



JANKO FAMILY LAW

*407 Tejon Street
Suite C
Colorado Springs, CO 80903*

*(719) 455-0536
sabra@jankolaw.com
jankolaw.com*

Welcome to Janko Family Law,

We are here to assist you with your legal matters and to help you move forward with your life to new opportunities. Please complete your intake form, sent separately, as this provides us with the information that we need to begin your case. Feel free to ask us questions along the way. Prepare and send a timeline of important events so that I can better understand the history of your case. Please ensure that our emails are not going into spam/junk. This sometimes happens. If you find them in junk, change the computer setting so that our emails will not be treated as junk and will go into your inbox.

Our legal team is available to assist you. They are Cc'd on this email so that you have their contact information:

Sabra – Lead Attorney

Associate Attorney - Will provide you with a welcome briefing and other briefings before important events. In her initial briefing, she will discuss with you the mandatory injunction, the initial status conference, financial disclosures, and mediation, as applicable.

Law Clerk: will prepare documents.

Paralegal will prepare documents and assist you with financial disclosures, as applicable. You can reach her at 719-445-0536.

Scarlette – is the Administrator and will be your fastest point of contact to schedule appointments

You can call our office to schedule appointments at 719-445-0536 between 8:30 a.m. and 5:00 p.m., Monday through Thursday, and between 8:30 a.m. and 12:00 p.m. on Fridays. Please allow up to two business days for responses from Sabra, as she may be in court or mediation, though she usually responds sooner. For a faster response, contact our Legal Assistant. If your case is post-decree, some of these steps may not apply.

Client Portal

We will send you a link to the Clio Client Portal. This is where you will find copies of all documents filed with the Court and where you will upload documents to provide to us. You will be able to see your documents there 24/7 at your convenience.

Overview of the Family Law Process

Family law cases can be extremely emotional experiences. We understand that every client wants a speedy resolution of his or her domestic relations case. Unfortunately, a contested case may require, due to court congestion, several months to resolve. The higher the level of cooperation between the parties, the faster the case will be resolved and the lower the cost. At any given moment, there are thousands of domestic relations cases pending in your Court.

We realize that this is discouraging, but it is essential that you adjust your personal plans, emotions, and thinking to accommodate this almost inevitable delay in resolving your case. Please note that, if both parties can agree on all issues, your case can move through the Family Court much more quickly. We encourage clients to try to resolve issues with the opposing party whenever possible. When two parties cannot reach agreement on all issues, we must then focus on preparing your case for litigation.

My ability to resolve any case depends upon many factors that are out of my control, including, but not limited to, the reasonableness of the other party and opposing counsel, the complexity of the issues, and the schedules of the Court, experts, and witnesses. In most cases, mediation is a good way to determine whether your case is likely to settle or whether the two of you are significantly apart on the issues. Please keep in mind that if the other party refuses to negotiate reasonably, we have to try the case and ask for a decision from a Judge.

Most cases settle because parties generally prefer to be bound by terms that they create, rather than risking an unknown decision by a Judge. Additionally, if a case progresses to trial, both sides may expect to incur substantially higher attorneys' fees, due to intensive pretrial procedures and preparation. Once a final agreement and related documents are filed with the Court, it usually only takes few weeks before the Order is signed by a Judge and your case is finalized.

We look forward to assisting you with your goals to resolve this matter. If you have any questions or concerns, please do not hesitate to contact our office to schedule an appointment.

Case Roadmap

The following provides a general “roadmap” of how your case will proceed. As we work on each phase of your case, we are happy to discuss each step and legal strategy.

Initial Court Filings. The initial documents we file are a Summons, Petition, and Case Information Sheet. We then typically receive a document from the Court called a Case Management Order that outlines the rules and procedures for your case. We then serve the documents to the other party through formal service or process unless your spouse is willing to co-petition or waive formal service. If your case is a dissolution, under Colorado law, you have to wait at least 90 days to receive a Decree of Dissolution of Marriage. If your case is post-decree, then after we confer with the other party, we will file a Motion requesting your desired legal remedy.

Preliminary Injunction (Pre-decree Cases). In most family law cases, the law provides for the “status quo” of your finances and child custody arrangements, called a “preliminary injunction.” This court order applies to both spouses and remains in place while the case is proceeding. The language is in your Summons and Petition.

