect the child..."; Sec. 14-10-124(4)(e)(VII))
- Sec. 14-10-124(7)(f) (court shall devise parenting plan if none submitted/approved; may include "**Any other orders**" in best interest of child)

<b>INTERVENTIONS, TERMS OF ORDERS, STIPULATIONS OR OTHER ACTIONS TO CONDER (Investigatory and/or Protective)</b>	<b>Best Application</b>
Provide <b>treatment/therapy referrals</b> for parent, including crisis hotlines and support groups	Make available to all litigants; Provide any time MH issues are alleged
<b>Encourage sobriety</b> through treatment and/or 12 steps	Credible concerns or acknowledgment of parent SA problem
Issue <b>interim and/or temporary orders</b> (See Sec. 14-10-108 and 14-10-125)	Credible safety/risk concerns and need for protection; high conflict
Hold <b>review hearings</b> (See Sec. 14-10-130; See general authorities)	Credible concerns re SA and/or recent developments re SA (relapse, new sobriety, etc.); Need to monitor parent stability
Prohibit possession/consumption of <b>alcohol/controlled substances</b> during or 24 hours prior to PT; See general authorities	Credible concern that parent's substance use adversely impacts child
Appoint <b>CFI</b> (may include gathering info about frequency and amount of use; substance used; recommendation about need for PRE; interview of child; no psychological testing); Private pay; State pay if indigent; See District CFI Rosters (See 14-10-116.5, CJD 04-08, CJD 04-05)	Credible concerns that SA may adversely affect parenting but uncertain whether PRE or SA evaluation/assessment needed; No protective agreement and more information needed to assess scope/credibility of concerns; need for brief focused assessment on specific concerns; need for information on child's wishes
Order <b>supervised PT</b> (professional, kin or friend) and enumerate specific factual findings supporting restriction) See general authorities (See general authorities; Sec. 14-10-124(4)(d))	PT for child would endanger child's physical health or significantly impair child's emotional development; or court finds by a preponderance that party committed child abuse/neglect or DV and conditions of PT are necessary to ensure safety of child; must state specific factual findings supporting restriction; may state conditions required to seek PT modification
Order <b>therapeutic PT</b> (See general authorities; Sec. 14-10-124(4)(d))	Problematic parenting skills; Parent needs coaching; PT for child would endanger child's physical health or significantly impair child's emotional development; or court finds by a preponderance that party committed child abuse/neglect or DV and conditions of PT are necessary to ensure safety of child; must state specific factual findings supporting restriction; may state conditions required to seek PT modification
Order a period of <b>monitored sobriety</b> (testing) (See general authorities)	Credible concerns or acknowledgment of SA problem; No sobriety or uncertain sobriety; See chart below
Appoint <b>Parental Responsibility Evaluator</b> (See Sec. 14-10-127); Private pay only	Credible concern that that SA seriously hinders parenting capacity (recency, frequency and/or severity); also if other factors, such as MH; Available only to parents who can afford it
Appoint <b>CLR</b> to represent child's best interests; Private pay; State pay if indigent (See OCR Lists); (See Sec. 14-10-116, CJD 04-06);	Credible concern of parents not acting in child's best interests/not protective; Serious concerns about child's best interests; Child needs advocacy
<b>Alcohol/drug tests:</b> UA-EtG/Drug Panel Screen, EtG/EtS Confirmation Test, Hair EtG &/or Hair Drug Panel Test, Fingernail EtG &/or Fingernail Drug Panel Test, PEth Blood Spot Test, Soberlink testing and monitoring, etc. (See general authorities)	Credible concerns or acknowledgment of SA problem; No sobriety or uncertain sobriety; See chart below

INTERVENTIONS, TERMS OF ORDERS, STIPULATIONS OR OTHER ACTIONS TO CONDER (Investigatory and/or Protective), Cont.	Best Application
<b>Test before/during/after PT</b> (accusing parent requests, with limitations and pays if - result; accused pays if + result); <b>Testing/monitoring</b> at onset and/or during case (See general authorities)	Credible concerns or acknowledgment of SA problem; No sobriety or uncertain sobriety; See chart below
Smart Start Photo IID interlock and/or Soberlink <b>monitoring</b> /or SCRAM (See general authorities)	Hx of driving under the influence of alcohol with child or Hx of being under the influence of alcohol while caring for child
Order <b>therapy for child</b> or allocate DM to parent willing to obtain therapy (See Sec. 14-10-124(1.5)(b); See general authorities)	Credible evidence that child's functioning and/or emotional well-being are problematic
<b>Allocate DM</b> to other parent (See Sec. 14-10-124(1.5)(b))	High conflict; MH or other factors consistently prevent parent from acting in child's best interests
Order <b>medication evaluation</b> of parent (See C.R.C.P 35) (See general authorities)	No protective agreement; Serious concerns re parent's medications; No other adequate source of information
Order <b>mental health evaluation</b> of parent (See C.R.C.P 35) (See general authorities)	No protective agreement; Serious concerns re parent's MH; No other adequate source of information
Set <b>Sorensen hearing</b> re: appointment of GAL for parent (See C.R.C.P. 17; <i>IRM Sorensen</i> , 166 P.3d 254 (Colo. App. 2007)); Private pay; State pay if indigent (CJD 04-05); no centralized roster	Concern whether parent <ul style="list-style-type: none"> <li>• is mentally impaired so as to be incapable of understanding the nature/ significance of the proceeding;</li> <li>• is incapable of making critical decisions;</li> <li>• lacks intellectual capacity to communicate with counsel; or</li> <li>• is mentally/emotionally incapable of weighing advice of counsel on course to pursue in his/her own interest.</li> </ul>
<b>Prohibit PT</b> (See 14-10-124(4)(e)(VII); See general authorities)	Even with safeguards, PT would endanger child's physical health or significantly impair child's emotional development; must state specific factual findings supporting restriction; may state conditions required to seek PT modification
Order <b>DHS</b> to investigate or request DHS assessment (See. Sec. 14-10-130(2), 19-3-501 and general authorities)	Abuse or neglect by parent(s) and/or absence of protective parent
Order the <b>filing of D&amp;N</b> (See Sec. 19-3-501 and 19-3-304)	Severe danger due to fitness of both parents; Abuse or neglect by parent(s) and/or absence of protective parent

General Guidelines for Drug Testing Methodologies, Courtesy of Armand Lebovits, LCSW, CAC III				
Testing Matrices	Testing Technologies	Applications	Detection	Notes
<b>Breath</b>	Alcohol Breathalyzers (Soberlink, Sobriotor, In-Home, Smart Start/ Ignition Interlock)	<ul style="list-style-type: none"> <li>• Soberlink Breathalyzer- preferred/ efficacious technology with photo identification for alcohol monitoring</li> <li>• can be used in combo with UA/EtG screen testing</li> </ul>	Soberlink provides real time notifications of + or missed tests	<ul style="list-style-type: none"> <li>• Soberlink can include case manager and coordination with client/evaluator/attorney</li> <li>• Can be utilized 24/7 with breath tests 4-6 X/day or scheduled around parenting time only</li> </ul>
<b>Oral Fluids/ Saliva</b>	Oral swabs/strips for alcohol & drugs	<ul style="list-style-type: none"> <li>• quick results</li> <li>• more evidentiary use after confirmation test for + test results</li> </ul>	≈2-8 hours for alcohol or depends on amount consumed	<ul style="list-style-type: none"> <li>• Detection time varies considerably for drugs; most for up to 24 or 48 hours or 48-72 hours</li> <li>• Cannabis ≈8-14 hours</li> <li>• Maybe more applicable for parenting supervisors, visitation supervisors/centers</li> </ul>
<b>Urine</b>	<ul style="list-style-type: none"> <li>• Urine toxicology screens</li> <li>• confirmation testing for alcohol, EtG, EtS, Cocaine &amp; Metabolites, Opiates/</li> <li>• expanded panel, THC, Meth/ Amphetamines, Benzodiazepines, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• UA EtG Screens or IA Immunoassay screens have a detection level set at 500 ng/ml for false + for incidental/ environmental exposure to alcohol</li> <li>• Drug Screen (IA) tests can have cross-reactivity and all + screen test results need to have confirmation test at GC/MS or LC/MS/MS</li> </ul>	<ul style="list-style-type: none"> <li>• Originally EtG was called the 80 hour test (or 80-96)</li> <li>• Recent research suggests 16-36 hours depending on amount of ETOH consumed</li> </ul>	<ul style="list-style-type: none"> <li>• Confirmation tests for EtG include EtG with EtS with a detection level at 100 ng/ml (this is a more stable metabolite than EtG)</li> <li>• Random UA EtG/drug testing, 1-2X per week has too many gaps and opportunities to use substances</li> <li>• May want to utilize fixed vs. random schedule for EtG 3X per week</li> <li>• UA Drug Screens 2-3X per week based on <b>elimination rates</b>:  <b>Amphetamines:</b> 1-3 days  <b>Meth:</b> 3-5 days  <b>Cocaine:</b> 1-2/5 days  <b>Opiates:</b>1-3 days  <b>Cannabis,</b> varies with quality, amount/ frequency, activity level; occasional user: 3-5 days; recreational user: 5-10 days, frequent/ chronic user: 20-30 days</li> </ul>
<b>Blood</b>	Alcohol (PEth), THC and other Drugs	<ul style="list-style-type: none"> <li>• PEth is a finger prick blood spot test</li> <li>• other blood tests require authorized lab procedures for whole blood samples</li> </ul>	<ul style="list-style-type: none"> <li>• PEth can be detected up to 21-28 days</li> </ul>	<ul style="list-style-type: none"> <li>• Screen cutoff level for + test result for the PEth analyte is 20 ng/mL</li> <li>• + test result suggests having consumed at least 60 grams of alcohol (14 grams per drink) on several occasions</li> <li>• 1-2 drinks daily would not result in an accumulative + test result</li> <li>• Excellent test to verify self-reported abstinence or to confirm other EtG UA or EtG hair/nail tests</li> </ul>

**General Guidelines for Drug Testing Methodologies, Cont., Courtesy of Armand Lebovits, LCSW, CAC III**

<p><b>Hair (Head, Axillary, Body)</b></p>	<ul style="list-style-type: none"> <li>• EtG and/or Drug Panel with SAMHSA-5 or request for additional/ specific tests</li> <li>• EtG and drug panels are separate tests</li> </ul>	<p><u>Hair:</u></p> <ul style="list-style-type: none"> <li>• increased window of detection for EtG and drugs of 90 days based on 1.5 inches hair (150-200 hair strands)</li> <li>• head hair grows ≈ ½ inch per month</li> <li>• body hair reflects up to one year retrospectively</li> <li>• Positive result is reliable;</li> </ul> <p><u>Fingernail:</u></p> <ul style="list-style-type: none"> <li>• record the last 3-6 months retrospectively</li> <li>• can detect EtG for retrospective 90 days and drugs for retrospective 180 days</li> <li>• Requires 100 mg sample size of nail cuttings per test</li> </ul>	<ul style="list-style-type: none"> <li>• EtG head hair test is detected at 20 pg/mg or greater for a + test result</li> <li>• EtG fingernail test is also set at 20 pg/mg</li> <li>• Detection levels for drugs vary</li> </ul>	<ul style="list-style-type: none"> <li>• Periodic hair tests ≈ every 80 days</li> <li>• retesting every 90 days will not capture most recent EtG/drug use related to saturation from follicle to hair strands</li> <li>• With large windows of detection, it is difficult to determine the amount, frequency or exact time(s) of use</li> <li>• alcohol and drug testing can reveal abstinence (or below the detection level) or abusing a substance (or above the detection level)</li> <li>• interpretation of results is limited by the window of detection for that specific substance</li> </ul>
<p><b>Nails (Fingernails, Toenails)</b></p>	<p>SCRAM-Sustained Continuous Random Alcohol Monitoring</p>	<ul style="list-style-type: none"> <li>• Transdermal alcohol detection via ankle monitor downloaded twice weekly at service center</li> <li>• + tests result in EtG testing for confirmation</li> </ul>		
	<p>Sleep Time Monitoring</p>	<ul style="list-style-type: none"> <li>• 24/7 alcohol and other drug abuse monitoring system</li> <li>• wrist actigraphy monitor: FDA cleared medical device used for sleep studies</li> <li>• detects erratic sleep patterns that are reliable indicators of alcohol and drug abuse</li> <li>• Also utilizes EtG and other drug testing to verify episodes of substance use</li> <li>• Data downloaded twice weekly</li> </ul>		

