

COLORADO RULES FOR MAGISTRATES

Rules: 3, 5, 6, 7, and 8

Rule 3. Definitions.

The following definitions shall apply:

(a) Magistrate: Any person other than a judge authorized by statute or by these rules to enter orders or judgments in judicial proceedings.

(b) Chief Judge: The chief judge of a judicial district.

(c) Presiding Judge: The presiding judge of the Denver Juvenile Court, the Denver Probate Court, or the Denver County Court.

(d) Reviewing Judge: A judge designated by a chief judge or a presiding judge to review the orders or judgments of magistrates in proceedings to which the Rules for Magistrates apply.

(e) Order or Judgment: All rulings, decrees or other decisions of a judge or a magistrate made in the course of judicial proceedings.

(f) Consent:

(1) Consent in District Court:

(A) For the purposes of the rules, where consent is necessary, a party is deemed to have consented to a proceeding before a magistrate if [he or she is advised of the right to have the proceeding before a district court judge and, after entering an appearance or filing a responsive pleading.](#)

(i) The party has affirmatively consented in writing or on the record; or

(ii) The party has been provided notice of the referral, setting, or hearing of a proceeding before a magistrate and failed to file a written objection within 14 days of such notice; or

(iii) The party failed to appear at a proceeding after having been provided notice of that proceeding.

(B) Once given, a party's consent to a magistrate in a proceeding may not be withdrawn.

(2) Consent in County Court:

(A) When the exercise of authority by a magistrate in any proceeding is statutorily conditioned upon a waiver of a party pursuant to C.R.S. section 13-6-501, such waiver shall be executed in writing or given orally in open court by the party or the party's attorney of record, and shall state specifically that the party has waived the right to proceed before a judge and shall be filed with the court.

(B) Once given, a party's consent to a magistrate in a proceeding may not be withdrawn.

(3) Consent in Small Claims Court:

(A) A party will be deemed to accept the jurisdiction of the Small Claims Court unless the party objects pursuant to C.R.S. section 13-6-405 and C.R.C.P. 511 (b).

(B) Once given, a party's consent to a magistrate in a proceeding may not be withdrawn.

Rule 5. General Provisions.

(a) An order or judgment of a magistrate in any ~~judicial~~ proceeding shall be effective upon the date of the order or judgment and shall remain in effect pending review by a reviewing judge unless stayed by the magistrate or by the reviewing judge. ~~Except for correction of clerical errors pursuant to C.R.C.P. 60 (a), a magistrate has no authority to consider a petition for rehearing. An order or judgment is final for purposes of appeal or judicial review as stated in C.R.M. 7.~~

(b) A magistrate may issue citations for contempt, conduct contempt proceedings, and enter orders for contempt for conduct occurring either in the presence or out of the presence of the magistrate, in any civil or criminal matter, without consent. Any order of a magistrate finding a person in contempt shall upon request be reviewed in accordance with the procedures for review set forth in rule 7 or rule 9 herein.

(c) A magistrate shall have the power to issue bench warrants for the arrest of non-appearing persons, to set bonds in connection therewith, and to conduct bond forfeiture proceedings.

(d) A magistrate shall have the power to administer oaths and affirmations to witnesses and others concerning any matter, thing, process, or proceeding, which is pending, commenced, or to be commenced before the magistrate.

(e) A magistrate shall have the power to issue all writs and orders necessary for the exercise of their jurisdiction established by statute or rule, and as provided in [C.R.S.](#) section 13-1-115; ~~C.R.S.~~

(f) No magistrate shall have the power to decide whether a state constitutional provision, statute, municipal charter provision, or ordinance is constitutional either on its face or as applied. Questions pertaining to the constitutionality of a state constitutional provision, statute, municipal charter provision, or ordinance may, however, be raised for the first time on [appeal or](#) review of the magistrate's order or judgment.

