

Rule 106 Action

IN AN OPEN RECORDS REQUEST CONTEXT

1

COMPLAINT

DISTRICT COURT
Must be filed within 28 days of expiration of time

Issues for the Court

See CRCP Rule 106, Rule 16 & CRS §24-4-106

1) IMPROPERLY

2) WITHHELD

3) PUBLIC RECORD

Plaintiff: Papers to File:

- Complaint for Judicial Review *jdf 610*
- Affidavit in Support (where appropriate)
- Summons *jdf 600*
- District Civil Cover Sheet *jdf 601*

NOTE: Frivolous Complaints may be subject to payment of fees & costs

ANSWER

Filed by the Government Agency
21 days after service of the Complaint

2

FILING OF THE RECORD

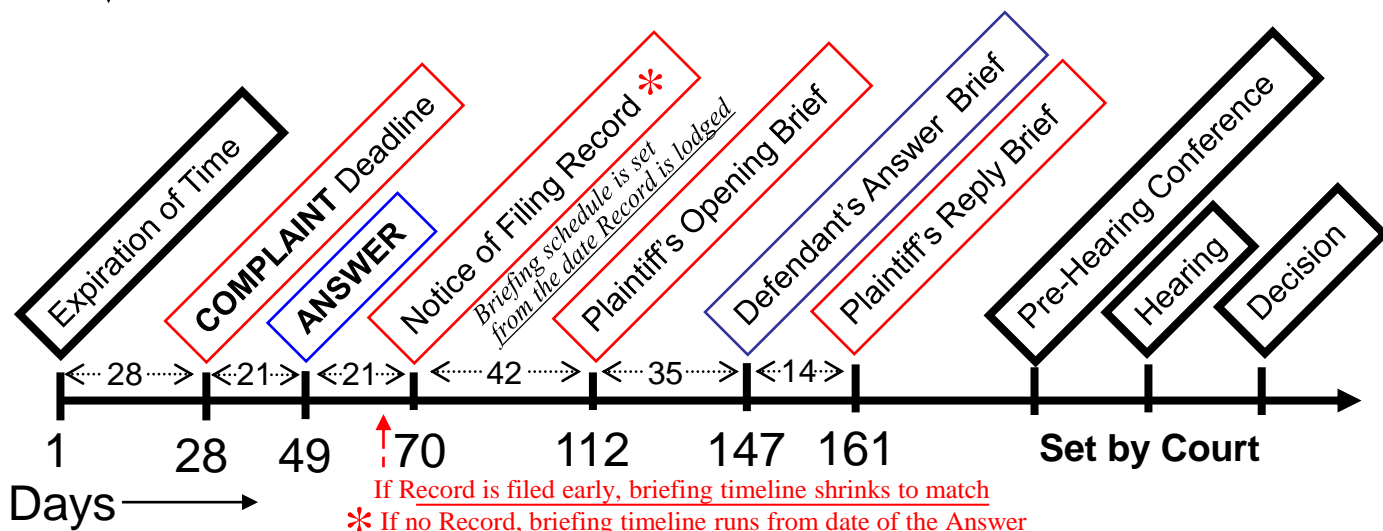
(Where applicable)

- Record must be filed within 21 Days after the date for an Answer
- Cost of preparing the Record goes to the Plaintiff, but upon Plaintiff's objection, cost may be set over to Defendant by the Court

RECORD IS COMPILED BY THE GOVERNMENT AGENCY INVOLVED

3

FILING OF BRIEFS



Frequently Asked Questions:

For all forms: <http://www.courts.state.co.us/Forms/Index.cfm>

For all Colorado Statutes & all Court Rules: <http://www.michie.com/colorado/>

What If I Can't Afford the Filing Fee?

The Court allows anyone who cannot afford the filing fees, to still file for divorce if they meet certain income requirements. For details on the criteria used, see: <http://www.courts.state.co.us/chs/court/forms/general/general.htm>! (*Guide for Determination of Indigency*)

To apply for a waiver of fees, ask the court clerk for an application to waive filing fees when you first submit the Petition for Dissolution. The form number is **JDF 205/Motion to File Without Payment, AND JDF-206/Order to Waive Fees**

What is Service?

Service is formal notice to the other party that there is a case involving them before the Court. Both parties have a constitutional right to a fair opportunity to appear and be heard. Service is how the Court ensures that both parties have a fair opportunity to appear and be heard.

OPENING BRIEFS & ANSWER BRIEFS

A discussion of Opening Briefs & Answer Briefs, as well as the contents & formats of such Briefs may be found at Rules 28 and 32 of the Colorado Appellate Rules at: [www.michie.com/Colorado:](http://www.michie.com/Colorado/)

COMPONENT OF BRIEFS FOR THE DISTRICT COURT

Cover

Title Page

Table of Contents - identifies each section of the Brief & its page number

Table of Authorities - lists the cases & statutes relied on in the Brief, with page citations

STATEMENT OF JURISDICTION - a concise statement of the basis for jurisdiction in the District Court, including the statutory provisions and time factors on which jurisdiction rests.