**EtG** = Ethyl Glucuronide and **EtS** = Ethyl Sulfate (alcohol metabolite biomarkers found in urine, hair, nail matrices)

**PEth** = Phosphatidylethanol (Phosphatidylethanol Blood Spot Test/biomarker in blood)

**SAMHSA-5** = Cocaine, Amphetamine, Cannabis, Opiates, Phencyclidine (PCP)

<b>In re the Marriage of:</b>  <b>Petitioner:</b> _____  <b>Co-Petitioner/Respondent:</b> _____	<b>▲ COURT USE ONLY ▲</b>
	Case No. __ DR __  Division 12
<b>ORDER TO OBTAIN SERVICES AND/OR PARENTING TIME CONDITIONS</b>	

**Disclaimer: The court has not screened or approved any of the listed providers, which are identified solely for the convenience and courtesy of the parties. It is the responsibility of the parties to conduct their own investigations into provider suitability.**

This matter, having come before the court, it is hereby ordered that the parties shall comply with the following:

**Parenting Education**

- Standard parenting class on Judicial District provider list (both parties)
- Level II parenting class (both parties)  
Nonexclusive providers: \_\_\_\_\_
- View SPLIT Film (Access details available from division clerk)
- Other: \_\_\_\_\_

- Early Neutral Evaluation/Assessment** (only by agreement of both parties)  
Nonexclusive providers: \_\_\_\_\_

- Mediation** (using a mediator from the Office of Dispute Resolution or private mediator)

**Substance Abuse:**  Petitioner  Respondent  Both parties

- No substance use for \_ hours before and during parenting time
- Substance use monitoring before/after parenting time  
Nonexclusive providers: \_\_\_\_\_
- Substance use testing:  
Nonexclusive providers: \_\_\_\_\_

- Substance abuse evaluation:  
Nonexclusive providers: \_\_\_\_\_
- Other: \_\_\_\_\_

**Parental Responsibility Evaluation**

**Child and Family Investigator Evaluation (JDF 1318 must be completed)**

**Therapy:**

- Family
- Individual therapy for  petitioner  respondent  both
- Child (if not all children, applicable child: \_\_\_\_\_)
- Reintegration therapy for  petitioner  respondent with the following child/ren:  
\_\_\_\_\_
- DV offender treatment for  petitioner  respondent  
See providers at <http://dcj.dvomb.state.co.us/home/approved-providers>
- Other: \_\_\_\_\_

**Parenting Time Conditions**

- Supervised parenting time for petitioner respondent  
Nonexclusive providers: \_\_\_\_\_
- Therapeutic parenting time for petitioner respondent  
Nonexclusive providers: \_\_\_\_\_
- Supervised parenting exchanges  
Nonexclusive providers: \_\_\_\_\_
- Public exchanges: \_\_\_\_\_
- Curbside exchanges
- Other: \_\_\_\_\_

**DHS Investigation**

- DHS shall investigate the following concerns and inform the court of its findings by or on  
\_\_\_\_\_. Concerns: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
District Court Magistrate/Judge

## Triage Protocol - Plan B



**COLORADO DR TRIAGE APPROACH: PRINCIPLES, PROTOCOLS, AND TEMPLATES**  
*A Systematized Approach to Dissolution, Separation and APR Cases*



**OVERVIEW**

Colorado has long demonstrated a commitment to innovation in the resolution of DR cases. By testing and systematizing triage principles, this project seeks to “right-size” court involvement and interventions in Domestic Relations Case Management. The expected benefits of triage include:

- Better informed litigants making more informed choice;
- Earlier access to appropriate interventions, and
- More effective use of judicial time and expertise.

Funded primarily by a State Justice Institute grant, the Colorado State Court Administrator’s Office (SCAO), the National Center for State Courts (NCSC), the Colorado DR Triage Project Core Planning Team and other experts contributed to the creation of Colorado’s DR triage protocols and draft model tools, attached. Multiple leaders from pilot sites in the First, Fifth and Eighteenth Judicial Districts (Douglas County), members of the Colorado Supreme Court Standing Committee on Family Issues Triage Subcommittee, NCSC and SCAO compose the Core Planning Team and provided crucial input during the development stage of this pilot project.

**COLORADO DR TRIAGE APPROACH**

The DR Triage project is designed to assist Colorado in developing a DR triage approach and tools. This testing period is intended to answer three central questions:

1. How much technical assistance is required to develop a written DR triage protocol consistent with a set of common DR triage principles?
2. Can a DR Triage case assessment tool be integrated into the existing process in pilot locations?
3. Can SCAO develop management reports that are useful to local courts implementing DR triage?

The principles, protocols, and templates in this document have been devised to provide a triage framework that each pilot can use. These six DR triage principles are intended to assure a level of standardization, while providing each pilot location the necessary flexibility to capture unique case management preferences, styles and philosophies.

- Principle 1: Provide Triage and Survivor Information to Litigants
- Principle 2: Review Court Files and Party Backgrounds
- Principle 3: Identify Conflict Indicators, Readiness for Resolution Indicators and Emergency Issues
- Principle 4: Designate and Record DR Triage Case Path
- Principle 5: Formation of Local Teams and Inventory of Community Resources
- Principle 6: Implement Data Collection and Analysis Plan at State and Local Level

Each pilot site is asked to set forth its processes by either adopting the DR triage principles that follow or using the attached templates to capture local triage processes. If your pilot elects not to implement a particular principle, please explain the reasons for opting out. Managing the triage process through establishing a set of uniform principles statewide is critical to advancing the knowledge in the field both in Colorado and nationally – even if they change over time.

**PRINCIPLE 1**  
**CREATE/RECORD CASE PROCESSING FLOW FOR GREEN, YELLOW AND RED CASE PATHS**

**PURPOSE:** *To promote consistent analysis and uniform case handling of similarly situated cases within the pilot (not among pilots); To eliminate unnecessary steps in the case processing. (See Appendix 1D: Survivor information and resources.)*

**PILOT PROCESS:**

Step 1. Each pilot will chart case pathways indicating steps, considerations and interventions for each. Pilots may also flow chart emergencies.

**Green** – Low conflict/low complexity: Show the processes/events for cases with agreement on most or all issues. The goal: expedited resolution, waiver of the ISC when possible and reduction of case steps/processes; Resolution by ADWO/DRNC at or soon after 91 days.

**Yellow** - Medium conflict/medium complexity: Show the processes/events for cases needing some attention, lacking full agreement, with minimal conflict/complexity indicators and perhaps needing information to resolve some disputes. The goal: case resolution as soon as possible with through use of interim stipulations, temporary orders, early appointment of experts and ADR.

**Red** - High conflict/high complexity: Show the processes/events for cases with little to no agreement, high conflict or complexity and/or more than a couple of complications. The goal: efficient and effective resolution through more intensive supervision by judicial officers, clear, detailed interim and/or temporary orders, quick enforcement of orders, and/or frequent review, carefully considering the suitability of ADR, parenting classes, and appointment of experts to avoid entrenching parties in conflict and delaying resolution.

Step 2. Pilots will list any Appendix 1, 2 or other triage tools they will use.

**PRINCIPLE 1 TEMPLATE**

The pilot  will create or record case processing charts for each case path

will not create or record case processing charts for each case path because:

\_\_\_\_\_

\_\_\_\_\_

**PILOT CASE PROCESSING FLOW CHART FOR GREEN, YELLOW AND RED CASES:**

*Create (or attach) flow charts for each case path – green, yellow and red, and for emergencies*

*(use JDF 1095/1096 or JD5 Bubble Guide if helpful).*

**PRINCIPLE 2**  
**PROVIDE TRIAGE AND SURVIVOR INFORMATION TO PARTIES IN NEW DR CASES**

**PURPOSE:** *To promote informed litigant decision making, promote self-determination by domestic violence survivors and inform survivors of available resources, pursuant to C.R.S. §14-10-107.8.*

**PILOT PROCESS:**

Step 1. The clerk’s office will provide each litigant filing a new DR case with the Information and Resource Packet, which includes:

- Case Questionnaire (Appendix 1A)
- Fast Track Letter to Parties (Appendix 1B)
- My Case Plan/Notes (Appendix 1C)
- Survivor Information & Resources (Appendix 1D)

Step 2. The litigant will keep a copy of the packet and serve a packet on the Respondent (with the Petition, Summons, etc.) or deliver a packet to the co-petitioner (with the Petition, Summons, etc.).

Step 3. Both litigants will return the completed Case Questionnaire to their ISC.

Step 4. At the ISC, the judicial officer or facilitator conducting the ISC will incorporate the completed Case Questionnaire into the electronic file or otherwise record pertinent data in a MINC, MINO or other format accessible to all court personnel.

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**PRINCIPLE 2 TEMPLATE**

The pilot  will provide triage and survivor information to parties in new DR cases  
 will not provide triage and survivor information to parties in new DR cases because:  
\_\_\_\_\_  
\_\_\_\_\_

**PILOT PROCESS FOR PROVIDING TRIAGE AND SURVIVOR INFORMATION TO PARTIES IN NEW DR CASES:**

**Add Here: List of Topics to Address**

- **who** (*Sherlock, FCF, Judicial Officer, Clerk, etc.*) will provide litigants with triage and survivor information to promote self-determination and informed decision-making about their cases
- **how, when and where** the information and resources will be provided, and
- **what** information and resources litigants will receive.

**PRINCIPLE 3**

**IDENTIFY CONFLICT AND COMPLEXITY INDICATORS, READINESS FOR RESOLUTION AND EMERGENCY ISSUES**

**PURPOSE:** To use indicators to identify conflict, complexity, readiness for resolution, safety concerns and emergencies from the case outset to provide fitting interventions at the earliest opportunity.

**PILOT PROCESS:**

Step 1. The court will designate the person or role to perform a name search of JPOD/Eclipse upon or soon after the filing of a new DR case and prior to the ISC, to identify and record 1) civil protection orders; 2) D&N cases; and 3) criminal cases for the time period determined relevant.

Step 2. The court record searcher will record findings in a MINC, MINO or as otherwise determined, noting the civil protection order, D&N or criminal case and any jurisdictional issues that require attention (e.g., protection order addressing parenting time, pending D&N with custody jurisdiction, etc.).

