

**NAVIGATING THE POST DECREE MAZE: AN OVERVIEW**  
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## A. MODIFICATION OF SUPPORT (CHILD SUPPORT AND MAINTENANCE)

### 1. Modification of Child Support

- a. Form: Verified Motion to Modify Child Support Pursuant to § 14-10-122, C.R.S., JDF 1403  
Order Re: Modification of Child Support, JDF 1405  
Instructions to File Motion or Stipulation to Modify Child Support, JDF 1403 I
- b. Statutory Authority to Modify Child Support: C.R.S. § 14-10-122.
  - Must prove that there has been a substantial and continuing change in circumstances. **There must be at least a 10% change in child support** as shown by the new current child support worksheets. **This does not mean merely a 10% change in income.**
- c. Form
  - Number of overnights (Magic Number = 92)
  - Worksheet
    - Income of each party
    - Adjustments to child support
      - Work related child care
      - Health insurance
      - Extraordinary medical expenses
      - Other extraordinary expenses
  - Child support can only start as of the date the motion is filed, unless there was a court-ordered, voluntary or mutually agreed upon change of physical care that forms the basis of the changed child support, in which case child support can be modified back to the date that the physical care was changed. Statute limits this to a five-year retroactive modification in most cases, “unless the court finds that its application would be substantially inequitable, unjust, or inappropriate.”
  - Examples of circumstances that would lead to a change in child support:
    - Injury to or disability of one of the parties leading to job loss
    - Reduction in income of one of the parties
    - Maintenance ended
    - Child care expenses ended
    - Expense for health insurance was changed between the parties or substantially increased
    - One of the children became emancipated (note that this does not mean that child support is reduced proportionally to the number of children)
    - Parenting time changed/overnights

- Parties MUST file Sworn Financial Statements and exchange financial documentation, JDF 1104, 1111, 1111S

## 2. Modification of Maintenance

- a. Form: Verified Motion to Modify or Terminate Maintenance Pursuant to § 14-10-122, JDF 1401  
 Order Re: Modification or Termination of Maintenance, JDF 1402  
 Instructions to File a Motion or Stipulation to Modify or Terminate Maintenance, JDF 1399
- b. Statutory authority to modify maintenance: C.R.S. § 14-10-122.
  - Must prove a change of circumstances that are so substantial and continuing as to make the existing order unfair. This is not just a situation in which the maintenance would be different if the formula would yield a different result. Burden is on the party seeking the change, and has been interpreted to be a “heavy” burden. *See In Re Marriage of Ward*, 740 P.2d 18, 20 (Colo. 1987).
  - Formula for maintenance: 40% of the higher earner minus 50% of the lower earner CAPPED at 40% of the total (recipient cannot receive more than 40 percent of the combined income **after** maintenance is added to the income of the recipient). Formula is contained in C.R.S. § 14-10-114.
    - *Example:* Todd’s monthly adjusted gross income is \$1,300; Jane’s monthly adjusted gross income is \$7,200. The parties’ total monthly adjusted gross income is \$8,500.
 

$$\text{Jane} - \$7,200 \times 40\% = \$2,880$$

$$\text{Todd} - \$1,300 \times 50\% = \$650$$

Under the first phase of this formula, maintenance would be \$2,230. Forty percent of the total income is \$3,400, so Todd’s maintenance award must be reduced under this formula to \$2,100.
  - Language of any maintenance agreement controls – contractual non modifiable versus modifiable
  - Maintenance can only be modified back to the date the motion is filed.
  - Death of the receiving spouse will automatically terminate maintenance.
  - Remarriage of the receiving spouse will terminate maintenance (unless there is an agreement to the contrary), but you must file a motion to terminate maintenance. Cohabitation with a new partner will not terminate maintenance (unless there is an agreement to the contrary).

- Retirement. C.R.S. § 14-10-122(2)(b) provides that if a payor's income is reduced or terminated due to retirement, after reaching full retirement age, there will be a rebuttable presumption that the retirement is in good faith. Subsection (2)(c) defines "full retirement age" as the age at which the payor would be eligible for full U.S. Social Security benefits. This is distinguished from "early retirement age" and "maximum retirement age."