STATUTES INVOLVED - Generally, this means listing the portions of the constitution, statute or regulations that will be discussed in the brief.

STATEMENT OF THE ISSUES FOR REVIEW A statement of the issues presented for review by the District Court.

STATEMENT OF THE CASE briefly explain what the case is about, how it got here, and what already happened in the trial court below.

STATEMENT OF THE FACTS statement of the facts relevant to the issues presented for review, with appropriate references to the record

STANDARD OF REVIEW The standard of review applied by the District Court determines the amount of deference given to the decision of the trial court. The usual standards of review are: "de novo", "clearly erroneous", "abuse of discretion, and "substantial evidence".

SUMMARY OF ARGUMENT A succinct, clear, and accurate statement of the arguments made. It should not be a repetition of the argument headings.

ARGUMENT The argument should include the contentions of the appellant on the issues presented, and the reasons therefor, with citations to the authorities, statutes, and parts of the record relied on. The argument should also include for each issue a concise statement of the applicable standard of review; this statement may appear in the discussion of each issue or under a separate heading placed before the discussion of the issues.

CONCLUSION A short conclusion stating the precise relief sought from the District Court.

SIGNATURE BLOCK

Rule 106 Action

IN AN OPEN RECORDS REQUEST CONTEXT

1

COMPLAINT

DISTRICT COURT
Must be filed within 28 days of expiration of time

Issues for the Court

See CRCP Rule 106, Rule 16 & CRS §24-4-106

1) IMPROPERLY

2) WITHHELD

3) PUBLIC RECORD

Plaintiff: Papers to File:

- Complaint for Judicial Review *jdf 610*
- Affidavit in Support (where appropriate)
- Summons *jdf 600*
- District Civil Cover Sheet *jdf 601*

NOTE: Frivolous Complaints may be subject to payment of fees & costs

ANSWER

Filed by the Government Agency
21 days after service of the Complaint

Case Management Conference

I think that inserting a Case Management Conference here would help reduce cost, and force scrutiny of the merits of the denial early in the process

FILING OF THE RECORD

(Where applicable)

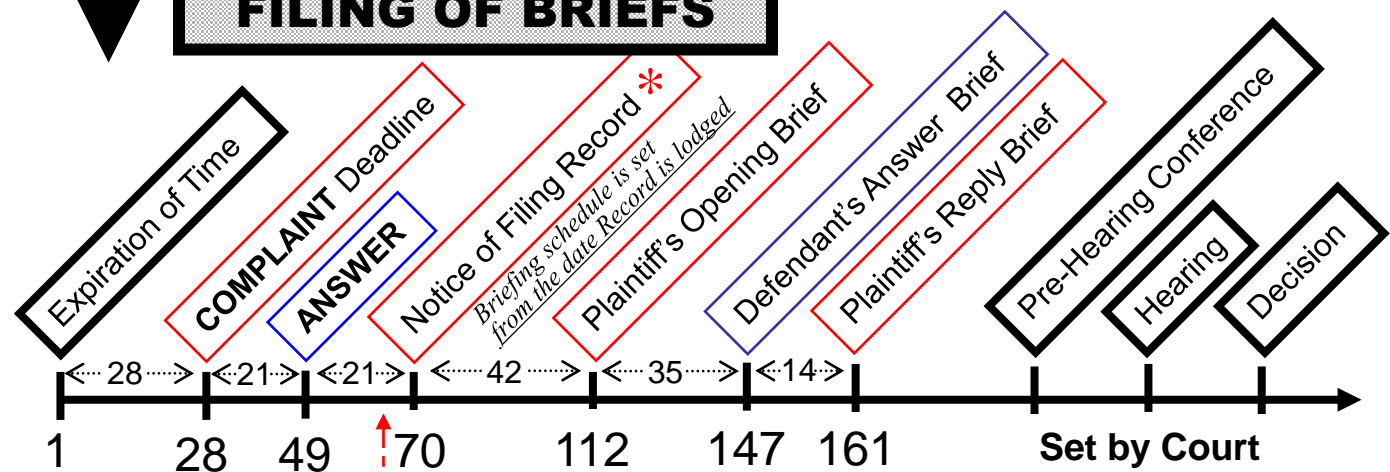
- Record must be filed within 21 Days after the date for an Answer
- Cost of preparing the Record goes to the Plaintiff, but upon Plaintiff's objection, cost may be set over to Defendant by the Court

RECORD IS COMILED BY THE GOVERNMENT AGENCY INVOLVED

- It could also include a mandatory mediation if ordered by the court
(But that's another \$100)

2

FILING OF BRIEFS



If Record is filed early, briefing timeline shrinks to match
* If no Record, briefing timeline runs from date of the Answer