~~(g) For any proceeding in which a district court magistrate may perform a function only with consent under C.R.M. 6, the notice—which must be written except to the extent given orally to parties who are present in court—shall state that all parties must consent to the function being performed by the magistrate.~~

~~(1) If the notice is given in open court, then all parties who are present and do not then object shall be deemed to have consented to the function being performed by the magistrate.~~

~~(2) Any party who is not present when the notice is given and who fails to file a written objection within 7 days of the date of written notice shall be deemed to have consented.~~

~~(g)~~ **(h)** All magistrates in the performance of their duties shall conduct themselves in accord with the provisions of the Colorado Code of Judicial Conduct. Any complaint alleging that a magistrate, who is an attorney, has violated the provisions of the Colorado Code of Judicial Conduct may be filed with the Office of Attorney Regulation Counsel for proceedings pursuant to C.R.C.P. 242. Such proceedings shall be conducted to determine whether any violation of the Code of Judicial Conduct has occurred and what discipline, if any, is appropriate. These proceedings shall in no way affect the supervision of the Chief Judge over magistrates as provided in C.R.M. 1.

Rule 6. Functions of District Court Magistrates.

(a) Functions in Criminal Cases: A district court magistrate may perform any or all of the following functions in criminal proceedings:

(1) No consent necessary:

(A) Conduct initial appearance proceedings, including advisement of rights, admission to bail, and imposition of conditions of release pending further proceedings.

(B) Appoint attorneys for indigent defendants and approve attorney expense vouchers.

(C) Conduct bond review hearings.

- (D) Conduct preliminary and dispositional hearings pursuant to C.R.S. sections 16-5-301 (1) and 18-1-404 (1).
 - (E) Schedule and conduct arraignments on indictments, informations, or complaints.
 - (F) Order presentence investigations.
 - (G) Set cases for disposition, trial, or sentencing before a district court judge.
 - (H) Issue arrest and search warrants, including nontestimonial identifications under Rule 41.1.
 - (I) Conduct probable cause hearings pursuant to rules promulgated under the Interstate Compact for Adult Offender Supervision, C.R.S. sections 24-60-2801 to 2803.
 - (J) Any other function authorized by statute or rule.
- (2) Consent necessary:
- (A) Enter pleas of guilty.
 - (B) Enter deferred prosecution and deferred sentence pleas.
 - (C) Modify the terms and conditions of probation or deferred prosecutions and deferred sentences.
 - (D) Impose stipulated sentences to probation in cases assigned to problem solving courts.
- (b) Functions in Matters Filed Pursuant to Colorado Revised Statutes Title 14 and Title 26:
- (1) No Consent Necessary:
 - (A) A district court magistrate shall have the power to preside over all proceedings arising under Title 14, except as described in section 6 (b)(2) of this Rule.
 - (B) A district court magistrate shall have the power to preside over all motions to modify permanent orders concerning property division, maintenance, child support or allocation of parental responsibilities, except petitions ~~for~~ review as defined in C.R.M. 7.
 - (C) A district court magistrate shall have the power to determine an order concerning child support filed pursuant to [C.R.S. s](#)Section 26-13-101 et seq.
 - (D) Any other function authorized by statute [or rule](#).
 - (2) Consent Necessary: With the consent of the parties, a district court magistrate may preside over contested hearings which result in permanent orders concerning property division, maintenance, child support or allocation of parental responsibilities.
- (c) Functions in Civil Cases: A district court magistrate may perform any or all of the following functions in civil proceedings:
- (1) No consent necessary:
 - (A) Conduct settlement conferences.
 - (B) Conduct default hearings, enter judgments pursuant to C.R.C.P. 55, and conduct post-judgment proceedings.
 - (C) Conduct hearings and enter orders authorizing sale, pursuant to C.R.C.P. 120.
 - (D) Conduct hearings as a master pursuant to C.R.C.P. 53.
 - (E) Hear and rule upon all motions relating to disclosure, discovery, and all C.R.C.P. 16 and 16.1 matters.
 - (F) Conduct proceedings involving protection orders pursuant to C.R.S. [s](#)Section 13-14-101 et seq.
 - (G) Any other function authorized by statute [or rule](#).
 - (2) Consent Necessary: A magistrate may perform any function in a civil case except that a magistrate may not preside over jury trials.
- (d) Functions in Juvenile Cases: A juvenile court magistrate shall have all of the powers and be subject to the limitations prescribed for juvenile court magistrates by the provisions of Title 19,

Article 1, C.R.S. Unless otherwise set forth in Title 19, Article 1, C.R.S., consent in any juvenile matter shall be as set forth in C.R.M. 3 (f)(1).

