

CFI POLICIES FOR PARTIES PURSUANT TO CJD 04-08, STANDARD 16

Nature and Scope of CFI Services Provided: When parents cannot agree about child-related issues, judges or magistrates sometimes appoint CFIs to investigate, report and make recommendations regarding children. Chief Justice Directive 04-08, which governs CFIs, describes the CFI role as being the “investigative arm of the Court.” Without CFIs, judicial officers only receive information that parents or their lawyers provide in court. CFIs collect information from many different sources to help the judicial officer better understand the family and the children, contributing to a more informed decision. While CFIs may collect information and make recommendations, CFIs do not make decisions. Only the judicial officer can make decisions.

The court order appointing the CFI determines the scope of the CFI’s appointment. The investigation, reporting and recommendations will vary in each case, depending on the order appointing the CFI and the family’s circumstances.

You can find the law governing appointment of CFIs, Sec. 14-10-116.5, C.R.S., at the state court website, www.courts.state.co.us. You can also find Chief Justice Directive 04-08, which also concerns CFI appointments, on this website. You are welcome to ask questions about the credentials, services, procedures, goals, and fees of the CFI.

The procedures vary, to some extent, in each case and depend on the ages of the children, the issues the CFI is to investigate, the circumstances of the family, and other factors. CFIs often use the following procedures:

- We interview the parties at our office. Before this meeting, parents complete a Child and Family Investigation Intake and Parent Profile to provide information about themselves, the children, and the family situation. There may be one or more follow-up interviews.
- We may meet once or more with the children to better understand their strengths, vulnerabilities, attachments, and reactions to their family circumstances, depending on their age and developmental level. We may talk with each child privately.
- We may meet with the children and each parent at the child’s home or at the location where the parent spends time with the child, while the parent and child interact.
- We may interview or obtain written information from professionals who have been involved with the family or involved with members of the family, such as school counselors, teachers, coaches, physicians, psychotherapists, and addiction counselors.
- We may interview or obtain written information from other people who have or may have an active role in a child’s life, such as stepparents, grandparents, siblings, stepsiblings, etc.
- We may meet with the parents jointly if there is no protection order. We will terminate any joint meetings that are not constructive.

CFI Qualifications: I am a Nationally Certified Counselor (NCC) and a Licensed Professional Counselor (LPC with the Colorado Department of Regulatory Agencies. My background is in early childhood education and working therapeutically with at-risk youth and supportive family members. Currently, I work as a mental health therapist for adults out of a small private practice in Denver.

CFI Complaint Process: If you believe that a violation of the CFI Standards of Practice or the Order of Appointment has occurred, you may submit a complaint to the Office of the State Court Administrator, located at 1300 Broadway, Suite 1200, Denver CO 80203, through the online CFI complaint form, at <https://www.courts.state.co.us/Administration/Section.cfm?Section=jp3domprog>. You can also go to www.courts.state.co.us, click on “Administration,” then click on “Court Services,” then click on “Child and Family Investigators.” For CFIs who are attorneys, if you believe the CFI has violated a Colorado Rule of Professional Conduct, you may submit a complaint to the Office of Attorney Regulation Counsel, <http://coloradosupremecourt.com/Regulation/Regulation.asp>. For CFIs who are mental health professionals, if you believe the CFI has violated the Colorado laws governing the conduct of the mental health profession, you may

submit a complaint to the Colorado Department of Regulatory Agencies, Divisions of Professions and Occupations, at <https://www.colorado.gov/dora/licensing/Activities/Complaint.aspx>.

CFI's Mandatory Reporting Obligations: CFIs are mandatory reporters pursuant to section 19-3-304, C.R.S. If a CFI has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect, the CFI is required to notify law enforcement, the county Department of Human Services, or the child abuse reporting hotline.

Accountability and Complaints: The court, and not the CFI, is the final decision maker. The CFI is just one source of information for the court to consider. Judges and magistrates receive information through testimony of the parties and other witnesses, through the submission of documents, and through legal argument. Judges and magistrates independently review the evidence provided during court hearings. Parties can appeal many orders of judicial officers.

If you disagree with the CFI recommendations, you should consult your attorney. The following list of possible actions you may take is not exhaustive:

- Provide the CFI with feedback regarding your concerns;
- Retain another professional to critique the CFI's work;
- Introduce your own evidence that supports your position;
- Cross-examine the CFI during the hearing regarding any deficiencies you perceive in the CFI's work, if you have subpoenaed the CFI to testify; or
- Request a supplemental investigation or assessment.

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.

Confidentiality: As a CFI, I must maintain the confidentiality of the file and report and disclose it only to the parties, pursuant to Standard 12 (above), to the court, or by court order. I cannot disclose the CFI report and underlying information in any proceeding other than the proceeding before the appointing court, absent the appointing court's determination that the need for the requested information outweighs the need for privacy. Notwithstanding the above, in responding to professional grievances or complaints with the Department of Regulatory Agencies or Office of Attorney Regulation Counsel related to performance of the CFI role, I may provide the regulatory agency with a copy of the CFI report and any investigation report regarding a CFI complaint, redacting the names, addresses and birthdates of the children and collateral witnesses. In doing so, I will mark the report(s) "Confidential pursuant to CJD 04-08." I will comply with the Address Confidentiality Program, section 24-30-2101, C.R.S., et seq. Regardless of this requirement of confidentiality, I am still a mandatory reporter of child abuse and neglect, as set forth above, and must comply with Colorado mandatory reporting duties.

I cannot keep any information confidential from the court. I cannot keep any information confidential from either party, except as required by the Address Confidentiality Program. I will not release information protected by the Address Confidentiality Program.

Communication with the Court: I am not permitted to privately communicate with the court regarding the substance of the case. If I need to communicate with the court to obtain clarification of the order of appointment or the applicable legal standard, to inform the court of a party’s lack of cooperation or refusal to pay the CFI fee, or to report harm or risk of harm to the child/ren, I may communicate through a letter or short written report with copies to the parties and counsel, during a status conference or hearing, or through a conference call to the court with counsel and any unrepresented parties. I may ask to address the court, with notice to the parties and counsel.

CFI Report: I will inform the court of my conclusions and recommendations in a concise report, based upon information obtained in the course of the fact-finding investigation. The report will describe my investigation and data collection process, the applicable legal standard, my conclusions and recommendations consistent with the order of appointment, and the children’s wishes, if appropriate. The report will not recite all information I have obtained but will summarize the most relevant information. The report will list the services performed and the time spent for each.

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. Finally, I do not regard 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 any participant, those relationships would constitute a conflict of interest that would prohibit me from accepting an appointment. If you have any questions or concerns, please notify me immediately.

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 have 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.

These Policies, by reference, incorporate the FEE POLICIES AND AGREEMENT FOR CHILD AND FAMILY INVESTIGATOR (CFI) SERVICES, Including Fees and Billing Procedures, and Nonpayment of Fees. Please carefully review the court order appointing me to better understand the scope of my court appointment. Don’t hesitate to ask questions.

Thank you,
Julia Olson

Please sign below indicating that you have read and understand these CHILD AND FAMILY INVESTIGATOR (CFI) POLICIES FOR PARTIES. If an attorney represents you, you are welcome to consult your attorney prior to signing below.

Printed name: _____ Date: _____

Signature: _____