Step 3. The court will designate the person or role to review the DR file for conflict, complexity, readiness for resolution and emergency indicators using the sample shown in Appendix 1E: Readiness for Resolution and Emergency Indicators.

Step 4. The DR file reviewer will record findings in a MINC, MINO or as otherwise determined, noting the conflict, complexity, emergency or safety and readiness for resolution indicators.

Step 5. Using the Principle 1 flow charts (e.g., immediate access to a judge for interim or emergency orders, temporary orders, appointment of a CFI, determination of a jurisdictional, common law marriage or other legal issue, etc.) and Appendix 2 resources (e.g., DR local resource list, mental health bench card, substance abuse bench card, Order to Obtain Interventions or Services, etc.), identify the appropriate next steps in accordance with pilot practices and resource availability.

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**PRINCIPLE 3 TEMPLATE**

The pilot  will identify conflict, readiness for resolution and emergency indicators  
 will not identify conflict, readiness for resolution and emergency indicators because:  
\_\_\_\_\_  
\_\_\_\_\_

**PILOT PROCESS FOR IDENTIFYING CONFLICT AND COMPLEXITY LEVELS, READINESS FOR RESOLUTION AND EMERGENCIES:**

**Add Here: List of Topics to Address**

- **who** (Sherlock, FCF, Judicial Officer, Clerk, etc.) will review **other court records** (D&N, CR, Civil Protection Orders, other DR) for other court involvement, including indicators of conflict, complexity, readiness for resolution and emergencies
- **who** (Sherlock, FCF, Judicial Officer, Clerk, etc.) will review **this DR case** for indicators of conflict, complexity, readiness for resolution and emergencies
- **when** the reviewer will conduct this review of court databases
- **where** the information found will be recorded

**PRINCIPLE 4  
DESIGNATE AND RECORD DR TRIAGE CASE PATH**

**PURPOSE:** To determine the correct case path, to identify the appropriate interventions, and to determine the next steps toward resolution based on pilot practices and resource availability. Early case assessment will identify cases requiring greater court supervision and services, while allowing those needing less court supervision and fewer services to proceed more quickly, with fewer steps.

**PILOT PROCESS:**

Step 1. The FCF or Judicial Officer conducting the ISC, subsequent status conference, or designated hearing during the testing period, will initially use the *DR Triage Case Assessment Sheet* (Appendix 2E) and notes from the court record review in Principles 2 and 3, to determine and record the initial case path. Courts using a party questionnaire will consider responses in determine the conflict and complexity levels, readiness for resolution and emergencies.

Step 2. The FCF or Judicial Officer will note path changes in the green, yellow or red designation during subsequent proceedings (e.g., status conferences, TO hearings, TPO/PPO hearings, etc.).

Step 3. As set forth in Principle 6, court staff will return all completed *DR Triage Case Assessment Sheets* to NCSC at the end of the test period.

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**PRINCIPLE 4 TEMPLATE**

The pilot  will designate and record the DR triage case path.

Notes (optional):

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**PILOT PROCESS TO DESIGNATE AND RECORD TRIAGE CASE PATH:**

**Add Here: List of Topics to Address**

- *who* (Sherlock, FCF, Judicial Officer, Clerk, etc.) will determine and record the case path
- *who* will determine the next steps and needed interventions
- *where* the path designator will record the path
- *how, when and where* path changes will be recorded and by whom
- *who* will complete the Path Assessment Sheet and ensure its return to NCSC

## PRINCIPLE 4 PATH DETERMINATION TOOL

<b>GREEN PATH/"FAST TRACK"</b>	<b>YELLOW PATH</b>	<b>RED PATH</b>
<ul style="list-style-type: none"> <li>• Speedy track to decree</li> <li>• Agreement on most/all issues</li> </ul>	<ul style="list-style-type: none"> <li>• Case needs attention</li> <li>• Not a full agreement</li> <li>• No or few complications</li> <li>• May need more info</li> </ul>	<ul style="list-style-type: none"> <li>• Little or no agreement</li> <li>• High conflict/high complexity</li> <li>• More than a few complications</li> </ul>
<p><b><u>INDICATORS</u></b></p> <ul style="list-style-type: none"> <li>• Full/partial agreement; or parties uncertain whether there is agreement</li> <li>• Maintenance agreed upon or not sought</li> <li>• CS calculation help needed</li> <li>• Obvious legal solutions</li> <li>• No known power/control issues</li> <li>• Some willingness to communicate/negotiate (with assistance)</li> <li>• Perceived ability to resolve case with help</li> <li>• Short marriage and no kids</li> <li>• Long separation</li> </ul>	<p><b><u>INDICATORS</u></b></p> <ul style="list-style-type: none"> <li>• At least 1 party sees some likelihood of agreement</li> <li>• Jurisdictional dispute</li> <li>• Common law marriage or invalidity dispute</li> <li>• Paternity question</li> <li>• Nonparent party</li> <li>• Incarceration of a party</li> <li>• Stipulated CMO</li> <li>• Complicated financials</li> <li>• Child with special needs</li> <li>• Party with disabilities</li> <li>• Disparate answers on party questionnaire</li> <li>• One or fewer complications</li> <li>• Parental abduction</li> <li>• Pre/post-marital agreement</li> </ul>	<p><b><u>INDICATORS</u></b></p> <ul style="list-style-type: none"> <li>• High conflict interactions, allegations, filings</li> <li>• Request for PRE</li> <li>• Safety-related allegations (DV, child abuse)</li> <li>• Child resisting parenting time</li> <li>• Observed or alleged power/control disparity</li> <li>• Complexities (SA, MH, complex financial facts, child with special needs)</li> <li>• Urgent request for court action (14-10-129(4)), TPO</li> <li>• High volume filings</li> <li>• Unreasonable positions (no PT, sole APR, no CS, both seek maintenance)</li> <li>• Pending criminal case</li> <li>• Pending D&amp;N</li> <li>• Anticipated relocation</li> <li>• Parental abduction</li> </ul>
<p><b><u>ACTIONS TO CONSIDER</u></b></p> <ul style="list-style-type: none"> <li>• Abbreviated processes/ expedited docket</li> <li>• Waiver of ISC</li> <li>• Sherlock/FCF assistance through status conference, doc review, sample parenting plans, CS calculation</li> <li>• Referrals, including legal clinics</li> <li>• ADWO/DRNC – 91 days</li> </ul>	<p><b><u>ACTIONS TO CONSIDER</u></b></p> <ul style="list-style-type: none"> <li>• Judge rap</li> <li>• Interim stip with FCF help</li> <li>• Temp orders</li> <li>• Early appointment of needed experts (financial, vocational, CFI, etc.)</li> <li>• FCF follow up and issue narrowing</li> <li>• FCF doc review</li> <li>• Mediation</li> <li>• Settlement conference</li> <li>• ENA if child expert input needed but no safety issues</li> <li>• Referrals, including legal clinics</li> </ul>	<p><b><u>ACTIONS TO CONSIDER</u></b></p> <ul style="list-style-type: none"> <li>• Judge rap</li> <li>• Quick enforcement of compliance and/or review</li> <li>• Interim and/or temp orders</li> <li>• Set for contested PO</li> <li>• Judicial officer follow up - Status conferences, TSC, PTC</li> <li>• Discovery orders</li> <li>• Early appointment of experts (\$, business eval, PRE, etc.)</li> <li>• Clear, detailed orders</li> <li>• Safeguards for SA, MH, DV, child abuse</li> <li>• Special master for complex financial or property issues</li> <li>• In camera interview (teen)</li> <li>• Caution re: mandatory mediation</li> <li>• Referrals (Lev. 2 parenting class if no DV, etc.)</li> <li>• Reintegration or family therapy</li> <li>• DHS referral</li> <li>• Sorensen hearing</li> </ul>

**PRINCIPLE 5  
BEST PRACTICE COURT TEAM AND COMMUNITY RESOURCE INVENTORY**

**PURPOSE:** To establish a local planning committee and governance structure that ensures 1) all relevant staff is included in development and testing of DR Case Triage Protocol; and 2) to identify the resources and services available in the community to domestic relations litigants (Appendix 2A: DR local resource list).

**PILOT PROCESS:**

Step 1. Each pilot will form a team or continue the operation of a Best Practice Court Team, including at least 1) a Sherlock to address the impact of the triage protocol on the self-help center and its customers and the availability of needed community services; b) a staff member from the clerk’s office to convey the impact and observations of the triage protocol on the operations of the clerk’s office; c) an FCF to address the impact on and observations of triage protocol and service availability from the FCF perspective; d) a DR division staff person to address the impact on and observations of triage protocol from the division staff perspective; and e) a judicial officer to provide leadership, assist with the creation and modification of local triage protocol, to lead the triage protocol testing effort, and to ensure consistency across divisions.

Step 2. The Pilot Best Practice Teams will prepare an Inventory of Community Resources, akin to Appendix 2A.

Step 3. The Pilot Best Practice Team will meet monthly and obtain perspectives from stakeholders from the Alternative Dispute Resolution sector, community service providers, and members of the local bar regarding the DR triage protocol and suggested improvements.

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**PRINCIPLE 5 TEMPLATE**

The pilot  will form or continue a local best practice court team and will create an inventory of community resources and available interventions  
 will not form or continue a local best practice court team and will create an inventory of community resources and available interventions because:

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**PILOT PROCESS TO OVERSEE TESTING OF TRIAGE PROTOCOLS AND INVENTORY COMMUNITY RESOURCES:**

**Add Here: List of Topics to Address**

- *who (Sherlock, FCF, Judicial Officer, Clerk, etc.) will **coordinate** the formation or continued meeting of the best practice court team and who the members will be*
- ***how often** and **where** the team will meet*
- ***how** the team will oversee development and refinement of DR case triage protocols and tools, including the creation of a community resource inventory*

**PRINCIPLE 6**

**PROVIDE CASE DATA DURING THE TEST PERIOD FOR ANALYSIS AT THE STATE AND LOCAL LEVELS**

**PURPOSE:** To determine the impact of the proposed Triage processes. Any issues or successes should be shared as they will help future pilot sites should they choose to implement the same triage process.

**PILOT PROCESS:**

Step 1. At the end of the test period, court staff in each pilot site will send all completed *DR Triage Case Assessment Sheet* to NCSC.

Step 2. Within three to six months after the testing period starts, judicial officers, court staff, and members of the Site Implementation Teams will provide feedback on the triage protocol through a telephonic focus group coordinated by SCAO.

**SCAO AND NCSC PROCESS:**

Step 1. Following the test period, the SCAO data unit will produce quarterly reports on the time to disposition showing the number of cases at 90, 180 and 365 days (CJD 08-05 provides 95% disposition rate within 365 days).

Step 2. Following the test period, the SCAO data unit will produce a quarterly report by court location and case classes showing the number of cases at 90, 180 and 365 days.

Step 3. Following the test period, the SCAO data unit will produce a report measuring complexity for each pilot site by counting the number of events from filing to the entry of judgment.

Step 4. Following the test period, the SCAO data unit will produce a report measuring conflict for each pilot site by counting the number of events in the first six months after the entry of judgement.

Step 5. Within three to six months after the triage protocol test period starts, SCAO will conduct telephone focus groups to gather judicial officer and staff perspectives on the triage protocol.

Step 6. NCSC will prepare a report that analyzes performance measurement, data collection and triage process refinement and makes recommendations regarding issues for further study, training and statewide implementation.