(e) Functions in Probate and Mental Health Cases:

(1) No consent necessary:

(A) Perform any or all of the duties which may be delegated to or performed by a probate registrar, magistrate, or clerk, pursuant to C.R.P.P. 4 and C.R.P.P. 5.

(B) Hear and rule upon petitions for emergency protective orders and petitions for temporary orders.

(C) Any other function authorized by statute or rule.

(2) Consent Necessary:

(A) Hear and rule upon all matters filed pursuant to C.R.S. Title 15.

(B) Hear and rule upon all matters filed pursuant to C.R.S. Title 25 and Title 27.

(f) A district court magistrate shall not perform any function for which consent is required under any provision of this Rule unless the oral or written notice complied with Rule ~~3(f)5-(g)~~.

Rule 7. Review of District Court Magistrate Orders or Judgments.

~~(a) Orders or judgments entered when consent not necessary.~~ Magistrates shall include in any every order or judgment the following statement: Except as otherwise provided by statute, no appeal may be filed with the Colorado Court of Appeals unless a petition for review has been filed with the district court within 28 days of the date of this order or judgment as provided by C.R.M. 7(d) and the district court has ruled on that petition. ~~entered in a proceeding in which consent is not necessary a written notice that the order or judgment was issued in a proceeding where no consent was necessary, and that any appeal must be taken within 21 days pursuant to Rule 7 (a).~~

~~(1) Unless otherwise provided by statute, this Rule is the exclusive method to obtain review of a district court magistrate's order or judgment issued in a proceeding in which consent of the parties is not necessary.~~

(b) A petition for review must be timely filed and ruled on before an appeal may be filed with the Colorado Court of Appeals.

~~(c)(2) The Each~~ chief judge shall designate one or more district judges to review orders or judgments of district court magistrates ~~entered when consent is not necessary.~~

(d)(3) Only a final An order or judgment of a magistrate is reviewable only if (1) the order or judgment fully resolves the issue or claim before the magistrate and (2) the order or judgment is written, dated, and signed by a magistrate. A minute order that is dated and signed by a magistrate shall constitute a written order or judgment under this Rule. ~~A final order or judgment is that which fully resolves an issue or claim.~~

~~(4) A final order or judgment is not reviewable until it is written, dated, and signed by the magistrate. A Minute Order which is signed by a magistrate will constitute a final written order or judgment.~~

(e)(5) A party may obtain review of a magistrate's final order or judgment by filing a petition to for review such final order or judgment with the reviewing judge district court no later than 14 28 days subsequent to the final order or judgment if the parties are present when the magistrate's order is entered, or 21 days from the date the final order or judgment is mailed or otherwise transmitted to the parties from the date the order or judgment becomes reviewable pursuant to C.R.M. 7 (d).

~~(6) A request for extension of time to file a petition for review must be made to the reviewing judge within the 21 day time limit within which to file a petition for review. A motion to correct clerical errors filed with the magistrate pursuant to C.R.C.P. 60 (a) does not constitute a petition for review and will not operate to extend the time for filing a petition for review.~~

(f) Within seven days of the date the order or judgment became reviewable pursuant to C.R.M. 7(d), any party may file with the magistrate either a C.R.C.P. 121, section 1-15(11) motion to reconsider or a C.R.C.P. 60(a) motion to correct clerical errors. Copies of the motion shall be served on all parties by the moving party. Within seven days after being served with a motion, any party may file an opposition, which shall be served on all parties. The moving party may not file a reply. These dates cannot be extended. The motion shall be deemed denied for all purposes if it is not decided by the magistrate within 21 days of the date the final order or judgment became reviewable.

