

CHILD AND FAMILY INVESTIGATOR (CFI) COMMUNICATION POLICIES FOR
COUNSEL AND SELF-REPRESENTED PARTIES PURSUANT TO
CJD 04-08, STANDARD 17

Please complete JDF 1318 R1-16, the ORDER APPOINTING CHILD AND FAMILY INVESTIGATOR PURSUANT TO §14-10-116.5, C.R.S., including the reasons for and scope of appointment, the division and payment of fees, and the CFI report due date. A CFI investigation is intended to be “a brief assessment that is nonintrusive, efficient, and cost-effective.” Counsel and parties can keep the investigation brief, minimally intrusive and cost-effective through narrowly tailored, specific orders of appointment targeting the precise issue(s) to be investigated and/or addressed in recommendations.

Standard 17 of CJD 04-08 prohibits CFIs from engaging in non-disclosed communications with one party or one party’s counsel. However, the CFI, parties, and counsel may enter into a written agreement for a different procedure concerning communication before the CFI begins work on the case. Please notify me in writing if you request modification of my standard policies and practices, described below. Please also carefully review THE FEE POLICIES AND AGREEMENT FOR CHILD AND FAMILY INVESTIGATOR (CFI) SERVICES.

1. General case information sharing: General case sharing may occur prior to and during the CFI appointment. Generally, I do not disclose to the other attorney or pro se party that the communication occurred unless specifically asked. Examples of general case information sharing are as follows:

A. **Prior to Appointment:** I will answer questions about our approach to CFI work, credentials, experience, availability, fees, and potential biases. To provide this information, I ask for enough information about the case to decide if I am available, qualified, and have no conflict of interest.

B. **Following Appointment:** I may need to obtain information about the case, such as addresses and phone numbers of the parties, if not provided in the order of appointment or by the attorneys. I may also request case information, such as dates of scheduled status conferences or hearings, and discuss my availability.

2. Specific case information sharing: Specific case sharing may occur prior to or during the CFI appointment. Either the attorneys and/or pro se parties will all participate jointly in this type of communication, or, if not, I will inform the non-participating person of the communication. For example:

A. **Conference Calls or Meetings:** In most circumstances, I am available to participate in scheduled telephone conferences or meetings with attorneys and pro se parties. I may also initiate the request to hold such a conference to address concerns, the applicable legal standard, changed circumstances, etc.

C. **CFI-Initiated Contact:** When I contact an attorney during the investigation process or after submitting the report, I will disclose the communication to the other attorney or pro se party before or soon after the communication. Reasons for contact include but are not limited to: a) a party’s failure to cooperate; b) concerns about a party’s ability to communicate effectively; c) concerns about a parties’ behavior or demeanor; d) a request for additional information; or e) an atypical issue or situation.

D. **Attorney-Initiated Contact at Commencement of and during Investigation:** Conference calls should be used for all telephonic communication that provides or elicits substantive information, including requests for clarification. All written or emailed correspondence to me should be copied to all counsel and pro se parties. Doing so provides both sides the opportunity to share their perspectives. After completion of the investigation, attorneys may contact me in preparation for settlement, depositions, or court, often to clarify parts of the CFI report or to provide additional information. If such communication occurs, I will inform the other attorney and offer a similar opportunity for discussion.

3. Other Information

A. **Communication with Other Court-Appointed Professionals:** I do not, as a matter of course, notify parties or counsel about my communications with other court appointed professionals, such as child legal representative, parental responsibility evaluator, parenting coordinator, or arbitrator, except as disclosed in the CFI Report.

B. **Communication with Parties:** I will meet with each party for an individual interview and home visit at the commencement of my investigation. I will reach out to both parties individually by phone or by email to ask for or receive specific and pertinent information or follow up on a question relevant to my investigation throughout the CFI process.

C. **CFI Packet:** I send parties a packet of the following forms upon being appointed. I do not send attorneys copies of the CFI Packet but will provide a copy upon written request. The Packet includes:

- CFI Intake & Parent Self-Report
- CFI Policies for Parties & Counsel
- Fee Agreement and Policies (for private pay cases)
- Informed Consent & Disclosure Statement
- Medical & Non-medical Releases of Information

D. **Staff Utilization:** I may utilize the services of support staff for certain activities, consistent with the Practice Guideline for Standard 8 of CJD 04-08, issued by the Office of the State Court Administrator. Only staff who has passed background checks conducted by the Office of the State Court Administrator may accompany me on home visits. I will personally conduct all interviews of the parties and children, although my staff may be present. My staff will never conduct home visits outside of my presence.

E. **Obtaining Pleadings and Other Documentation:** Please provide me with relevant court documents related to and including the order of appointment. Please inform the other attorney or pro se party of the documents you provide to ensure that all participants are satisfied that I have a complete record of pertinent court documents. Please provide any other relevant documents, such as police reports, medical files, social services investigations, etc., and notify the other attorney or pro se party of the documents you provide. Doing so conserves CFI fees.

F. **Information from Collateral Sources:** I will ask for the parties' assistance in identifying potential collateral sources of information. Ordinarily, I send professional collateral sources releases of information. I may contact personal collateral sources, such as family and friends, by questionnaire, email or telephone. I may also review written materials from collateral sources provided by the parties or counsel or that I request independently.

G. **Request for Clarification:** Although the order of appointment generally specifies the scope of my appointment and applicable legal standard, I may need to seek clarification through a conference with the attorneys or by requesting a status conference with the court. Other situations may arise that necessitate clarification or guidance from the court through a status conference.

H. **Release of CFI File:** Chief Justice Directive 04-08, Standard 12, provides that upon written request of the parties or their counsel, the CFI shall make the CFI file available after filing the CFI report and prior to the hearing in the case. Outside of this time frame, the CFI cannot provide the parties with a copy of the file. The CFI file shall include CFI notes, data, witness statements, completed questionnaires, and any information underlying the CFI's report, subject to the confidentiality requirements in Standard 14, the Address Confidentiality Program and other limitations discussed in Standard 12 and its Comment. I will keep itemized records of my fees and other charges. If you request the CFI file, the entire file, subject to Standard 12, will be provided. If I believe that the release of any information would endanger a person's welfare, I will inform counsel and the court of these concerns and await further order from the court before releasing the information. If you make a written request for the file, I will either

deliver the file to a photocopy business for duplication or scanning or I may duplicate or scan the entire file myself at a charge \$0.25 per page scanned or duplicated.

4. **Conflict of Interest:** I will file a Mandatory Disclosure with the court stating whether or not I believe I have any past or present familial, financial, or social relationship with the child, either party, the attorneys of record, or the judicial officer. However, it is a small world and sometimes these relationships are not apparent, despite best intentions. Please notify me immediately in writing if you believe any such relationship exists. I do not regard attending Continuing Legal Education, Bar Association or other professional meetings, for example, to constitute a social relationship. Nor do I regard unintended encounters in the community or past professional involvement during prior court cases to constitute such involvement. On the other hand, if I paid a social visit to the home of a case participant or had an attorney-client relationship with a participant, those relationships would constitute a conflict of interest that would prohibit my appointment. Please notify me immediately of any questions or concerns.

Thank you,

Julia Olson

After asking any questions you have, please sign below indicating that you have read and understand the CHILD AND FAMILY INVESTIGATOR (CFI) COMMUNICATION POLICIES FOR COUNSEL AND SELF-REPRESENTED PARTIES.

Printed Name

Printed Name

Signature - Pro se party Counsel

Signature - Pro se party Counsel

Date

Date