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**PRINCIPLE 6 TEMPLATE**

The pilot  will implement the requested data collection by marking and returning the Case Path Assessment sheet  
 will not implement the requested data collection by marking and returning the Case Path Assessment sheet because:

\_\_\_\_\_

\_\_\_\_\_

**SUBMITTING *DR TRIAGE CASE ASSESSMENT SHEET* TO NCSC:**

**Add Here: List of Topics to Address**

- *who will return the completed Case Path Assessment sheet to NCSC*

### Readiness for Resolution Indicators

Conflict	Complexity	Emergency/Safety	Readiness for Resolution
Motion for TO	Substance	DV	Return/waiver of service
Motion for CFI/PRE	Mental Health	Child Abuse	/co-petitioner
No access to funds	Motion for apt-expert	Motion to restrict	Stipulated PP/SA
No access to child	Business ownership	TPO	Completed/missing docs
Abduction		No housing	
Tone of Language		No access to funds	
Volume of docs filed			

**COLORADO DR TRIAGE CASE ASSESSMENT SHEET**

Case Number: \_\_\_\_\_

Length of Marriage: \_\_\_\_\_ Years

County: \_\_\_\_\_

Length of Separation: \_\_\_\_\_ Years

Screener: \_\_\_\_\_

Ages of Children: \_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_|

Screening Date: \_\_\_\_\_

Pre- or Post-Decree: \_\_\_\_\_

Domestic Relations Pathways		
GREEN/FAST TRACK	YELLOW	RED
<input type="checkbox"/> Existing arrangement re: decision making/parenting time	<input type="checkbox"/> Indecision	<input type="checkbox"/> Request/need for immediate court intervention
<input type="checkbox"/> Short marriage	<input type="checkbox"/> Common law marriage	<input type="checkbox"/> Current mental health issues
<input type="checkbox"/> Long separation	<input type="checkbox"/> Property disputes	<input type="checkbox"/> Current drug/alcohol abuse
<input type="checkbox"/> Little debt/assets to divide	<input type="checkbox"/> Long marriage w/lots of property	<input type="checkbox"/> Challenge to court jurisdiction
<input type="checkbox"/> Current child support OR child support amount disagreement	<input type="checkbox"/> Semi-complicated financials	<input type="checkbox"/> Complicated financial situation (i.e. significant debt)
<input type="checkbox"/> Obvious workable solution	<input type="checkbox"/> Little help needed re: solution	<input type="checkbox"/> No solution in sight
<input type="checkbox"/> Pre- or post-marital agreement	<input type="checkbox"/> Parties need more information	<input type="checkbox"/> Parental abduction
<input type="checkbox"/> Military employment	<input type="checkbox"/> Anticipated relocation	<input type="checkbox"/> Relocation challenge
<input type="checkbox"/> Young, unmarried parties w/baby	<input type="checkbox"/> Non-parent party	<input type="checkbox"/> Non-parent issue
<input type="checkbox"/> Parents of teenagers	<input type="checkbox"/> Child with special needs	<input type="checkbox"/> Contested 3 <sup>rd</sup> party custody request
<input type="checkbox"/>	<input type="checkbox"/> Child resisting parenting time	<input type="checkbox"/> Pending D&N case
<input type="checkbox"/>	<input type="checkbox"/> Safety concerns	<input type="checkbox"/> Current domestic violence or protection orders
<input type="checkbox"/>	<input type="checkbox"/> Coercion or guilt on one side	<input type="checkbox"/> Relevant undisposed criminal case
<input type="checkbox"/>	<input type="checkbox"/> Extreme views on case	<input type="checkbox"/> Incarcerated parent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Pending tribal court hearing
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Expert testimony needed
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL _____	TOTAL _____	TOTAL _____

**Initial Track Assigned:**                      Green/Fast Track                      Yellow                      Red  
 Comments: \_\_\_\_\_  
 \_\_\_\_\_

**If the track was changed, when did the change happen?** \_\_\_/\_\_\_/\_\_\_\_                      **To which track?**    G    Y    R  
 Comments: \_\_\_\_\_  
 \_\_\_\_\_

## EVALUATING THE USE OF COLORADO DOMESTIC RELATIONS TRIAGE

Colorado is well positioned to evaluate the pilot project for implementing domestic relations triage due to the sophistication of its staff at both court and AOC levels as well as its statewide information systems and existing management reports. The ideas below will need to be adapted to fit Colorado, and are presented for discussion purposes. Discussion may also identify additional, feasible measures of interest and importance.

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### Process Evaluation

A process evaluation aims to determine whether all pilot courts implemented the triage tool in a similar manner. While there will always be local variation, at the same time all pilot courts need to be doing things consistently, so that the front-end processes are largely the same. That way, when we see differences in outcomes, we can attribute those to effective use of the triage tool as well as case management methods, rather than to unintentional variation in what was done on the front end. In other words, all pilot courts need to do the same thing the same way on the front end, and measure the results (outcomes) the same way on the back end. Variation will be driven by what happens in between, where we will find effective practices and learn what makes for effective case identification and management.

### Outcome Evaluation: Performance Measures

The purpose of performance measures is to help evaluate the effectiveness of the use of triage in identifying and expediting low-conflict, low-complexity dissolution cases so that these cases can follow a faster and simpler path to resolution. Measures must be feasible, sustainable, and provide actionable information for judicial officers and court managers and staff.

#### **Timeliness**

- **Time to Disposition:** the percentage of cases disposed or otherwise resolved within established time frames. Requires data on date case is filed and date case was disposed/resolved. Purpose is to see how quickly cases are moving through the system and if timeliness goals are being met.
- **Age of Active Pending Caseload:** the age of active pending cases measured as the number of days from filing until the time of measurement. Purpose is to see if cases are stalled and need intervention to keep them moving through the system. In this context, it could mean that a stalled case was misidentified in terms of conflict and complexity, or that those factors have changed since the case was filed.

#### **Complexity**

A front-end assessment of complexity is built in to the triage process, and includes factors such as property, children and other case characteristics. A proxy measure for complexity is the number of events (hearings)

required to resolve the case between filing and disposition. Another proxy measure might be the number of post-judgment hearings within 6 months of the original entry of judgment. However, the interpretation of that data is not straightforward, since the number of hearings might also be indicative of high conflict rather than high complexity. (See the following measures for Conflict).

### **Conflict**

Assessing the level of conflict is also part of the triage process, and includes factors such as history of prior legal conflict between the parties. A proxy measure for complexity is the number of events (hearings) required to resolve the case between filing and disposition. Another proxy measure might be the number of post-judgment hearings within 6 months of the original entry of judgment. These measures are proxies for both/either complexity and conflict. So the measurement strategy needs to first assess the frequency of these events, and then investigate the driver of these results by looking at individual case files.

### **Procedural Fairness**

Procedural fairness measures the extent to which parties in a case believe the court/judge handled their case in a fair and impartial manner. Parties do not necessarily expect to win, but they expect to have their day in court. This is measured by the extent to which the court is seen to demonstrate fairness, respect, equal treatment, and concern. A short survey of 5 questions is sufficient to establish a measure of this outcome.

### **Cost**

A simpler process that is also faster should be less expensive in time and money for the parties in the case. It is difficult to measure direct costs and to determine whether and how to model the costs (does one include lost wages, childcare costs incurred for attending court hearings, travel costs, etc.) A meaningful cost evaluation is beyond the scope of this pilot project.

### **Judge and Court Staff Perspectives**

The perspectives of judges and court staff who handle these domestic relations cases are important and will provide the context and interpretation of the qualitative and quantitative results of the performance measures and process evaluation outlined above. While an online survey can be constructed for each audience, the issues are likely to be better identified and understood if discussed in focus groups. That is a costlier option of course, and whether it will be possible depends on the project budget.

# Colorado DR Triage Pilot

## *Preparation for Testing Period*

**Date:** 1/19/2018

**Time:** 12:00 – 1:00 (MST)

**Overview:** The 3 pilot sites (1<sup>st</sup>, 5<sup>th</sup>, 18<sup>th</sup>-Douglas) will test the DR Triage processes from 2/1-18-4/31/18. This meeting was held to review the outline for the upcoming process evaluation to be submitted by NCSC in draft form to SCAO by 6/30/18 and to provide training on the Tool as modified by feedback that will be used during the testing period.

The Family Court Facilitators report that as many as 2000 tools may be completed during the testing period.

### **Process Evaluation**

Alicia Davis reviewed an outline of the Process Evaluation. The purpose of this process evaluation is to evaluate the process of establishing triage processes in Colorado; what worked well, what could have been better, and what is recommended for future aims to determine the viability of devising a systematized domestic relations triage process that can be taken to scale in Colorado. The process evaluation will not measure outcomes – this would be impossible with only 3 months of data. However, SCAO has built reports on Complexity and Conflict that should render useful information for managing DR cases.

### **Tool development**

The participants reviewed the Tool as edited according to feedback received. During the site visits in October/November, the pilot JDs gave feedback on an earlier version of the tool. During the site visits, it was stressed that the tool needed to be uncomplicated and time-efficient. Based on feedback, a revised tool was sent out to Alex, Heather, Laurie as well as Dr. Saini of AFCC/University of Toronto; Dr. Tom Clarke, NCSC's triage expert and Richard Schaffler and Scott Graves, NCSC's predictive analytics experts. The intended result is a version that is fast to fill out, that reflects local realities and lived experience working with parties, and incorporates lessons learned from other jurisdictions (Canada, CT, AK and others) and to make sure it is intuitive for data integrity.

### **How to Use the Tool**

- The Tool provides 7 categories that capture the 40-57 elements presented in earlier versions. The earlier elements tended to be duplicative and were not mutually exclusive.
- Weighting. If 1 or more categories are marked red, that points to a determination of the Red Pathway, even if all other indications are green. Certainly, the FCF or judicial officer may override that determination. Green and yellow indicators are equally weighted but

there are an odd number of categories (7) to help point the way to a determination of Green or Yellow. Users can check where they are on the continuum then eyeball the rest to determine initial pathway.

- Each category within a topic (i.e. “agreements”) is intended to be illustrative, not necessarily specific factors in and of themselves.

**How it will be used:**

- From 2/1/18 – 4/30/18, the FCF (family court facilitator) or JO (judicial officer) will complete the tool for every case coming up for an “Initial Status Conference” in JD 5/Douglas/Jeffco.
- We stated the categories in neutral language so that the Tool can be used while in consultation with parties.
- For most of the cases, only the front-side will be completed. If they do come back within the 90 days, the FCF/JO will fill out the back portion.
- At the end of 90 days, consult JPOD or your record keeping system to determine the current status of the case and note on Page 2 if the original determination was appropriate. No codes need to be entered in JPOD/Eclipse at this time. However, NCSC will inquire whether that may be possible in the future.