(g) If a magistrate grants, in whole or in part, either a C.R.C.P. 121, section 1-15(11) motion to reconsider or a C.R.C.P. 60(a) motion to correct clerical errors, a petition for review of the amended order or judgment must still be filed within 28 days of the date the original order or judgment became reviewable pursuant to C.R.M. 7(d).

~~(h)(7) Any~~ petition for review shall state with particularity the alleged errors in the magistrate's order or judgment and may be accompanied by a ~~memorandum-brief~~ statement of ~~discussing the~~ authorities relied upon to support the petition. If a transcript of the proceedings before the magistrate is not available when the petition is filed, the petition shall state whether a transcript has been requested. Copies of the petition and any supporting ~~statement~~ brief shall be served on all parties by the party seeking review. Within 14 days after being served with a petition for review, a party may file ~~a memorandum-brief in an~~ opposition, which shall state whether a transcript has been requested by the opposing party and shall be served on all parties. This date cannot be extended unless the district court finds exceptional circumstances. The moving party may not file a reply.

~~(i)(8) Judicial review shall be limited to consideration of the petition for review, any oppositions, and the record of the proceedings before the magistrate as is available. If a transcript of the proceedings before a magistrate was not requested, the reviewing judge shall presume that the record would support the magistrate's findings of fact. The reviewing judge shall consider the petition for review on the basis of the petition and briefs filed, together with such review of the record as is necessary.~~ The reviewing judge also may conduct further proceedings, take additional evidence, or order a trial de novo in the district court. ~~An order entered under 6 (e)(1) which effectively ends a case shall be subject to de novo review.~~

~~(j)(9) Findings of fact made by the magistrate shall be accepted by the reviewing judge may not be altered unless they are clearly erroneous. The failure of the petitioner to file a transcript of the proceedings before the magistrate is not grounds to deny a petition for review but, under those circumstances, the reviewing judge shall presume that the record would support the magistrate's order. Conclusions of law made by a magistrate and any order entered in a civil case under C.R.M. 6(c) which effectively ends a case shall be subject to de novo review.~~

~~(k)(10) The reviewing judge shall adopt, reject, or modify the initial order or judgment of the magistrate by written order, which order shall be the order or judgment of the district court. Any petition for review that has not been decided within 63 days of the filing date of (1) the petition for review or (2) the transcript, if one has been requested, whichever is later, shall, without further action by the reviewing judge, be deemed denied for all purposes include Rule 4(a) of the Colorado Appellate Rules, and the time for appeal shall commence on that date.~~

~~(l)(11)~~ Appeal of an order or judgment of a district court magistrate may not be taken to the appellate court unless a timely petition for review has been filed and decided by a [reviewing district court](#) in accordance with these Rules.

~~(m)(12)~~ If timely review in the district court is not requested, the order or judgment of the magistrate shall become the order or judgment of the district court. ~~Appeal of such district court order or judgment to the appellate court is barred.~~

~~(b) Orders or judgments entered when consent is necessary. Any order or judgment entered with consent of the parties in a proceeding in which such consent is necessary is not subject to review under Rule 7 (a), but shall be appealed pursuant to the Colorado Rules of Appellate Procedure in the same manner as an order or judgment of a district court. Magistrates shall include in any order or judgment entered in a proceeding in which consent is necessary a written notice that the order or judgment was issued with consent, and that any appeal must be taken pursuant to Rule 7 (b).~~

Rule 8. Functions of County Court Magistrates.

(a) Functions in Criminal Cases: A county court magistrate may perform any or all of the following functions in a criminal proceeding:

(1) No consent necessary:

(A) Appoint attorneys for indigent defendants and approve attorney expense vouchers.

(B) Conduct proceedings in traffic infraction matters.

(C) Conduct advisements and set bail in criminal and traffic cases.

(D) Issue mandatory protection orders pursuant to C.R.S. section 18-1-1001.

