

1       **Rule 6-401. Domestic relations commissioners.**

2       Intent:

3       To identify the types of cases and matters commissioners are authorized to hear, to  
4 identify the types of relief commissioners may recommend and to identify the types of  
5 final orders commissioners may issue.

6       ~~To establish a procedure for judicial review of commissioners' decisions.~~

7       Applicability:

8       This rule shall govern all domestic relations court commissioners serving in the  
9 ~~D~~istrict ~~C~~courts.

10       Statement of the Rule:

11       (1) Types of cases and matters. All domestic relations matters filed in the district  
12 court in counties where court commissioners are appointed and serving, including all  
13 divorce, annulment, paternity and spouse cohabitant abuse matters, orders to show  
14 cause, scheduling and settlement conferences, petitions to modify divorce decrees,  
15 scheduling conferences, and all other applications for relief, shall be referred to the  
16 commissioner upon filing with the clerk of the court unless otherwise ordered by the  
17 ~~P~~residing ~~J~~udge ~~of the District~~.

18       (2) Authority of court commissioner. Court commissioners shall have the following  
19 authority:

20       (2)(A) Upon notice, require the personal appearance of parties and their counsel;

21       (2)(B) Require the filing of financial disclosure statements and proposed settlement  
22 forms by the parties;

23       (2)(C) Obtain child custody evaluations from the Division of Family Services or  
24 through the private sector;

25       (2)(D) Make recommendations to the court regarding any issue, including a  
26 recommendation for entry of final judgment, ~~in domestic relations or spouse abuse~~  
27 ~~cases at any stage of the proceedings~~;

28       (2)(E) Require counsel to file with the initial or responsive pleading, a certificate  
29 based upon the facts available at that time, stating whether there is a legal action  
30 pending or previously adjudicated in a district or juvenile court of any state regarding the  
31 minor child(ren) in the current case;

32 ~~(2)(F) At the commissioner's discretion, and after notice to all parties or their~~  
33 ~~counsel, conduct evidentiary hearings consistent with paragraph (3)(C) below;~~

34 ~~(2)(G)~~ (2)(F) Impose sanctions against any party who fails to comply with the  
35 commissioner's requirements of attendance or production of discovery;

36 ~~(2)(H)~~ (2)(G) Impose sanctions for contempt of court;

37 ~~(2)(I)~~ (2)(H) Issue temporary or ex parte orders;

38 ~~(2)(J)~~ (2)(I) Conduct settlement conferences with the parties and their counsel ~~in a~~  
39 ~~domestic relations case~~. Issues that cannot be settled shall be certified to the district  
40 court for trial; and

41 ~~(2)(K)~~ (2)(J) Conduct pretrial conferences with the parties and their counsel ~~on all~~  
42 ~~domestic relations matters unless otherwise ordered by the presiding judge~~. The  
43 commissioner shall make recommendations on all issues under consideration at the  
44 pretrial and submit those recommendations to the district court.

45 (3) Duties of court commissioner. Under the general supervision of the presiding  
46 judge, the court commissioner has the following duties prior to any domestic matter  
47 being heard by the district court:

48 (3)(A) Review all pleadings in each case;

49 (3)(B) Certify those cases directly to the district court that appear to require a  
50 hearing before the district court judge;

51 (3)(C) ~~Except in cases previously certified to the district court, At the commissioner's~~  
52 discretion and after notice to all parties or their counsel, conduct hearings with parties  
53 and their counsel for the purpose of ~~submitting recommendations to the parties and the~~  
54 ~~court taking testimony or proffers of testimony, except in cases previously certified to~~  
55 the district court;

56 (3)(D) Coordinate information with the juvenile court regarding previous or pending  
57 proceedings involving children of the parties; and

58 (3)(E) Refer appropriate cases to mediation programs if available.

59 (4) Prohibitions.

60 (4)(A) Commissioners shall not make final adjudications ~~of domestic relations~~  
61 ~~matters~~.

62       (4)(B) Commissioners shall not serve as pro tempore judges in any matter, except  
63       as provided by Rule of the Supreme Court.