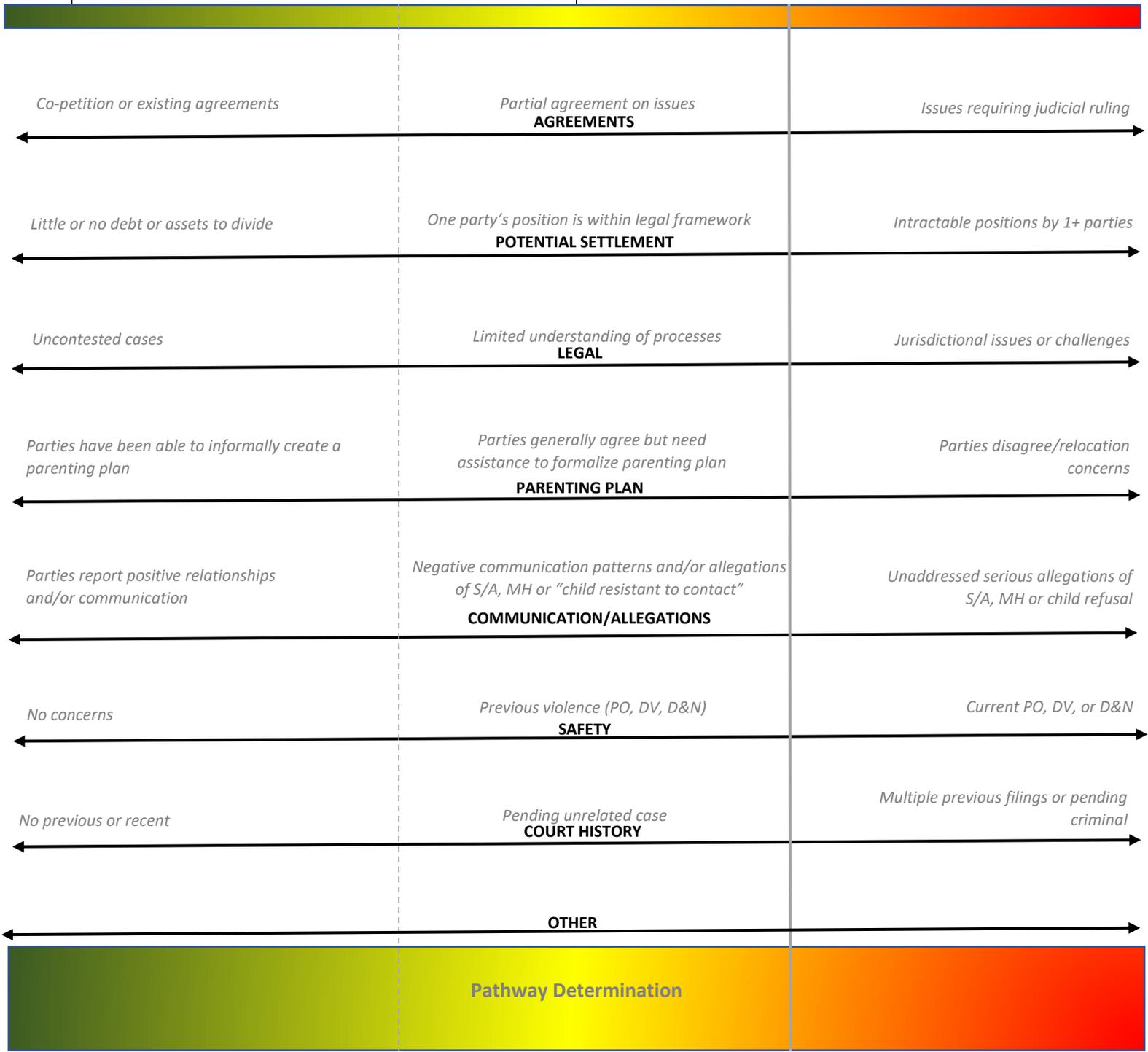
On May 1, The FCF in each JD should collect all of the Tools used from 2/1-4/30/2018, and mail them to:

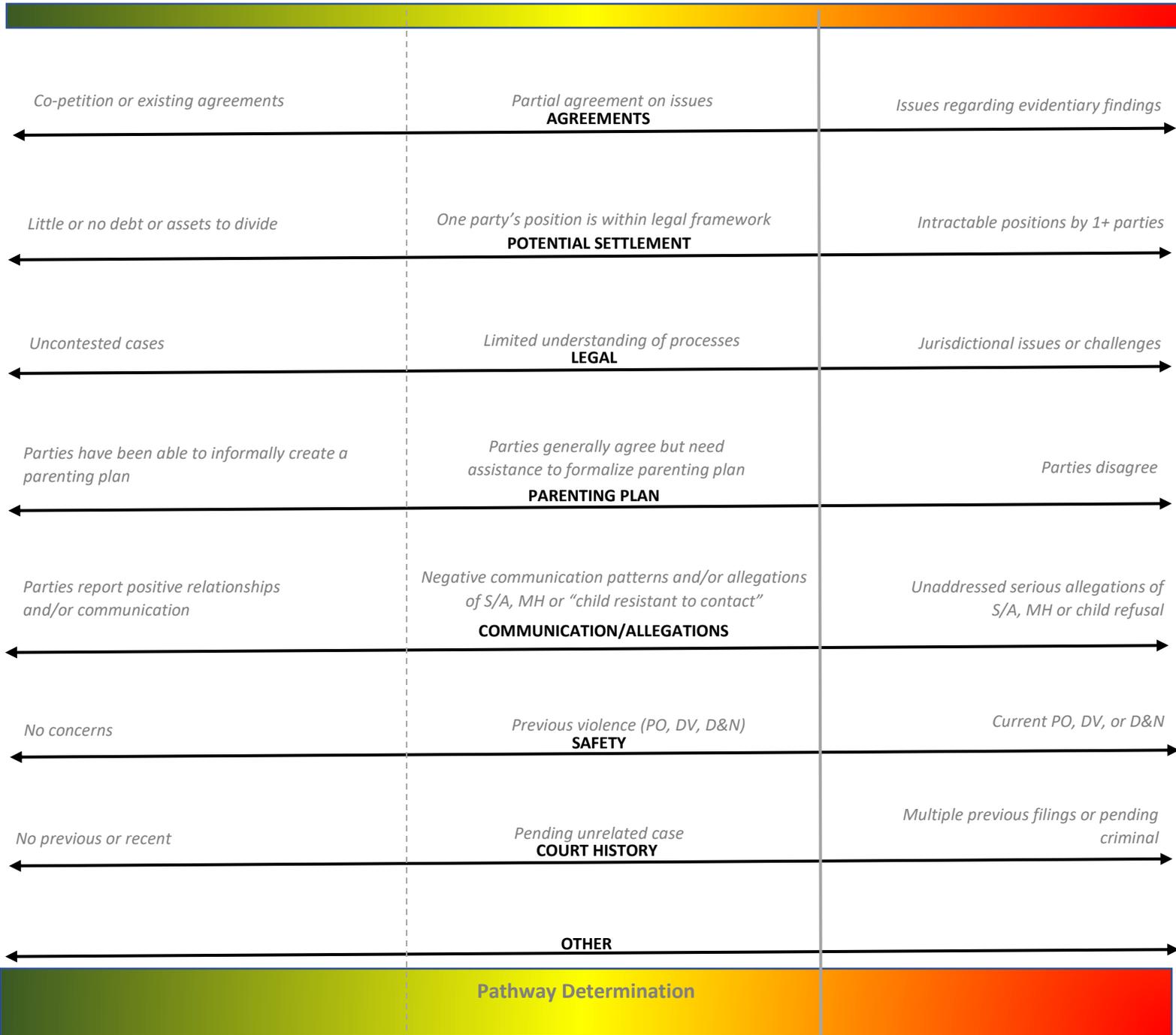
**Alicia Davis**  
**Principal Court Management Consultant**  
**National Center for State Courts**  
**707 Seventeenth Street, Suite 2900**  
**Denver, CO 80202-3429**

The action items from the meeting are:

Action Item	Assigned To	Due Date
NCSC will send out color copies for the FCFs for dissemination in 7 days	NCSC - Alicia Davis	1/26/2018
Alicia Davis will find out if codes for Testing or Future are possible	Alicia Davis	TBD
The FCF in each JD should collect all of the Tools used from 2/1-4/30/2018, and mail them to Alicia Davis: Alicia Davis 707 Seventeenth Street, Suite 2900 Denver, CO 80202-3429	All Pilot sites	Designate a custodian prior to implementation, and collect and mail materials after 4/30/2018.

<b>Case Number:</b> _____  <p style="text-align: center;"><b>PRE      POST</b></p>	<b>Date of Marriage:</b> _____  <b>Date of Separation:</b> _____
<b>Initial Screening Date:</b>  <b>Final Review Date:</b>	<b>Ages/Gender of Children:</b> _____ F/M; _____ F/M; _____ F/M; _____ F/M _____ F/M; _____ F/M; _____ F/M; _____ F/M





Did the original determination change? Yes / No

Notes (optional):

## TRIAGE PROJECT PROTOCOL

Jefferson County will run a test period of 90 days, which will include pro se ISCs held in Feb, March and April. The cases that will be a part of the triage project and tracked will only be the cases that upon filing are assigned to Divisions O, R, Q and V. In order to better track cases for this project, any contested cases will be assigned to Divisions 9 or 14 if contested. Cases tracked will be DR cases for Disso and Legal Sep with and without children and APR. We will not track invalidity cases or any DR cases that change venue into Jefferson county.

FCF will complete Colorado DR Triage Assessment Sheet and the Jefferson County Triage Tool at the ISC and assign a case track. The Colorado DR tool and the Jefferson County tool will be sent monthly to Alicia Davis and only the Jefferson County tool will be scanned into case file. Each case will be looked at 1 time for the purpose of assigning a track and will not be re-assessed. The track will be noted in the MINC from the ISC.

**Green cases-** parties have full agreements. Green cases can take 1 of 3 paths.

1. Parties qualify for the simplified divorce process and file necessary paperwork prior to ISC. Parties submit pink slip to FCF. ISC is vacated and final non-appearance hearing is set.
2. Parties do not qualify for simplified process but still file all required docs prior to ISC. Parties submit pink slip to FCF. ISC is vacated and non con or non-appearance is set.
3. Parties have all issues resolved but did not read any of the court information. They appear at ISC and based on their circumstances the FCF helps them complete the simplified disso process or the normal disso process. Non-appearance or non con is set.

We will have a letter explaining both GREEN cases options for paths 1 and 2 above and letter will be handed out to all filings and in a stand self-help center window and DR setting clerk window with a banner that reads "FAST TRACK DIVORCE". Path 3 would be determined and handled at ISC with FCF.

Green cases need either no court services or just the self help center and FCF services.

**Yellow cases-** parties are amicable and working together but don't quite have all the details of their case figured out. They may even have a lot of unresolved issues but are working together and both wanting to resolve all issues with the mediator. The only court services they need are possibly the self help center, the FCF services and possibly temporary orders hearing to maintain the status quo. The only outside court service they need is Mediation and then they resolve all aspects of case and file joint agreements.

**Red cases-** highly contested cases. Parties need temp orders hearing, CFI, PRE, mediation, experts re financial issues, etc. Parties may have protection orders. Parties need Urgent ISC with FCF and possibly Interim Orders hearing with Mag. Goal with red cases is to handle them more efficiently in hopes of not having them become frequent flyers. Part of the red protocol is the "urgent" slip below.