## **B. MODIFICATION OF PARENTING TIME:**

### **1. Modification of Parenting Time:**

- a. Form: Motion to Modify/Restrict Parenting Time, JDF 1406  
Order Re: Motion to Modify/Restrict Parenting Time, JDF 1424

*See also*: Instructions to File Motion to Modify/Restrict Parenting Time, JDF 14061

- b. Statutory Authority: C.R.S. § 14-10-129

The court may make or modify an order granting or denying parenting time rights whenever such order or modification would serve the **best interests of the child**.

- *Best Interest of the Child* is defined by C.R.S. § 14-10-124(1.5) which states:

In determining the best interests of the child for purposes of parenting time, the court shall consider all relevant factors, including:

- (I) The wishes of the child's parents as to parenting time;
- (II) The wishes of the child if he or she is sufficiently mature to express reasoned and independent preferences as to the parenting time schedule;
- (III) The interaction and interrelationship of the child with his or her parents, his or her siblings, and any other person who may significantly affect the child's best interests;
- (IV) The child's adjustment to his or her home, school, and community;
- (V) The mental and physical health of all individuals involved, except that a disability alone shall not be a basis to deny or restrict parenting time;
- (VI) The ability of the parties to encourage the sharing of love, affection, and contact between the child and the other party; except that, if the court determines that a party is acting to protect the child from witnessing domestic violence or from being a victim of child abuse or neglect or

domestic violence, the party's protective actions shall not be considered with respect to this factor;

(VII) Whether the past pattern of involvement of the parties with the child reflects a system of values, time commitment, and mutual support;

(VIII) The physical proximity of the parties to each other as this relates to the practical considerations of parenting time;

(IX) Repealed by Laws 2013, Ch. 218, § 2, eff. July 1, 2013.

(X) Repealed by Laws 2013, Ch. 218, § 2, eff. July 1, 2013.

(XI) The ability of each party to place the needs of the child ahead of his or her own needs.

- Examples of where this standard would apply:

- Father requesting to increase his parenting time from three overnights a week to 50/50 parenting time.

- Mother requesting to modify the days of the week she has her overnights because she changed jobs and now works on the evenings she has the children.

- Father requesting to modify a schedule which had several exchanges a week to a week-on, week-off parenting time because the children are older and able to handle being away from each parent for a longer period of time.

- The parties' Parenting Plan does not delegate parenting time for school vacations or specific holidays (i.e. Mother's Day, Memorial Day Weekend, Spring Break, etc.) and one parent would like the Parenting Plan to include the specific holiday.

- Father never exercises his Thursday overnights, Mother wants the Parenting Plan to actually reflect the parenting time each party is actually exercising.

c. Request to Modify which Requests a Restriction of Parenting Time:

The court shall not restrict a parent's parenting time rights unless it finds that the parenting time would endanger the child's physical health or significantly impair the child's emotional development. In addition to a finding that parenting time would endanger the child's physical health or significantly impair the child's emotional development, in any order imposing or continuing a parenting time restriction, the court shall enumerate the specific factual findings supporting the restriction. *See* C.R.S. § 14-10-129(1)(b)(I)

- Examples of where this standard would apply:
  - Parenting Plan sets forth that the parties share 50/50 parenting time, Mother wants to restrict Father's parenting time to every-other weekend.
  - Mother has three overnights a week, Father wants to restrict her Parenting Time to one overnight a week.
  - This standard does not apply when emergency circumstances and a child faces imminent harm (i.e. young children are being left home alone at night, a parent is abusing alcohol while caring for the minor children, children are witnessing physical violence in one of the parent's homes.) If imminent harm exists file an emergency motion to restrict pursuant to C.R.S. § 14-10-129(4) as discussed below.

d. Change of Primary Residential Parent (No Relocation):

The court shall not modify a prior order concerning parenting time that substantially changes the parenting time as well as changes the party with whom the child resides a majority of the time unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or the party with whom the child resides the majority of the time and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the parenting time schedule established in the prior decree unless:

- The parties agree to the modification; or
- The child has been integrated into the family of the moving party with the consent of the other party.