[\(E\) Conduct all proceedings regarding civil infractions pursuant to C.R.S. section 16-2.3-101 et seq.](#)

~~(F)(E)~~ Any other function authorized by statute [or rule](#).

(2) Consent necessary:

(A) Conduct hearings on motions, conduct trials to court, accept pleas of guilty, and impose sentences in misdemeanor, petty offense, and traffic offense matters.

(B) Conduct deferred prosecution and deferred sentence proceedings in misdemeanor, petty offense, and traffic offense matters.

(C) Conduct misdemeanor and petty offense proceedings pertaining to wildlife, parks and outdoor recreation, as defined in Title 33, C.R.S.

(D) Conduct all proceedings pertaining to recreational facilities districts, control and licensing of dogs, campfires, and general regulations, as defined in Title 29, Article 7, C.R.S. and Title 30, Article 15, C.R.S.

(b) Functions in Civil Cases: A county court magistrate may perform any or all of the following functions in a civil proceeding:

(1) No consent necessary:

(A) Conduct proceedings with regard to petitions for name change, pursuant to C.R.S. section 13-15-101.

(B) Perform the duties which a county court clerk may be authorized to perform, pursuant to C.R.S. section 13-6-212.

(C) Serve as a small claims court magistrate, pursuant to C.R.S. section 13-6-405.

(D) Conduct proceedings involving protection orders, pursuant to C.R.S. sections 13-14-101 et seq. and conduct proceedings pursuant to C.R.C.P. 365.

(E) Any other function authorized by statute.

(2) Consent necessary:

(A) Conduct civil trials to court and hearings on motions.

(B) Conduct default hearings, enter judgments pursuant to C.R.C.P. 355, and conduct post-judgment proceedings.

Rule 3. Definitions.

The following definitions shall apply:

- (a)** Magistrate: Any person other than a judge authorized by statute or by these rules to enter orders or judgments in judicial proceedings.
- (b)** Chief Judge: The chief judge of a judicial district.
- (c)** Presiding Judge: The presiding judge of the Denver Juvenile Court, the Denver Probate Court, or the Denver County Court.
- (d)** Reviewing Judge: A judge designated by a chief judge or a presiding judge to review the orders or judgments of magistrates in proceedings to which the Rules for Magistrates apply.
- (e)** Order or Judgment: All rulings, decrees or other decisions of a judge or a magistrate made in the course of judicial proceedings.
- (f)** Consent:
 - (1)** Consent in District Court:
 - (A)** For the purposes of the rules, where consent is necessary, a party is deemed to have consented to a proceeding before a magistrate if he or she is advised of the right to have the proceeding before a district court judge and, after entering an appearance or filing a responsive pleading,
 - (i)** The party has affirmatively consented in writing or on the record; or
 - (ii)** The party has been provided notice of the referral, setting, or hearing of a proceeding before a magistrate and failed to file a written objection within 14 days of such notice; or
 - (iii)** The party failed to appear at a proceeding after having been provided notice of that proceeding.
 - (B)** Once given, a party's consent to a magistrate in a proceeding may not be withdrawn.
 - (2)** Consent in County Court:
 - (A)** When the exercise of authority by a magistrate in any proceeding is statutorily conditioned upon a waiver of a party pursuant to C.R.S. section 13-6-501, such waiver shall be executed in writing or given orally in open court by the party or the party's attorney of record, and shall state specifically that the party has waived the right to proceed before a judge and shall be filed with the court.
 - (B)** Once given, a party's consent to a magistrate in a proceeding may not be withdrawn.
 - (3)** Consent in Small Claims Court:
 - (A)** A party will be deemed to accept the jurisdiction of the Small Claims Court unless the party objects pursuant to C.R.S. section 13-6-405 and C.R.C.P. 511 (b).
 - (B)** Once given, a party's consent to a magistrate in a proceeding may not be withdrawn.

Rule 5. General Provisions.

- (a)** An order or judgment of a magistrate in any proceeding shall be effective upon the date of the order or judgment and shall remain in effect pending review by a reviewing judge unless stayed by the magistrate or by the reviewing judge. An order or judgment is final for purposes of appeal or judicial review as stated in C.R.M. 7.