**Do you have any of these urgent problems?**

Case No: \_\_\_\_\_ Your name: \_\_\_\_\_

<input type="checkbox"/> I have nowhere to live	<input type="checkbox"/> we have impending eviction, repossession, foreclosure
<input type="checkbox"/> Normal bills are not being paid	<input type="checkbox"/> immediate plans to move child out of metro area
<input type="checkbox"/> I have no access to our money (if married)	<input type="checkbox"/> Other: _____
<input type="checkbox"/> I have concerns about alcohol/drug use	Contact phone # _____
<input type="checkbox"/> I have not seen our child since _____	
<input type="checkbox"/> Our child is not safe because _____	

Step 1: The above questionnaire would be given by the domestic team on the first floor to every person filing a case. If the party has nothing to check then the clerk can keep the form for the next person. If the party filing the case checks any of the boxes above, they are to bring the form to the DR setting clerk when getting their CMO. The form is given to DR setting clerk and is then given an ISC on a forthwith bases, 2 or 3 weeks out. Petitioner is informed service must be completed in order for ISC to move forward. If there is no coverage in DR setting clerk office, the urgent slip would be put in FCF mailbox and party would be contacted within 3 business days.

Step 2: If a slip is brought to DR setting clerk, the party is handed a Motion for Emergency Initial Status Conference with Family Court Facilitator to complete and file with Luann. Luann will then set the ISC on a forthwith basis with the FCF. Motion will be scanned to file for future reference. Parties are not given this option in lieu of protection order or motion to restrict, as those options may be more appropriate given the circumstances.

Step 3: If FCF cannot resolve urgent issues at the ISC, FCF will set the interim orders hearing on the Mag calendar pursuant to CRCP 16.2(c)(2)(D). At that time Mag will refer to Motion in file to see issue to be addressed. If there is proper service but respondent does not appear at ISC, interim orders hearing will be set. Temporary Orders hearing may also be set if there are other issues to address.

Step 4: all four pilot Magi divisions will hold 1 spot per week for the interim orders hearing

Step 5: The FCF would classify the case as red and would send an email to the assigned Judge so that the assigned Judge can determine how soon or not they want to hold any additional status conferences.

### **FAST TRACK DIVORCE**

In the state of Colorado there is a minimum waiting period of 91 days from the date of filing (if filed as petitioner and co-petitioner) or date of service (if filed as petitioner and respondent) in order for your divorce to be finalized. In Jefferson County there are many different ways to have your case move through the divorce process. If you and the other party have all issues resolved, you will be able to participate in the Jefferson County Fast Track Divorce process. This Fast Track Divorce process will limit the amount of court appearances you are required to attend, if any at all. The Fast Track Divorce process will allow you to complete your divorce very soon after your mandatory 91 day waiting period.

There are two different ways to qualify to participate in the fast track divorce.

1. If you do not have children, please read the attached Affidavit for Simplified Divorce to see if you qualify for this option. If you qualify for the motion please file your Petition, Case Info Sheet, Affidavit for Simplified Divorce Process, Affidavit of Non Appearance, and Proposed Decree at the Domestic Window and bring your Pink Sheet to the DR setting clerk.
2. If you have children or you do not qualify for the "Simplified Divorce Process" you still may qualify for a Fast Track Divorce. Please complete and file all documents on your appropriate pink slip check list and turn your pink slip in to the DR Setting Clerk in room 2040.

If you complete the steps in option 1 or 2 above successfully, and **TURN IN YOUR PINK SLIP AT LEAST 7 BUSINESS DAYS PRIOR TO YOUR INITIAL STATUS CONFERENCE**, you will be excused from your Initial Status Conference and your final Non-Appearance or Non-Contested hearing will be set.

District Court, Jefferson County, State of Colorado 100 Jefferson County Parkway Golden, CO 80401	
_____ Petitioner:  and  _____	Case Number: DR
_____ Co-Petitioner/Respondent	Division:
<b>AFFIDAVIT TO PARTICIPATE IN THE SIMPLIFIED DIVORCE PROCESS</b>	

1. The Parties to this dissolution of marriage action wish to proceed to entry of a decree as quickly and as simply as possible. By signature below, the Parties indicate the following is true and correct to the best of their knowledge, information and belief:
  
2. The Parties have filled out and have filed with this affidavit a proposed Decree of Dissolution of Marriage (JDF form 1116) and an Affidavit for Decree Without Appearance of Parties (JDF Form 1201). The Parties checked the second box paragraph 4 of the Affidavit indicating: *There is no marital property to be divided and there are no marital debts and neither party requests spousal support/maintenance.*
  - a. The Parties do not have any property acquired during the marriage, whether in Petitioner's name, Respondent's name or both names, including but not limited to, a town home, condominium, house, duplex, automobiles, retirement accounts, investment accounts or any property of any kind that would have a **total value of more than \$2,000.00.**
  
  - b. The Parties do not have any debt acquired during the marriage, whether in Petitioner's name, Respondent's name or both names, with a **total value owed of more than \$2,000.00.**
  
  - c. The Parties state their respective incomes are comparable and that the advisory maintenance calculation would not recommend a maintenance award of more than \$200.00 payable from one party to the other.
  
3. The Parties indicate they have a full understanding of the financial resources and circumstances of the other party and that further financial disclosures are not needed or required.
  
4. The Parties hereby knowingly waive the requirement for an Initial Case Management Conference.

- 5. The Parties hereby knowingly waive the requirement of further financial disclosures.
- 6. The Parties hereby waive their right to a Temporary Orders hearing or a Permanent Orders Hearing and request the Court consider the Affidavit For Decree Without Appearance of Parties and enter a Decree of Dissolution of Marriage after the 91 day waiting period has passed.

\_\_\_\_\_  
Printed name of Petitioner

\_\_\_\_\_  
Printed name of Co-Petitioner/Respondent

Petitioner:

Co-Petitioner /Respondent:

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Address:

\_\_\_\_\_  
Address:

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Home Phone # Cell #

\_\_\_\_\_  
Home Phone # Cell #

\_\_\_\_\_  
Attorney Signature, if any

\_\_\_\_\_  
Attorney Signature, if any

Subscribed and affirmed, or sworn to before me  
 in the County of \_\_\_\_\_,  
 State of \_\_\_\_\_, this \_\_\_\_\_  
 day of \_\_\_\_\_, 20 \_\_\_\_\_.  
 My Commission Expires: \_\_\_\_\_

Subscribed and affirmed, or sworn to before me  
 in the County of \_\_\_\_\_,  
 State of \_\_\_\_\_, this \_\_\_\_\_  
 day of \_\_\_\_\_, 20 \_\_\_\_\_.  
 My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Clerk/Family Court Facilitator

\_\_\_\_\_  
Notary Public/Clerk/Family Court Facilitator

**PINK SHEET- DIVORCE**  
**REQUEST TO WAIVE THE INITIAL STATUS CONFERENCE**

Case # \_\_\_\_\_  
Petitioner: \_\_\_\_\_  
Respondent/Co-Petitioner \_\_\_\_\_

ISC Date: \_\_\_\_\_

\_\_\_\_\_ NO ISC date ~ all paper work filed with  
Petition.

**WITH CHILDREN**

- Domestic Relations Case Information Sheet
- Petition
- Summons  Return/Waiver
- Pet  Co-Pet/Resp Sworn Financial Statement
- Pet  Co-Pet/Resp Parenting Plan
- Pet  Co-Pet/Resp Separation Agreement
- Pet  Co-Pet/Resp Parenting Class Certificates
- Pet  Cert of Compliance with Rule 16.2(e)(7)
- Support Order
- Child Support Worksheet
- Maintenance Advisement with signatures
- Decree

**WITHOUT CHILDREN**

- Domestic Relations Case Information Sheet
- Co-Petition
- Summons  Return/Waiver
- Pet  Co-Pet/Resp Sworn Financial Statement
- Pet  Co-Pet/Resp Separation Agreement
- Pet  Cert of Compliance with Rule 16.2(e)(7)
- Affidavit for Non-Appearance
- Support Order
- Maintenance Advisement with signatures
- Decree

DATE: \_\_\_\_\_

\_\_\_\_\_  
Deputy Clerk

**PINK SHEET- APR**  
**REQUEST TO WAIVE THE INITIAL STATUS CONFERENCE**

Case # \_\_\_\_\_  
Petitioner: \_\_\_\_\_  
Respondent/Co-Petitioner \_\_\_\_\_

ISC Date: \_\_\_\_\_

\_\_\_\_\_ NO ISC date ~ all paper work filed  
with Petition.

- Domestic Relations Case Information Sheet
- Petition
- Summons  Return/Waiver
- Pet  Cert of Compliance with Rule 16.2(e)(7)
- Pet  Co-Pet/Resp Sworn Financial Statement
- Pet  Co-Pet/Resp Parenting Plan
- Pet  Co-Pet/Resp Parenting Class Certificates

- Support Order
- Child Support Worksheet
- Order for APR

DATE: \_\_\_\_\_

\_\_\_\_\_  
Deputy Clerk

**PINK SHEET- Simplified Divorce Process**  
**REQUEST TO WAIVE THE INITIAL STATUS CONFERENCE**

Case # \_\_\_\_\_  
Petitioner: \_\_\_\_\_  
Respondent/Co-Petitioner \_\_\_\_\_

ISC Date: \_\_\_\_\_

\_\_\_\_\_ NO ISC date ~ all paper work filed  
with Petition.

- Domestic Relations Case Information Sheet
- Petition
- Summons  Return/Waiver
- Affidavit of Non Appearance
- Affidavit for Simplified Divorce Process
- Decree

DATE: \_\_\_\_\_

\_\_\_\_\_  
Deputy Clerk

## TIPS FOR SUCCESS

If you have full agreements on **ALL** issues and are trying to avoid multiple court dates, read the following tips to help complete the required forms correctly. You can also have the self-represented help center double check all docs prior to filing them. Make sure you complete the appropriate checklist on the reverse side of this form. All documents from your appropriate checklist **MUST** be completed and turned in 7 business days prior to Initial Status Conference if you are trying to not appear at your Initial Status Conference.

1. **SWORN FINANCIAL STATEMENT JDF 1111** (each do your own)
  - On p. 2 & 3- list only the expenses you are currently paying for. If you are listing an expected expense make a note that it is an estimated future expense. If you are listing an expense someone else is paying for right now, make a note stating that.
  - On p. 4- list any debts that are **JOINTLY TITLED & TITLED ONLY IN YOUR NAME**  
EXAMPLE- if you have a credit card in your own name it should be listed on your sworn financial
  - On p. 5- list items **JOINTLY TITLED** and **TITLED ONLY IN YOUR NAME**  
EXAMPLE- if you have a bank account in your own name it should be listed on your sworn financial
  - On page 6- if you have any assets in section F,G,H or I you **MUST** attach the **1111ss**
  - If you put on p. 2 that you have a deduction from your paystub into a retirement or investment account, you must also list that account on **p. 6** and on the **1111ss**.
  
2. **CERTIFICATE OF COMPLIANCE JDF 1104** (each do your own)

You must check the boxes for items that apply to you to show the court you exchanged the required documents. If you do not check any boxes this form will be incomplete. You must complete the sentence "If I have not provided information, it is because:"

EXAMPLE- if you listed a bank account on your sworn financial, you **MUST** give the other party a most recent statement and check the box next to "bank account". This form is to ensure that all the individually titled accounts have been disclosed to each other. **DO NOT** leave all boxes blank and write us a sentence stating that all accounts are already divided- this will be **WRONG**.
  
3. **SEPARATION AGREEMENT JDF 1115** (one document signed by both parties)

This document is referring to all assets and debts **EVEN IF THEY ARE ALREADY IN YOUR OWN NAME**. Make sure all assets and debts from **BOTH** sworn financial statements are accounted for on the separation agreement.
  