See C.R.S. § 14-10-129(2)

- Example of where this standard would apply:
  - Minor children primarily live with Mother (over 183 overnights – typically 9 out of 14 overnights) and Father wants to become the primary parent and enjoy over 183 overnights with the minor children.

e. Two year waiting period:

If a motion for a substantial modification of parenting time which also changes the party with whom the child resides a majority of the time has been filed, whether or not it has been granted, no subsequent motion may be filed within two years after disposition of the prior motion unless the court decides, on the basis of affidavits, that the child's present environment may endanger the child's physical

health or significantly impair the child's emotional development or that the party with whom the child resides a majority of the time is intending to relocate with the child to a residence that substantially changes the geographical ties between the child and the other party. *See* C.R.S. § 14-10-129(1.5)

## 2. Emergency Motion to Restrict Parenting Time:

- a. Form: Motion to Modify/Restrict Parenting Time, JDF 1406  
Order Re: Motion to Modify/Restrict Parenting Time, JDF 1424

*See also*: Instructions to File Motion to Modify/Restrict Parenting Time, JDF 14061

- b. Statutory Authority: C.R.S. § 14-10-129(4)

A parent may file an emergency motion to restrict parenting time by alleging that the child is in imminent physical or emotional danger due to the parenting time or contact by the other parent.

- c. Procedure: A motion to restrict parenting time is typically reviewed by a judicial officer within 24 hours of it being filed. If the Court grants a motion to restrict, the statute requires that the motion shall be heard and ruled upon by the court within fourteen days after the day of the filing of the motion. *See* C.R.S. § 14-10-129(4)

Any parenting time for the non-filing party which occurs during such fourteen-day period after the filing of such a motion shall be supervised by an unrelated third party deemed suitable by the court or by a licensed mental health professional, as defined in section 14-10-127(1)(b). *See* C.R.S. § 14-10-129(4)

- Examples of when filing a Motion to Restrict is appropriate:

(1) Mother's new boyfriend is physically violent with Mother in front of the minor children.

(2) Father makes credible threats that he is planning on taking his life while caring for the minor children.

(3) Mother has been abusing pain pills and the children report that they cannot wake her up when she is caring for them.

(4) Children make an outcry of sexual abuse.

(5) Children come back from Father's house with cigarette burns.



### 3. Motion to Modify Parenting Time – Request to Relocate the Minor Child:

- a. Form: Motion to Relocate Minor Children, JDF 1407  
Order Re: Motion to Relocate Minor Children, JDF 1425

*See Also*: Instructions to File a Motion to Relocate Minor Children, JDF1400

- b. Statutory Authority: C.R.S. § 14-10-129(1)(a)(II) & 2(c)

Relocation is defined as a request to relocate with the child to a residence that “**substantially changes the geographical ties between the child and the other party.**” *See* C.R.S. § 14-10-129(1)(a)(II)

When considering a party’s request to relocate with the minor children, the Court shall consider the best interest factors set forth in C.R.S. § 14-10-124 (1.5) and consider the following additional factors set forth in C.R.S. § 14-10-129(c):

- (I) The reasons why the party wishes to relocate with the child;
- (II) The reasons why the opposing party is objecting to the proposed relocation;
- (III) The history and quality of each party's relationship with the child since any previous parenting time order;
- (IV) The educational opportunities for the child at the existing location and at the proposed new location;
- (V) The presence or absence of extended family at the existing location and at the proposed new location;
- (VI) Any advantages of the child remaining with the primary caregiver;
- (VII) The anticipated impact of the move on the child;
- (VIII) Whether the court will be able to fashion a reasonable parenting time schedule if the change requested is permitted; and
- (IX) Any other relevant factors bearing on the best interests of the child;

c. Information to be provided to non-moving party: The party who is intending to relocate with the child to a residence that substantially changes the geographical ties between the child and the other party shall provide the other party with written notice as soon as practicable of his or her intent to relocate, the location where the party intends to reside, the reason for the relocation, and a proposed revised parenting time plan. *See* C.R.S. § 14-10-129(1)(a)(II)

d. Priority on the Docket: Hearing on modification of parenting time due to relocation shall be a priority on the Court's docket. *See* C.R.S. § 14-10-129(2)(c)

e. Controlling Case: *In Re Marriage of Ciesluk*, 113 P.3d 135 (Colo. 2005)