Initial Status Conference. The first court appearance is the Initial Status Conference (ISC). It is typically scheduled within the first 42 days of your case. During the ISC, we will have an opportunity to provide the Judge or magistrate any information on the main issues in your case. We are also able to discuss any agreements we have already reached, whether we believe any experts are needed, the status of the financial disclosures, and whether mediation should occur. The ISC is short and informal.

Mandatory Financial Disclosure (Not applicable for all post-decree cases). Colorado requires that each party complete and exchange certain financial disclosures within the first 42 days of the case. These include a Sworn Financial Statement (SFS) that lists your income, expenses, and assets. Our paralegal will help you prepare your SFS. We are also required to provide tax returns, pay stubs, bank statements, and other financial documents. Once we are done, we will file a Certificate of Compliance certifying that the disclosures are complete and accurate. You can either fill out the paper form that we send you and our paralegal will input the data into our software program, or you can input the data yourself at the link that you receive from Family Law Software.

Home Valuation. If you have a home, you will want to obtain its value. There are three methods:

1. Broker opinion: Least expensive and least accurate – determined by a comparative market assessment without viewing the house.
2. Comparative Market Analysis: Mid-range cost and mid-range valuation accuracy – determined by viewing the house and providing a value range.
3. Appraisal: Highest cost and accuracy – determined by viewing the house and

providing a single value.

Mediation. In most family law cases, we are required to attend mediation. It often saves time and money. I will accompany you to mediation to explain what is happening and help negotiate to see if we can reach agreement. If we are successful, we can usually avoid further court appearances. Even if we do not reach agreement, we often obtain helpful information about the other party's concerns and position.

Temporary Orders (If requested). In some cases, we may need to request interim relief from the Court prior to the final hearing or mediated settlement. Temporary Orders are the best way to receive faster, temporary issues, such as temporary decision-making, parenting time, child support and spousal maintenance, bill payment, and who should remain in the home. A Temporary Orders hearing will increase your legal fees, so we will only request one if the issues are sufficiently important to you and your kids.

Discovery. Through discovery we exchange documents and information. This is not necessary in every case. Discovery may include written discovery requests, subpoenas, and/or depositions. Because this adds expense, we only conduct discovery if necessary.

Electronic Evidence. You should never destroy electronic records or information, including Facebook posts and text messages.

Experts. Sometimes experts are needed on particular areas, such as retirement plan valuation or a vocational assessment. They are not necessary for most cases. Almost any expert will require a retainer.

Custody Evaluations – Child Family Investigator (CFI) and/or Parental Responsibilities Evaluator (PRE). In cases where custody is at issue, we may request a custody evaluation. These professionals investigate and make recommendations for parenting time and decision-making. This evaluation may involve interviews of you and your spouse, a home visit, interviews of the children, and interviews with third parties who have relevant information about the kids. A CFI will typically focus on certain limited issues. We do not recommend a contested child custody proceeding without a CFI due to the usually higher cost and lower predictability of an adversarial proceeding on child custody. A PRE completes a more in-depth evaluation. There are different costs involved. A CFI is capped at \$2,850 and a PRE typically costs \$5,000 or more. A PRE may involve psychological evaluations.

Trial (“Permanent Orders Hearing”). If we cannot reach agreement with the other party, we may have to go to court for a trial. We will make sure that you are prepared. In the event the Judge makes a legal or factual error, you can appeal.

Ways to Keep Legal Costs Down

- Legal representation requires your participation; and the more active your participation, the lower the costs will be. In contrast, if we are making numerous attempts to contact you or acquire documents from you, representation will become more costly.
- Send us requested information and documents in a timely manner.
- Check your email often, and respond to emails and voicemails within 48 hours.

- There are tasks that you can handle yourself, such as obtaining public records and documents that pertain to you, rather than paying us to do so.
- Use the Clio Client Portal to share documents with us and to see your case documents.

We hope this letter assists you in understanding the divorce and/or family law process. Please feel free to give me a call to discuss any questions you have at any time. We know that this process can sometimes feel confusing or stressful, but we will help you navigate through it.

Janko Family Law