(b) A magistrate may issue citations for contempt, conduct contempt proceedings, and enter orders for contempt for conduct occurring either in the presence or out of the presence of the magistrate, in any civil or criminal matter, without consent. Any order of a magistrate finding a person in contempt shall upon request be reviewed in accordance with the procedures for review set forth in rule 7 or rule 9 herein.

(c) A magistrate shall have the power to issue bench warrants for the arrest of non-appearing persons, to set bonds in connection therewith, and to conduct bond forfeiture proceedings.

(d) A magistrate shall have the power to administer oaths and affirmations to witnesses and others concerning any matter, thing, process, or proceeding, which is pending, commenced, or to be commenced before the magistrate.

(e) A magistrate shall have the power to issue all writs and orders necessary for the exercise of their jurisdiction established by statute or rule, and as provided in C.R.S. section 13-1-115.

(f) No magistrate shall have the power to decide whether a state constitutional provision, statute, municipal charter provision, or ordinance is constitutional either on its face or as applied.

Questions pertaining to the constitutionality of a state constitutional provision, statute, municipal charter provision, or ordinance may, however, be raised for the first time on appeal or review of the magistrate's order or judgment.

(g) All magistrates in the performance of their duties shall conduct themselves in accord with the provisions of the Colorado Code of Judicial Conduct. Any complaint alleging that a magistrate, who is an attorney, has violated the provisions of the Colorado Code of Judicial Conduct may be filed with the Office of Attorney Regulation Counsel for proceedings pursuant to C.R.C.P. 242. Such proceedings shall be conducted to determine whether any violation of the Code of Judicial Conduct has occurred and what discipline, if any, is appropriate. These proceedings shall in no way affect the supervision of the Chief Judge over magistrates as provided in C.R.M. 1.

Rule 6. Functions of District Court Magistrates.

(a) Functions in Criminal Cases: A district court magistrate may perform any or all of the following functions in criminal proceedings:

(1) No consent necessary:

(A) Conduct initial appearance proceedings, including advisement of rights, admission to bail, and imposition of conditions of release pending further proceedings.

(B) Appoint attorneys for indigent defendants and approve attorney expense vouchers.

(C) Conduct bond review hearings.

(D) Conduct preliminary and dispositional hearings pursuant to C.R.S. sections 16-5-301 (1) and 18-1-404 (1).

(E) Schedule and conduct arraignments on indictments, informations, or complaints.

(F) Order presentence investigations.

(G) Set cases for disposition, trial, or sentencing before a district court judge.

(H) Issue arrest and search warrants, including nontestimonial identifications under Rule 41.1.

(I) Conduct probable cause hearings pursuant to rules promulgated under the Interstate Compact for Adult Offender Supervision, C.R.S. sections 24-60-2801 to 2803.

(J) Any other function authorized by statute or rule.

(2) Consent necessary:

