

## WHAT IS THE FAMILY LAW COURT PROGRAM (FLCP)

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Please understand that the Family Law Court Program was designed for **non-contested cases**. If the other party in your case hires an attorney or files a response that is not something you can agree with then your case may no longer be appropriate for this program. If this happens, FLCP will try to refer your case to a volunteer attorney to work with you individually. However, FLCP cannot guarantee that such an attorney will be available. If a private is not available the will have can proceed by hiring a private attorney or proceed on your own.



There is no charge for the services of this program. There is not any charge for the pro bono attorney who will be assigned to your case.

You are responsible for the service fee to have the other party served unless your case is by Publication

The Court determines if you are eligible to have your filing fee waived bases on the Federal Poverty Guidelines. If the Court does not waive your filing fee you are responsible for the filing fee. In most cases the Court will allow you to make (3) payments.



In order to request the court to waive your filing fees, ***you must provide*** your (3) most current pay stubs ( if employed) and last (3) months bank statements (if you have a checking account) at your first appointment. If you use a pay card instead of a banking account we will need to make a copy of the front of your card to include with the fee waiver application.

The Court requires that we file a Sworn Financial Statement for you. Please complete the worksheet as accurately as you can. Marital property includes both debts and assets and is anything acquired from the “date of marriage” until the date of the actual divorce decree. It does not matter whose name the account is held in only if it occurred during the marriage. If you do not know your debts you can run a credit report at [annualcreditreport.com](http://annualcreditreport.com). You must list all of your debts and assets and what you know about the debts and assets of the other party.

### **Clients will follow a three-step process:**

**Step 1:** Once your application is accepted you will receive a letter or call scheduling your first appointment. You will review and proof all the documents necessary to file your case. Allow time to do this because it is very important that

all the names, dates, addresses and other information be correct. The FLCP will answer your questions about the process. The FLCP will file the documents to start the case.

- If you are income eligible the FLCP will ask the Court to waive your filing fee.
- Starting **January 2019** the fee for filing a divorce is \$230.00 and the filing fee for a custody case will be \$222.00.

**Step 2:** The staff will file your case for you and arrange for personal service of court documents on the other party (called the "respondent") as the law requires, usually by a private process server or a sheriff. You will be asked to bring a money order in the amount of \$35.00 dollars in Pueblo city or \$40.00 in Pueblo County to cover the process server charge. If the Respondent lives outside of the city of Pueblo or the state of Colorado, you will be asked to bring a money order for service for the designated county/state. The program will call and let you know the exact amount of service in that state.



Once your case is filed you must maintain contact with the FLCP. That means making sure you notify the FLCP if your address or phone number changes. If we lose contact with you and you miss appointments or Court dates the Court may dismiss your case and we will close your case in this office. \*\*

**Step 2:** You will go to a status conference on the 2<sup>nd</sup> Floor at the Judicial Building. The exact date and time will be on the Case Management Order that will come back from the Court with your case. This not with a judge and will be with the Family Court Facilitator. This conference is to make sure that everything has been filed and that the other party has been served. The FLCP Coordinator will be at that short meeting with your file. If service has been filed then the case can be set for a hearing.

- You must attend unless called by the FLCP (you do not have to attend if your case has service by Publication.)
- It is the choice other the other party to attend. If he/she wants to participate in the case the/she must file a response and pay the filing fee.
- If the other party does not participate in the case the FLCP will proceed on your behalf to get the divorce decree or custody order.

**Step 3:** (Permanent Orders are the orders in a divorce case/custody case that cause the spouses to be deemed divorced, and thus dissolve the marriage; in a custody case, the orders determine decision-making responsibilities and parenting time. Nad child support.)

- You will be scheduled to meet with a pro bono attorney. The meeting will be

at Colorado Legal Services. The attorney will prepare all the documents that need to be filed with the court and may include a parenting plan, child support worksheet, support order and a separation agreement. Your volunteer FLCP lawyer will prepare you to appear in court and then *represent you* in court in a hearing before a judge or magistrate who will consider the documents and evidence and enter a Decree of Dissolution/Allocation of Parental Responsibilities and such other Orders as are required.

- **Step 4:** When at **least ninety (91) days** for a divorce or **30 days** for a custody case have passed since the respondent was served with the divorce/custody papers, your case will be set for a Permanent Orders hearing. Both you and the respondent will receive a copy of the completed Notice of Hearing with the scheduled date and time. You will also receive a reminder letter with additional information about actually appearing in Court. The Court allows the attorney to both enter an appearance for you and withdraw from representing you on the day of the hearing. In most cases you will receive your divorce decree or custody order at the hearing. If you do not then the FLCP will mail you copies of all orders signed and entered by the Court.

## **FREQUENTLY ASKED QUESTIONS**

### What if the other party refuses to participate in this case?

The other party will be notified of all hearings in your case, and has the right to appear and participate in the proceedings. However, if the other party chooses not to participate, it will NOT prevent your case from going forward.

### The other party is harassing or threatening me. What should I do?

You have the right not to be harassed by the other party during this case. If you are experiencing harassment, you should start by keeping a list of each occurrence. You then have several options for how to deal with the situation.

