

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 Applicability:

7 This rule shall govern all domestic relations court commissioners serving in the
8 district courts.

9 Statement of the Rule:

10 (1) Types of cases and matters. All domestic relations matters filed in the district
11 court in counties where court commissioners are appointed and serving, including all
12 divorce, annulment, paternity, cohabitant abuse and child protective order matters,
13 [dating violence protective orders](#), orders to show cause, scheduling and settlement
14 conferences, petitions to modify divorce decrees, scheduling conferences, and all other
15 applications for relief, shall be referred to the commissioner upon filing with the clerk of
16 the court unless otherwise ordered by the presiding judge.

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

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

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

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

24 (2)(D) Make recommendations to the court regarding any issue, including a
25 recommendation for entry of final judgment;

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

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

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**Effective May 14, 2013 under Rule 2-205.
Subject to change after the comment period**

32 (2)(G) Impose sanctions for contempt of court;

33 (2)(H) Issue temporary or ex parte orders;

34 (2)(I) Conduct settlement conferences with the parties and their counsel. Issues that
35 cannot be settled shall be certified to the district court for trial; and

36 (2)(J) Conduct pretrial conferences with the parties and their counsel. The
37 commissioner shall make recommendations on all issues under consideration at the
38 pretrial and submit those recommendations to the district court.

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

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

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

45 (3)(C) At the commissioner's discretion and after notice to all parties or their counsel,
46 conduct hearings with parties and their counsel for the purpose of taking testimony or
47 proffers of testimony, except in cases previously certified to the district court;

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

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

51 (4) Prohibitions.

52 (4)(A) Commissioners shall not make final adjudications.

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

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