- (A) Enter pleas of guilty.
- (B) Enter deferred prosecution and deferred sentence pleas.
- (C) Modify the terms and conditions of probation or deferred prosecutions and deferred sentences.
- (D) Impose stipulated sentences to probation in cases assigned to problem solving courts.
- (b) Functions in Matters Filed Pursuant to Colorado Revised Statutes Title 14 and Title 26:
 - (1) No Consent Necessary:
 - (A) A district court magistrate shall have the power to preside over all proceedings arising under Title 14, except as described in section 6 (b)(2) of this Rule.
 - (B) A district court magistrate shall have the power to preside over all motions to modify permanent orders concerning property division, maintenance, child support or allocation of parental responsibilities, except petitions for review as defined in C.R.M. 7.
 - (C) A district court magistrate shall have the power to determine an order concerning child support filed pursuant to C.R.S. section 26-13-101 et seq.
 - (D) Any other function authorized by statute or rule.
 - (2) Consent Necessary: With the consent of the parties, a district court magistrate may preside over contested hearings which result in permanent orders concerning property division, maintenance, child support or allocation of parental responsibilities.
- (c) Functions in Civil Cases: A district court magistrate may perform any or all of the following functions in civil proceedings:
 - (1) No consent necessary:
 - (A) Conduct settlement conferences.
 - (B) Conduct default hearings, enter judgments pursuant to C.R.C.P. 55, and conduct post-judgment proceedings.
 - (C) Conduct hearings and enter orders authorizing sale, pursuant to C.R.C.P. 120.
 - (D) Conduct hearings as a master pursuant to C.R.C.P. 53.
 - (E) Hear and rule upon all motions relating to disclosure, discovery, and all C.R.C.P. 16 and 16.1 matters.
 - (F) Conduct proceedings involving protection orders pursuant to C.R.S. section 13-14-101 et seq.
 - (G) Any other function authorized by statute or rule.
 - (2) Consent Necessary: A magistrate may perform any function in a civil case except that a magistrate may not preside over jury trials.
- (d) Functions in Juvenile Cases: A juvenile court magistrate shall have all of the powers and be subject to the limitations prescribed for juvenile court magistrates by the provisions of Title 19, Article 1, C.R.S. Unless otherwise set forth in Title 19, Article 1, C.R.S., consent in any juvenile matter shall be as set forth in C.R.M. 3 (f)(1).
- (e) Functions in Probate and Mental Health Cases:
 - (1) No consent necessary:
 - (A) Perform any or all of the duties which may be delegated to or performed by a probate registrar, magistrate, or clerk, pursuant to C.R.P.P. 4 and C.R.P.P. 5.
 - (B) Hear and rule upon petitions for emergency protective orders and petitions for temporary orders.
 - (C) Any other function authorized by statute or rule.
 - (2) Consent Necessary:
 - (A) Hear and rule upon all matters filed pursuant to C.R.S. Title 15.

- (B)** Hear and rule upon all matters filed pursuant to C.R.S. Title 25 and Title 27.
- (f)** A district court magistrate shall not perform any function for which consent is required under any provision of this Rule unless the oral or written notice complied with Rule 3(f).

Rule 7. Review of District Court Magistrate Orders or Judgments.

- (a)** Magistrates shall include in every order or judgment the following statement: Except as otherwise provided by statute, no appeal may be filed with the Colorado Court of Appeals unless a petition for review has been filed with the district court within 28 days of the date of this order or judgment as provided by C.R.M. 7(d) and the district court has ruled on that petition.
- (b)** A petition for review must be timely filed and ruled on before an appeal may be filed with the Colorado Court of Appeals.
- (c)** Each chief judge shall designate one or more district judges to review orders or judgments of district court magistrates.
- (d)** An order or judgment of a magistrate is reviewable only if (1) the order or judgment fully resolves the issue or claim before the magistrate and (2) the order or judgment is written, dated, and signed by a magistrate. A minute order that is dated and signed by a magistrate shall constitute a written order or judgment.
- (e)** A party may obtain review of a magistrate's order or judgment by filing a petition for review with the district court no later than 28 days from the date the order or judgment becomes reviewable pursuant to C.R.M. 7 (d).
- (f)** Within seven days of the date the order or judgment became reviewable pursuant to C.R.M. 7(d), any party may file with the magistrate either a C.R.C.P. 121, section 1-15(11) motion to reconsider or a C.R.C.P. 60(a) motion to correct clerical errors. Copies of the motion shall be served on all parties by the moving party. Within seven days after being served with a motion, any party may file an opposition, which shall be served on all parties. The moving party may not file a reply. These dates cannot be extended. The motion shall be deemed denied for all purposes if it is not decided by the magistrate within 21 days of the date the final order or judgment became reviewable.
- (g)** If a magistrate grants, in whole or in part, either a C.R.C.P. 121, section 1-15(11) motion to reconsider or a C.R.C.P. 60(a) motion to correct clerical errors, a petition for review of the amended order or judgment must still be filed within 28 days of the date the original order or judgment became reviewable pursuant to C.R.M. 7(d).
- (h)** Any petition for review shall state with particularity the alleged errors in the magistrate's order or judgment and may be accompanied by a brief statement of authorities relied upon to support the petition. If a transcript of the proceedings before the magistrate is not available when the petition is filed, the petition shall state whether a transcript has been requested. Copies of the petition and any supporting statement shall be served on all parties by the party seeking review. Within 14 days after being served with a petition for review, a party may file an opposition, which shall state whether a transcript has been requested by the opposing party and shall be served on all parties. This date cannot be extended unless the district court finds exceptional circumstances. The moving party may not file a reply.
- (i)** Judicial review shall be limited to consideration of the petition for review, any oppositions, and the record of the proceedings before the magistrate as is available. If a transcript of the proceedings before a magistrate was not requested, the reviewing judge shall presume that the