For minor harassment, you can try to reach an agreement with the other party about how you will interact with each other during this process. You might decide to limit your contact to certain forms or subjects. (For example, parties will often agree to communicate only about their children and not about other topics.)

If the situation cannot be resolved by agreement, you may choose to ask the Court for Temporary Orders. This means that you are asking the Court to impose rules that you and the other party must abide by during your case. (For example, you could ask the Court to order that you and the other party can only communicate with each other in writing.) If the other party breaks these rules, you can let the Court know and the Court will impose whatever sanctions it deems appropriate.

If the harassment is serious, you should ask the Court for a Protection Order (aka a Restraining Order). To get a Protection Order, go to the Pro Se Resource Center and ask for the necessary paperwork. The Court will usually grant a Temporary Protection Order immediately and it is usually effective for two weeks. To make the Temporary Order permanent, you will have to have appear before the Court for a Hearing. FLCP cannot assist with Protection Orders. Please let the FLCP know and the program will direct you to ACOVA .

**If you are ever concerned for your safety, call 911 immediately.**

What if some issues need to be addressed before my Permanent Orders Hearing?

A divorce or custody case can take many months to complete. It can be difficult to know what the “rules” are during this period, especially if you and your spouse/partner have not yet separated. Parties often struggle with questions, such as where the children will live during this time, which cannot wait until your final Hearing.

It is usually best for everyone involved if you and your spouse/partner are able to be respectful and cooperative and work out agreements with each other.

However, if this is not possible, you can ask the Court for Temporary Orders. This means that you are asking the Court to make immediate decisions about certain issues and impose rules that you and the other party must abide by until your final hearing. FLCF cannot represent you for Temporary Orders. Your case would be considered contested and diverted from this program.



Once your case is set for a settlement conference you will receive additional information on what to expect at the settlement conference and also information about spousal maintenance eligibility and guidelines in the state of Colorado.



## Pueblo FAMILY LAW COURT PROGRAM CHECKLIST

Please bring this list with you to your first meeting.

What's the Next Step?	When does it occur?	Who is responsible for completing this?	Date Complete
<b>Initial Meeting</b> At your Initial Meeting, FLCP will prepare all of the paperwork and file your case with the Court.	After acceptance into the Family Law Court Program	You will review all of your case documents, proof the documents and sign the documents.	
<b>Case Filed with the Court</b> FLCP will request a filing fee waiver if you qualify by income/ The decision to waive filing fee is made by the Court. (Required by the Court: If you want to request a fee waiver, you must bring 3 months of pay stubs (if employed) , 3 months bank statements ( if you have a bank account and/or we must provide a copy of the front of your pay card)	Within 1 weeks after your Initial Meeting	FLCP will file your case with the Court.	
<b>Service of Process</b> The Court requires that we officially notify the other party of this case. To do this, we must have a process server deliver papers to him/her.  This is the only fee you will be responsible to pay. It is usually <u>\$35.00</u> if in Pueblo City and <u>\$40.00</u> in Pueblo County. FLCP will let you know the cost of service if the other party lives outside of Pueblo County or the state of Colorado. You will bring the required amount in a money order to your first scheduled meeting.	As soon as possible after filing your case.  Depending on how difficult it is to locate the other party.  Must be served before your Initial Status Conference Date (ISC) with the Court	You are responsible for providing FLCP with current information about the other party's whereabouts. FLCP will then arrange for service.  If you cannot find any information about the other party, you must notify FLCP immediately and we can discuss your options.	
<b>Financial Disclosures</b> Program will file with the Court ( Marital property is an asset or debt that you have during the marriage regardless of whose name is on the debt.	Gather documents that may be needed ( deeds, pension plans, life insurance, bills, appraisals, etc)	FLCP will file all documents required by the Court	
<b>Initial Status Conference</b> with the Court  This is a mandatory conference at the Judicial Building meeting unless your service is by Publication/ FLCP will let you know if you do not have to attend.	Case Management Order (CMO) will be included with your copies of all documents that are filed and returned to FLCP by the Court	FLCP will provide you with the date and time. FLCP will meet you at the conference with your file.	
<b>Meeting with Attorney</b> You will meet with a volunteer attorney at Colorado Legal Services to discuss the legal issues in your case and to prepare the paperwork for your final hearing. <i>No charge to either party</i>	FLCP will call to schedule appointment and send you a reminder letter. This meeting will take approximately 30 – 45 minutes	FLCP will notify you of the confirmed date of this meeting. It is your responsibility to attend. Appointments are limited and usually cannot be rescheduled.	
<b>Permanent Orders Hearing</b> At your hearing, you will appear in Court before a Judge. The volunteer attorney will represent you. The Judge will make final decisions about all of the issues in your case.	For Divorce cases, at least 91 days after Service of Process. For Custody only cases, at least 31 days after Service of Process.	FLCP will notify you of the date of your hearing. FLCP will file all notices and send you and the other party a copy. It is your responsibility to attend. You will be noticed of an AM or PM docket, please arrange to take either the morning or afternoon off.	
FLCP will send you and the other party your final Decree or APR Order	Within 30 days of the final hearing or when the Judge signs the decree/may be at your hearing	FLCP will mail the final Decree, APR Order, and Support Order to both parties	