



Equal Justice Foundation

www.ejfi.org

455 Bear Creek Road

Colorado Springs, Colorado 80906-5820

Telephone: (719) 520-1089

Domestic violence against men — www.dvmen.org

Court Watcher and Child Protective Service Evaluation Form

Court information (please fill out one form for each case)

Date of trial or hearing: 1/24/2011

Case Number: 11 JV 001220 (usually available on courtroom door on posted docket but badly needed for later reference)

Case Name: _____ v. CARTER

Trial or hearing held by Magistrate/Judge/Commissioner/Special Master (circle only one):

Their name: DIST. JUDGE RICHARD TOTH Sex: Male Female

Location of courthouse: _____ Room/Dept.: _____

County: EL PASO State: CO

Circle all the issues that apply to this case:

- | | | |
|---|---------------------------|-------------------|
| Divorce | Spousal support | Visitation |
| <u>Child Custody</u> | Protection Order | Domestic Violence |
| Child abuse and/or <u>child protection services</u> | Sexual assault or related | Attorney's Fees |
| Other (please specify): _____ | | |

Case information

1. Were you denied admittance into the courtroom or asked to leave?

Yes _____ No

If Yes, what was the given justification, if any?

2. Were all parties and their attorneys (if applicable) present in court?

Yes No _____

2a. If no, who was not present (check all who were absent)?

Defendant/Petitioner's attorney _____	Defendant/Petitioner _____	Sex Male Female
Prosecution/Respondent's attorney _____	Accuser/Respondent _____	Sex Male Female
Guardian Ad Litem _____	C.P.S worker _____ Other _____	

What reasons were given for any parties to not be present?

2b. Was the hearing or trial delayed or continued?

Yes No _____

Was the right to a speedy trial an issue if delayed or continued?

Yes _____ No

If Yes to 2b what reason was given for the delay or continuance?

3. Did either party attempt to speak to the Magistrate/Judge/Commissioner/Special Master and was denied?

Yes _____ No

3a. If yes, which side was refused?

Defendant/Petitioner's attorney _____	Defendant/Petitioner _____	Sex Male Female
Prosecution/Respondent's attorney _____	Accuser/Respondent _____	Sex Male Female

If Yes to either, what was the given justification, if any?

4. Did either party offer evidence that the Magistrate/Judge/Commissioner/Special Master refused to admit?

Yes ___ No Did not offer evidence ___

4a. If yes, who was denied?

Defendant/Petitioner's attorney ___

Defendant/Petitioner ___

Sex Male Female

Prosecution/Respondent's attorney ___

Accuser/Respondent ___

Sex Male Female

If Yes to either, what was the given justification, if any?

5. Were there any meetings in the magistrate's/judge's/commissioner/special master's chambers off the record?

Yes ___ No

If Yes to 5, what was the given justification, if any?

5a. If yes to 5, were ALL parties and their attorneys invited into that meeting?

Yes ___ No ___ N/A ___

5b. If no to 5a, who was not invited into the chambers (check all that apply)?

Defendant/Petitioner's attorney ___

Defendant/Petitioner ___

Sex Male Female

Prosecution/Respondent's attorney ___

Accuser/Respondent ___

Sex Male Female

Guardian Ad Litem ___

C.P.S worker ___ Other ___

If No to 5a, what was the given justification, if any?

6. Did either party attempt to introduce testimony from a witness or other evidence and was refused?

Yes ___ No Did not attempt ___

6a. If yes, which side was refused?

Defendant/Petitioner's attorney ___

Defendant/Petitioner ___

Sex Male Female

Prosecution/Respondent's attorney ___

Accuser/Respondent ___

Sex Male Female

If Yes to 6a, what was the given justification, if any?

What evidence or testimony was refused?

7. Was either party denied the opportunity to cross-examine a witness?

Yes ___ No Did not attempt ___

7a. If yes, which side was denied?

Defendant/Petitioner's attorney ___

Defendant/Petitioner ___

Sex Male Female

Prosecution/Respondent's attorney ___

Accuser/Respondent ___

Sex Male Female

If Yes to 7a, what was the given justification, if any?

8. Did the magistrate/judge/commissioner/special master appear to show favoritism or undue familiarity with or toward any of the parties?

Yes ___ No

8a. If yes, toward which party (check all that apply)?

Defendant/Petitioner's attorney ___

Defendant/Petitioner ___

Sex Male Female

Prosecution/Respondent's attorney ___

Accuser/Respondent ___

Sex Male Female

Guardian Ad Litem ___

C.P.S worker ___ Other ___

In what ways was favoritism or undue familiarity, e.g. use of first names, golf partners, meeting for lunch, etc., shown?

9. Did the magistrate/judge/commissioner/special master appear to show prejudice or discriminate against one of the parties or their counsel?

Yes _____ No

9a. If yes, against which party?

Defendant/Petitioner's attorney _____

Defendant/Petitioner _____

Sex Male Female

Prosecution/Respondent's attorney _____

Accuser/Respondent _____

Sex Male Female

In what ways was prejudice or discrimination shown?

10. Were any unusual or other comments of interest made by the magistrate/judge/commissioner/special master?

No

11. What was your overall opinion of the magistrate/judge/commissioner's performance in court.

Even tempered, Fair, Listened to All Sides

12. Any additional comments or supplemental information?

Connie Gibbons commented she had not had a chance to go over Treatment Plan w/ Mrs. Carter.

Treatment Plan to be adopted if no objection filed by 30 days.

Mr. Carter to be out of Army quickly - can he appear by phone.

Mrs. Carter requesting ICPC, must vacate military housing and wants to move out of state.

Total - rule reasonable efforts to adopt T.P. in 30 days. Will be set for mediation if parties contest

DHS thinks Resp. Mother does a good job, worried about finances. Thinks mother's testimony in jury trial made clear she is not protective though.

Set for hearing Feb 21 10 AM.

Watcher's Contact Information (This information will be kept confidential)

Printed Name: Ruth Ann Dodson

Date: 1/24/2011

Mailing address

Phone Number: () - -

E-mail address

Signed name:

Ruth Ann Dodson