4. **SPOUSAL/MAINTENANCE ADVISEMENT** (one document signed by both parties)

You must use the same gross monthly incomes as they are listed on your sworn financial statements or add an explanation as to why the gross monthly income is not the same as the one listed on your sworn financial. EXAMPLE- if you are imputing income to one party on the advisement make a note stating that you are doing so & why.

\*If you are still unsure about this form, GO TO THE SELF REPRESENTED HELP CENTER
  
5. **PARENTING PLAN JDF 1113**(one document signed by both parties)- if you are trying to agree to \$0 child support, you **MUST** use the lines provided to explain why it is appropriate to do so.
  
6. **CHILD SUPPORT WORKSHEET** (the court only needs 1 worksheet)

Make sure you add in spousal support amount if you are agreeing to spousal support.
  
7. **SUPPORT ORDER JDF 1117**-Fill out through the chart where you list the kiddos & then **STOP!**
  
8. **DECREE JDF 1116** or **ORDER FOR APR JDF 1422**- **ONLY** complete the top caption and then **STOP!**

District Court, Jefferson County, State of Colorado Court Address: 100 Jefferson County Parkway, Golden, CO 80401  <hr/> Petitioner and  Co-Petitioner/Respondent	<p style="text-align: center;"><b>CHECK IN WITH THE MAGISTRATE'S CLERK FOR YOUR DIVISION ON THE 2<sup>ND</sup> FLOOR BEFORE GOING TO COURTROOM</b></p> <hr/> Case No: DR  Division.:
<b>NOTICE OF HEARING</b>	

This Notice of Hearing has been:  E-filed to:  
 Handed to:

**The Hearing on the above captioned case is set on     , 2017 at      M,  
 Div.      Courtroom     , for:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Temporary Orders       | <input type="checkbox"/> Non-Contested Permanent Orders | <input type="checkbox"/> Invalidity of Marriage   |
| <input type="checkbox"/> Status Conference      | <input type="checkbox"/> Contested Permanent Orders     | <input type="checkbox"/> Default Permanent Orders |
| <input type="checkbox"/> Interim Orders Hearing | <input type="checkbox"/> Other:                         |   |

**ALL PARTIES ARE REQUIRED TO APPEAR.** If you fail to appear at the hearing, the Court may enter Orders against you. Please do not bring children to the hearing. If you do bring children, your hearing may be vacated and you will have to re-schedule it.

YOU NEED TO PROVIDE THE COURT WITH THE FOLLOWING DOCUMENTS. FAILURE TO SUBMIT THE DOCUMENTS COULD RESULT IN THE HEARING/REVIEW DATE BEING VACATED OR DEFAULT ORDERS BEING ENTERED.

**\*\*\*\*\* IT IS YOUR RESPONSIBILITY TO COMPLETE THE REQUIRED FORMS LEGIBLY. \*\*\*\*\***

The following paperwork **must** be submitted to the Court:

- Certificate of Compliance with C.R.C.P. 16.2(e):  Petitioner  Co-Petitioner/Respondent
- Sworn Financial Statement:  Petitioner  Co-Petitioner/Respondent
- Supporting Schedules to Sworn Financial JDF1111SS:  Petitioner  Co-Petitioner/Respondent
- Separation Agreement:  Petitioner  Co-Petitioner/Respondent
- Parenting Plan:  Petitioner  Co-Petitioner/Respondent
- Child Support Guideline Worksheet
- Support Order – **THE PARTY INFORMATION MUST BE FILLED OUT COMPLETELY**
- Certificate of Completion of Parenting Class:  Petitioner  Co-Petitioner/Respondent
- Maintenance Advisement & Worksheet:  Petitioner  Co-Petitioner/Respondent
- Decree of  Dissolution of Marriage  Legal Separation  Invalidity of Marriage
- Response to Petition:  Co-Petitioner/Respondent

Dated: 1, 2017

Division Clerk

*Lu Ann King*



**COLORADO DR TRIAGE CASE ASSESSMENT SHEET**

Case Number: \_\_\_\_\_ Length of Marriage: \_\_\_\_\_ Years  
 County: \_\_\_\_\_ Length of Separation: \_\_\_\_\_ Years  
 Screener: \_\_\_\_\_ Ages of Children: \_\_\_\_\_  
 Screening Date: \_\_\_\_\_  
 Pre- or Post-Decree: \_\_\_\_\_

Domestic Relations Pathways		
GREEN/FAST TRACK	YELLOW	RED
<input type="checkbox"/> Existing arrangement re: decision making/parenting time	<input type="checkbox"/> Indecision	<input type="checkbox"/> Request/need for immediate court intervention
<input type="checkbox"/> Short marriage	<input type="checkbox"/> Common law marriage	<input type="checkbox"/> Current mental health issues
<input type="checkbox"/> Long separation	<input type="checkbox"/> Property disputes	<input type="checkbox"/> Current drug/alcohol abuse
<input type="checkbox"/> Little debt/assets to divide	<input type="checkbox"/> Long marriage w/lots of property	<input type="checkbox"/> Challenge to court jurisdiction
<input type="checkbox"/> Current child support OR child support amount disagreement	<input type="checkbox"/> Semi-complicated financials	<input type="checkbox"/> Complicated financial situation (i.e. significant debt)
<input type="checkbox"/> Obvious workable solution	<input type="checkbox"/> Little help needed re: solution	<input type="checkbox"/> No solution in sight
<input type="checkbox"/> Pre- or post-marital agreement	<input type="checkbox"/> Parties need more information	<input type="checkbox"/> Parental abduction
<input type="checkbox"/> Military employment	<input type="checkbox"/> Anticipated relocation	<input type="checkbox"/> Relocation challenge
<input type="checkbox"/> Young, unmarried parties w/baby	<input type="checkbox"/> Non-parent party	<input type="checkbox"/> Non-parent issue
<input type="checkbox"/> Parents of teenagers	<input type="checkbox"/> Child with special needs	<input type="checkbox"/> Contested 3 <sup>rd</sup> party custody request
<input type="checkbox"/>	<input type="checkbox"/> Child resisting parenting time	<input type="checkbox"/> Pending D&N case
<input type="checkbox"/>	<input type="checkbox"/> Safety concerns	<input type="checkbox"/> Current domestic violence or protection orders
<input type="checkbox"/>	<input type="checkbox"/> Coercion or guilt on one side	<input type="checkbox"/> Relevant undisposed criminal case
<input type="checkbox"/>	<input type="checkbox"/> Extreme views on case	<input type="checkbox"/> Incarcerated parent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Pending tribal court hearing
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Expert testimony needed
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL _____	TOTAL _____	TOTAL _____

Initial Track Assigned:            Green/Fast Track            Yellow            Red  
 Comments: \_\_\_\_\_

If the track was changed, when did the change happen? \_\_\_/\_\_\_/\_\_\_            To which track?    G    Y    R  
 Comments: \_\_\_\_\_

**Initial Status Conference Survey**

2017DR \_\_\_\_\_

Name: \_\_\_\_\_ Name of other party: \_\_\_\_\_

Is there a full agreement between the parties on the following issues? Yes No Partial Unsure

**For Dissolution of Marriage:**

- Division of property (assets and debts)?  Yes  No  Partial  Unsure
- Maintenance (spousal support)?  Yes  No  Partial  Unsure

**For cases involving minor children:**

- Parenting Plan-- Decision Making?  Yes  No  Partial  Unsure
- Parenting Plan—Parenting time?  Yes  No  Partial  Unsure
- Child Support?  Yes  No  Partial  Unsure

If you answered all of the above questions "YES", STOP here and wait for the Family Court Facilitator.

**DISSOLUTION OF MARRIAGE** Both Me The Other Party No

- Who has access to family financial records including Bank records, tax returns, credit card statements, etc.?  Both  Me  The Other Party  No
- Are either of you seeking maintenance (spousal support)?  Both  Me  The Other Party  No
- Do either of you own or operate a business?  Both  Me  The Other Party  No
- Are either of you the beneficiary of any trusts?  Both  Me  The Other Party  No
- Who is currently employed on a full time basis?  Both  Me  The Other Party  No
- Is either of you disabled in any way?  Both  Me  The Other Party  No

**QUESTIONS REGARDING YOUR MINOR CHILDREN:** Both Me The Other Party

- Who currently makes decisions regarding the child(ren)?  Both  Me  The Other Party
- The child(ren) currently reside primarily with?  Both  Me  The Other Party
- Who do you think agrees with the current parenting time arrangements?  Both  Me  The Other Party
- Have the police ever been called during your relationship? If so, by whom?  Both  Me  The Other Party
- Have you ever sought a protection order against the other party?  Both  Me  The Other Party
- Is there a protection order currently in place?  Both  Me  The Other Party
- Do either of you have children from a prior relationship?  Both  Me  The Other Party
- Have either of you moved residences in the last 6 months?  Both  Me  The Other Party
- Are there concerns regarding alcohol or substance abuse?  Both  Me  The Other Party
- Do either of you plan to move in the next 6 months? If yes, to where? \_\_\_\_\_  Both  Me  The Other Party



COLORADO DR TRIAGE PROJECT  
**DOUGLAS COUNTY PILOT PROTOCOL**

**Douglas County will run a test period of 90 days, which will include Pro Se & Represented Parties in Pre-Decree Cases assigned to Division 4 (Judge Gary Kramer), Division 6 (Judge Natalie Chase), Division 7 (Magistrate Rebecca Moss) and Division FCF (Family Court Facilitator Heather Lang). Only Dissolution of Marriage, Legal Separation, and Allocation of Parental Responsibilities will be included. We will not track Invalidity of Marriage and Incoming Change of Venue Cases.**

**PRINCIPLE 1 TRIAGE TOOL & DOMESTIC VIOLENCE SURVIVOR INFORMATION**

The pilot  will provide triage and domestic violence survivor information to parties in new DR cases  
 will not provide triage and survivor information to parties in new DR cases because:

*The Douglas Clerk's Office will continue to provide survivor information as an attachment to the Case Mgmt Order issued at the time of filing (see attachment A), but have elected to not provide triage information to the parties. Instead, the judicial officer or Family Court Facilitator will complete the triage tool during the ISC and send the assessment to NCSC, so that it is not part of the file and not discoverable by parties and counsel.*

**PRINCIPLE 2 TEMPLATE**

The pilot  will document processes and court staff responsible for reviewing court file and party background to determine case pathways.  
 will not document processes and court staff responsible for reviewing court file and party background to determine case pathways because:

*The Judicial Officer or FCF will review the file and complete the Attached Triage Tool Assessment during each ISC. The case will be reviewed in accordance with the following:*

**Green** - Low conflict/low complexity

**Yellow** - Medium conflict/medium complexity

**Red** - High conflict/high complexity

**PRINCIPLE 3 TEMPLATE**

The pilot  will identify conflict, readiness for resolution, and emergency indicators  
 will not identify conflict, readiness for resolution and emergency indicators because:

*The Judicial Officer or FCF will review the file, and other court records if applicable, for conflict, readiness for resolution and emergency indicators prior to the Initial Status Conference. The Judicial Officers may ask their clerks to assist with completing the assessment tool. The findings will be recorded on the Triage Tool Assessment. The court will continue to handle emergencies the same as in the past.*

**PRINCIPLE 4 TEMPLATE**

The pilot  will designate and record the DR triage case path at the time of the ISC using the Triage Tool assessment, *but the pilot has elected to not record path changes after the initial assessment.*

**PRINCIPLE 5 TEMPLATE**

The pilot  will form or continue a local best practice court team and will create an inventory of community resources and available interventions  
 will not form or continue a local best practice court team and will create an inventory of community resources and available interventions because:

*The Douglas Community Resources Inventory has already been completed. The Douglas Pilot already has a Best Practice Team in place that provided input into this protocol.*

**PRINCIPLE 6 TEMPLATE**

The pilot  will implement the requested data collection by marking and returning the Case Path Assessment sheet  
 will not implement the requested data collection by marking and returning the Case Path Assessment sheet because:

The Family Court Facilitator will return the assessment sheets to NCSC at the end of the study for analysis.