- Applies to post-decree requests to relocate.
- No presumption in favor of majority time parent.
- Court must review all factors set forth in C.R.S. § 14-10-124(1.5)(a) and C.R.S. § 14-10-129(2)(c) and make findings regarding all factors based on the facts of that case.
- Both parent share equally the burden of demonstrating how the child's best interests will be served.
- Court must begin analysis with each parent on equal footing.

f. Examples of Facts Triggering a Motion to Relocate:

- Mother is primary parent, Father has parenting time every other weekend, Mother remarries and her new Husband has taken a job in Florida.
- Mother is allocated 4 out of 7 overnights. Both parties live in Thornton, the minor children go to school in Thornton. Mother gets offered her dream job in Castle Rock, and wants to move to Castle Rock with the children.
- The Court Order allocates each party equal parenting time. Mother rarely exercises her parenting time, and as a result he is the primary parent. Father is struggling to work full-time and be a full-time parent without Mother's participation. Father wants to move back to Salt Lake City where his parents and his three brothers live so the children can benefit from the support of extended family.

g. Practice Pointers:

- Court does not have the power to order where the parties can live, the Court can only order whether or not the minor children may relocate with the parent who intends to move.
- It is difficult to prevail on a Motion to Relocate.
- If a parent is proposing to relocate, take into consideration the ages of the children and how long the children can be away from their primary parent.
- Each parent has a right to live where they choose, however, they need the Court's permission to
- For school-aged children, the non-relocating parent will typically be allocated parenting time during summer vacation, and school holidays. The non-relocating parent is usually provided the opportunity to travel to where the children live for additional parenting time.

- For example, if a child is two years old, they cannot handle living away from the primary parent for an entire summer.

**C. MODIFICATION OF DECISION MAKING:**

- a. Form: Verified Motion to Modify Decision Making Responsibility, JDF 1415  
Order Re: Verified Motion to Modify Decision Making Responsibility, JDF 1417

*See also*: Instructions to File a Motion to Modify Decision Making, JDF 1411

- b. Statutory Authority: C.R.S. § 14-10-131

Pursuant to C.R.S. § 14-10-131(2):

The court shall not modify a custody decree or a decree allocating decision-making responsibility unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or the child's custodian or party to whom decision-making responsibility was allocated and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the allocation of decision-making responsibility established by the prior decree unless:

- (a) The parties agree to the modification;
- (b) The child has been integrated into the family of the petitioner with the consent of the other party and such situation warrants a modification of the allocation of decision-making responsibilities;
- (b.5) There has been a modification in the parenting time order pursuant to section 14-10-129, that warrants a modification of the allocation of decision-making responsibilities;
- (b.7) A party has consistently consented to the other party making individual decisions for the child which decisions the party was to make individually or the parties were to make mutually; or
- (c) The retention of the allocation of decision-making responsibility would endanger the child's physical health or significantly impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

- a. Two year waiting period: No motion to modify decision-making may be filed if a prior motion requesting the same relief was disposed of within two years, unless affidavits are filed from which the Court finds the child's present environment may:

- Endanger their physical health; or

- Significantly impair their mental health  
See C.R.S. § 14-10-131(1)

c. Two competing cases on the Court's ability to serve as a tiebreaker:

- *Griffin v. Griffin*, 669 P.2d 407 (Colo. 1985), Holding: Court cannot serve as a tie-breaker.
- *In re Marriage of Dauwe*, 148 P.3d 282 (2006), Holding: Court was able to determine whether or not the minor child may be enrolled in therapy.

d. Facts that Trigger a Motion to Modify Decision-Making:

