

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Street Colorado Springs, Colorado 80903	FILED-DISTRICT & COUNTY COURTS-EL PASO CO., CO MAR 24 2008 DIVISION 4
<hr/> In the Matter of the Petition of : HERMAN A. LOHSE, III FOR THE ADOPTION OF A CHILD	<hr/> ▲ COURT USE ONLY ▲ <hr/> Case Number: 07 JA 121 Div.: 4 Courtroom 403
ORDER TO SHOW CAUSE RE: RESPONDENT FATHER'S MOTION FOR REVIEW OF MAGISTRATE'S ORDER	

THIS MATTER comes on for consideration of the RESPONDENT FATHER'S MOTION FOR REVIEW OF MAGISTRATE'S ORDER The Motion was filed on December 4, 2007. Status reports from both parties have been received. The transcript of the hearing has not been received.

Upon initial review the Court is unable to determine that it has jurisdiction to review this matter. Rule 7 (b), Colorado Rules for Magistrates provides that review of magistrate decisions shall be pursuant to the Colorado Rules of Appellate Procedure in those cases heard by a magistrate when consent is required. Proceedings pursuant to Article 5, Title 19, Colorado Revised Statutes appear to be matters in which consent is required. See C.R. S. 19-1-108 (3). Although neither party has challenged the jurisdiction of this court to review the magistrate's decision, the Court is unable to find any authority that grants jurisdiction to the district court to review the orders of a magistrate in Article 5 proceedings.

IT IS THEREFORE ORDERED that each party shall have until April 28 to file with this court any supplemental authorities that address the issue raised in this Order and to propose what remedy may be appropriate if the court determines that the request for review should have been filed with the Court of Appeals.

Dated this 24th day of March, 2008.

BY THE COURT:

David L. Shakes

DAVID L. SHAKES
 District Judge