**Attachment A:**

**ADVISEMENT REGARDING DOMESTIC ABUSE**

Domestic abuse is a pervasive problem in society, and occurs among all ethnic/cultural/religious groups and in all income levels. A significant portion of domestic abuse is hidden because it occurs in the home and victims are conditioned to keep the abuse a secret. Studies have found that 80 to 90 percent of the children living in homes with domestic abuse are aware of the abuse, even when the parents are certain they have never witnessed the abuse. Research shows that children in a home where domestic abuse occurs are at greater risk of emotional, psychological and physical harm. Such children are at risk of psychological, social, and behavioral problems; higher rates of academic problems; more physical illnesses, particularly stress-associated disorders; and a greater propensity to exhibit aggressive and violent behavior, sometimes carrying violent and abuse-tolerant roles to their adult relationships. Studies have also noted that children are affected to varying degrees by witnessing abuse in their homes and that each child should be assessed individually.

If you have experienced domestic abuse in your relationship, you are strongly encouraged to obtain assessment, counseling, or other available services for yourself and your children. If you have a limited income or otherwise cannot afford such services, financial assistance may be available to cover some or all of the costs. The cost of services provided to your children may be apportioned by the Court between the parties as it deems appropriate. You may wish to call the following domestic abuse services and potential financial resources available in your area:

<b>DVI – Domestic Violence Initiative – Statewide Services</b>	
Administration	(303) 839-5510
<b>Gateway Battered Women’s Shelter – Serves Arapahoe County</b>	
Administration	(303) 343-1856
Crisis Hotline	(303) 343-1851
<b>Running Creek Counseling Services – Serves Franktown area</b>	
Administration	(303) 688-8231
Crisis Hotline	(303) 461-0479
<b>Crisis Center – Serves Castle Rock area</b>	
Administration	(303) 688-1094
Crisis Hotline	(303) 688-8484
<b>Asian Pacific Development Center</b>	
Denver	(303) 355-0710

## **Executive Summary**

The purpose of this document is to develop a process protocol for collection and reporting of Triage Pilot (Pilot) data (see attachment A, Evaluating the Use of Colorado Domestic Relations Triage).

Front-end assessment of complexity to include factors identified that may require early intervention or simplified process will be performed at or before Initial Status Conference. This information will be utilized to employ potential case management strategies with the goal of timely and effective resolution of domestic relations cases in Eagle and Summit Counties.

Similar data will be reviewed throughout the process and at case disposition to determine if factors identified at the front-end are valid indicators of complexity and case path.

Final outcomes will include analysis of data collected to determine the above and make recommendations for possible improved case management and procedural fairness.

**Principle 1: Provide Triage and Survivor Information to Parties in New Domestic Relations Cases**

*The Fifth Judicial District will provide triage and resource information as follows:*

- Clerk of Court or Self-Represented Litigant staff will explain the process at inquiry and/or filing of documents. Expedited process is highlighted to ensure the most effective process is presented for party(ies) informed decision.

Upon filing, party(ies) receive the following: Case Management Order, Rule 16.2 Order, Maintenance Statute Notice (except APR cases), Notice of Initial Status Conference, Case Plan/Instruction Sheet and further information including contact information for Family Court Facilitator. Party(ies) are advised about the status of their case at that time. For instance, if parties are filing as co-competitors, a brief description of the remaining process and paperwork is described to include mediation requirement if parties are unable to reach agreement.

If a summons is issued, Petitioner is advised of the service requirement and provided a service packet. A brief description of the remaining process and paperwork is described to include publication process if there is difficulty locating the Respondent and mediation if parties are unable to reach agreement.

At the time of filing, no other documents are provided unless requested and party(ies) are encouraged to contact the Family Court Facilitator or Self-Represented Litigant Coordinator if they have questions prior to their Initial Status Conference, usually set within 14-21 days.

- At Initial Status Conference or subsequent scheduled conference/meeting, Family Court Facilitator or Self-Represented Litigant Coordinator may provide other organizational materials such as folder, note sheet, flowchart or "to-do" notes on the Case Plan/Instruction Sheet.
- The Fifth Judicial District recognizes complex and/or emergency issues may arise before, at filing or during the pendency of the case. Examples may include domestic violence, substance abuse, mental health issues, financial issues, legal assistance and parenting issues, just to name a few. Information and/or resources may be provided to party(ies) as appropriate or upon request by window staff at filing, with the Self-Represented Litigant Coordinator and/or Family Court Facilitator, as well as before the presiding Judicial Officer.

The Fifth Judicial District does not weigh issues over one another (eg: domestic violence, mental health, special needs children, etc.)-all cases requiring recognition of specific issues are assessed and attended to as appropriate for the issue at hand.

- The presiding Judicial Officer, Family Court Facilitator or Self-Represented Litigant Coordinator may enter case notes in the form of a Minute Order (MINO or MINC) briefly describing interaction, instruction and issues related to the Party(ies) that will assist in the management of the case. This practice has been efficient and in place for some time and modification of this practice, pursuant to Judicial Resource Manual, is not anticipated.
- Additionally, the Triage Team, as well as other relevant staff or resources may collaborate to identify specific needs of a case/party(ies) to ensure attention to issues that may arise. Available resources may be discussed to address any identified issues.
- Documents/pleadings other than those of the official record shall not be collected and entered into the court case management system. Documentation regarding pilot cases shall be kept separate and confidential, shared by Triage Team and managed by the Family Court Facilitator.

## **Principle 2: Review Court Files and Party Background**

*The Fifth Judicial District will review case and court information and party background as follows:*

- The Family Court Facilitator reviews every domestic relations case (excepting administrative process cases) and meets with parties at the Initial Status Conference and subsequent scheduled status conferences.
- The Family Court Facilitator will determine case pathways (Green, Yellow or Red) utilizing the approved determination tool:
  1. **Green** – Low conflict/low complexity: Show the processes/events for cases with agreement on most or all issues. The goal: expedited resolution, waiver of the Initial Status Conference when possible and reduction of case steps/processes; Resolution by decree without appearance of parties or non-contested hearing at or soon after 91 days.

2. **Yellow** - Medium conflict/medium complexity: Show the processes/events for cases needing some attention, lacking full agreement, with minimal conflict/complexity indicators and perhaps needing information to resolve some disputes. The goal: case resolution as soon as possible with through use of interim stipulations, temporary orders, early appointment of experts and alternative dispute resolution.
  3. **Red** - High conflict/high complexity: Show the processes/events for cases with little to no agreement, high conflict or complexity and/or more than a couple of complications. The goal: efficient and effective resolution through more intensive supervision by judicial officers, clear, detailed interim and/or temporary orders, quick enforcement of orders, and/or frequent review, carefully considering the suitability of alternative dispute resolution, additional parenting classes, and appointment of experts to avoid entrenching parties in conflict and delaying resolution.
- The Family Court Facilitator will note the determinate path on an Excel Spreadsheet, noting the case number, county, screening date, date of marriage, date of separation and ages of children (this information will be used to complete the Colorado DR Triage Case Assessment Sheet, 2F at disposition).

**Principle 3: Identify Conflict Indicators, Readiness for Resolution Indicators and Emergency Issues**

*The Fifth Judicial District will identify conflict, readiness for resolution and emergency indicators as follows:*

- The Fifth Judicial District recognizes complex and/or emergency issues may arise before, at filing or during the pendency of the case. Examples may include domestic violence, substance abuse, mental health issues, financial issues, legal assistance and parenting issues, just to name a few. Information and/or resources may be provided to party(ies) as appropriate or upon request by window staff at filing, with the Self-Represented Litigant Coordinator and/or Family Court Facilitator, as well as before the Presiding Judicial Officer.
- The Family Court Facilitator reviews every domestic relations case (excepting administrative process cases) and meets with parties at the Initial Status Conference and subsequent scheduled status conferences.

The purpose of the Initial Status Conference is to inform the party(ies) of the process and facilitate resolution of the matter in the most effective manner possible. All efforts are taken to reduce conflict, including not bringing up negative factors (such as cases that another party may not be aware of) that one or both parties could use against the other in the case process. As needed, stipulated agreements to reduce temporary orders hearings and conflict between the parties will be addressed.

Use of the Petition is the information required to assist parties in the ISC and subsequent conferences. Focus in conferences is addressing the needs of the clients at the moment with appropriate consideration and accommodations (example: separate rooms for conferences to divide parties physically to reduce tension and allow more open communication perhaps from one or both parties) when petition indicates concerns or prior court actions.

In specific situations, the FCF and/or SRLC may view the case index to see if there are records in other jurisdictions to assist in getting parties to final outcomes.

- Court records are presumed to be open to the public, pursuant to Chief Justice Directive 05-01. Parties who have concerns about other cases that may exist that are not relevant to the DR matter at hand are instructed on the research process.

#### **Principle 4: Designate and Record DR Triage Case Path**

*The Fifth Judicial District will designate and record case path as follows:*

- The Family Court Facilitator will note the determinate path as identified in Appendix 2 as 2E, Path Determination Tool (attached) immediately after the Initial Status Conference. Reporting will be done internally on an Excel Spreadsheet, noting the case number, county, screening date, date of marriage, date of separation and ages of children.
- The Family Court Facilitator or Judicial Officer will note changes in path determination at subsequent events (conferences, hearings or other event before the court).
- The Family Court Facilitator or SRLC will transfer data to the approved Colorado DR Triage Case Assessment Sheet, identified in Appendix 2 as 2F (attached), at disposition.

- Completed DR Triage Case Assessment Sheets will be compiled by the FCF and/or SRLC and delivered to the National Center for State Courts at the end of the test period.

**Principle 5: Formation of Local Teams and Inventory of Community Resources**

*The Fifth Judicial District will form local teams and inventory of community resources as follows:*

- The Fifth Judicial District will continue what it considers to be the most effective structure for its unique demographic. The Fifth Judicial District is a small district comprised of smaller counties. As such, communication between judges, FCF, SRLC, domestic bar and local providers are regularly occurring. Establishing a formal structure has been discussed with the conclusion that it may reduce or inhibit communication. Therefore, we will not establish a formal team, and instead continue to operate in an open structure.
- Community resources in the above demographic are less abundant than in larger jurisdictions. Many of our resources are found in the more populated Denver Metropolitan area. We do continue to add resources to our list as they become available and are active in community collaborations to improve this area. The SRLC and FCF will continue to work closely with the legal community, health community, Probation and education community to create a comprehensive inventory of resources and available interventions.

**Principle 6: Implement Data Collection and Analysis Plan at State and Local Level**

*The Fifth Judicial District will implement data collection and analysis as follows:*

- Completed DR Triage Case Assessment Sheets will be compiled by the FCF and/or SRLC and delivered to the National Center for State Courts at the end of the test period.