record would support the magistrate's findings of fact. The reviewing judge also may conduct further proceedings, take additional evidence, or order a trial de novo in the district court.

(j) Findings of fact made by the magistrate shall be accepted by the reviewing judge unless they are clearly erroneous. Conclusions of law made by a magistrate and any order entered in a civil case under C.R.M. 6(c) which effectively ends a case shall be subject to de novo review.

(k) The reviewing judge shall adopt, reject, or modify the order or judgment of the magistrate by written order, which order shall be the order or judgment of the district court. Any petition for review that has not been decided within 63 days of the filing date of (1) the petition for review or (2) the transcript, if one has been requested, whichever is later, shall, without further action by the reviewing judge, be deemed denied for all purposes include Rule 4(a) of the Colorado Appellate Rules, and the time for appeal shall commence on that date.

(l) Appeal of an order or judgment of a district court magistrate may not be taken to the appellate court unless a timely petition for review has been filed and decided by a district court in accordance with these Rules.

(m) If timely review in the district court is not requested, the order or judgment of the magistrate shall become the order or judgment of the district court.

Rule 8. Functions of County Court Magistrates.

(a) Functions in Criminal Cases: A county court magistrate may perform any or all of the following functions in a criminal proceeding:

(1) No consent necessary:

(A) Appoint attorneys for indigent defendants and approve attorney expense vouchers.

(B) Conduct proceedings in traffic infraction matters.

(C) Conduct advisements and set bail in criminal and traffic cases.

(D) Issue mandatory protection orders pursuant to C.R.S. section 18-1-1001.

(E) Conduct all proceedings regarding civil infractions pursuant to C.R.S. section 16-2.3-101 et seq.

(F) Any other function authorized by statute or rule.

(2) Consent necessary:

(A) Conduct hearings on motions, conduct trials to court, accept pleas of guilty, and impose sentences in misdemeanor, petty offense, and traffic offense matters.

(B) Conduct deferred prosecution and deferred sentence proceedings in misdemeanor, petty offense, and traffic offense matters.

(C) Conduct misdemeanor and petty offense proceedings pertaining to wildlife, parks and outdoor recreation, as defined in Title 33, C.R.S.

(D) Conduct all proceedings pertaining to recreational facilities districts, control and licensing of dogs, campfires, and general regulations, as defined in Title 29, Article 7, C.R.S. and Title 30, Article 15, C.R.S.

(b) Functions in Civil Cases: A county court magistrate may perform any or all of the following functions in a civil proceeding:

(1) No consent necessary:

(A) Conduct proceedings with regard to petitions for name change, pursuant to C.R.S. section 13-15-101.

(B) Perform the duties which a county court clerk may be authorized to perform, pursuant to C.R.S. section 13-6-212.

(C) Serve as a small claims court magistrate, pursuant to C.R.S. section 13-6-405.

(D) Conduct proceedings involving protection orders, pursuant to C.R.S. sections 13-14-101 et seq. and conduct proceedings pursuant to C.R.C.P. 365.

(E) Any other function authorized by statute.

(2) Consent necessary:

(A) Conduct civil trials to court and hearings on motions.

(B) Conduct default hearings, enter judgments pursuant to C.R.C.P. 355, and conduct post-judgment proceedings.