- Father was not an involved parent when the Court issued the initial Parenting Plan, since that time Father has become very involved, coaching the child's basketball team, attending parent-teacher conferences, and going to all of the child's doctor's appointments. In initial order Mother was awarded sole decision-making. Father now wants joint decision-making.
- Each parent wants the child to attend their neighborhood school for Kindergarten. The parties share joint decision-making and the parties need to determine where the child should go to school. Father files a Motion requesting that the Court be the "tie-breaker" and Order where the child should attend school.
- Mother believes the child needs play therapy because the child is biting other children in pre-school. Father disagrees and believes it is just a phase. Also, he does not believe in therapy. The parties share joint decision-making. Mother files a Motion to allow her to enroll the minor child in play therapy because otherwise it will impair the child's environmental health.
- Father does not attend doctor appointments, he does not go to parent/teacher conferences, and he does not help the children with his home work. Whenever a decision needs to be made for the child, Father instinctively disagrees with Mother regardless of the topic. As a result, the child has not been to the dentist in two years, he has not attended speech therapy as recommended by his teachers, and he has never been able to participate in a team sport. Mother files a Motion for sole decision-making.

**D. REQUEST FOR A CHILD AND FAMILY INVESTIGATOR:**

- a. Form: Motion for Appointment of a Child and Family Investigator, JDF 1317  
Order Re: Appointing Child and Family Investigator, JDF 1318
- b. Statutory Authority: C.R.S. § 14-10-116.5
- A CFI may be appointed by motion of a party, or upon the Court's own motion. *See* C.R.S. § 14-10-116.5(1)
- c. Qualification to Serve as CFI: A CFI may be a mental health professional, attorney or other individual with appropriate training, qualification, and independent perspective acceptable to the Court. *See* C.R.S. §14-10-116.5(2).
- d. Role of CFI:
- The CFI shall investigate, report, and make recommendations as specifically directed by the court in the appointment order, taking into consideration the relevant factors for determining the best interests of the child as specified in section 14-10-124. The child and family investigator shall make independent and informed recommendations to the court, in the form of a written report filed with the court, unless otherwise ordered by the court. *See* C.R.S. §14-10-116.5(2)
  - While the child and family investigator shall consider the wishes of the child, the child and family investigator need not adopt such wishes in making his or her recommendations to the court unless they serve the child's best interests as described in section 14-10-124. *See* C.R.S. §14-10-116.5(2)
  - The child and family investigator may be called to testify as a witness regarding his or her recommendations. *See* C.R.S. §14-10-116.5(2)
- e. Cost: A CFI's retainer to complete their investigation and report is capped at \$2,750.00 unless the Court authorizes a larger a retainer by motion of the CFI or a party to the case. *See* Chief Justice Directive 04-08, amended 01/16.
- f. Availability of State Pay:
- If the responsible parties are determined to be indigent, the costs, fees, and disbursements shall be borne by the state. *See* C.R.S. § 14-10-116.5(3)(a).
  - To request that the cost of the CFI be paid by the State, file Application for Public Defender, Court-Appointed Counsel or Guardian Ad Litem, JDF 208.
- g. When to Request a CFI:
- Father claims that he never forgoes his parenting time, Mother claims he only exercises one third of his parenting time.

- To make a recommendation concerning Mother's request to relocate with the minor children – for an additional cost the CFI can travel to the location where Mother intends to relocate.
- To investigate allegations of substance abuse and recommend a safe parenting plan if those allegations are founded
- To investigate whether the allegation that Mother is bi-polar and “off her meds” is accurate, and whether the children are not safe in Mother's care.
- To investigate Mother's allegation that Father is a perpetrator of domestic violence, alienating the minor children from Mother, and coaching the children to say that they do not want to spend time with their Mother.

## E. ENFORCEMENT

### 1. Contempt

- a. Form: Verified Motion and Affidavit for Citation for Contempt of Court, JDF 1816  
Order and Citation for Contempt of Court, JDF 1817  
Instructions/Options to Enforce Orders, JDF 1800

- b. Legal Authority: C.R.C.P. 107

- c. Two Types of Contempt – Remedial and Punitive.

(1) Remedial contempt is designed to force compliance with the original order – the sanctions are intended to remedy or fix the initial wrong.

- The sanctions are a fine or imprisonment until the party complies. Party **must** describe the sanctions he or she wants in the motion. In other words, if the client wants the contemnor to go to jail until he or she has paid all past due child support, that must be stated in the Motion.
- Attorney fees may also be awarded, but only if they were requested in the Motion. Even though the client is proceeding on a pro se basis when you meet the client, it would not hurt to ask for attorney fees in the Motion in case the client decides to hire an attorney later on.
- To be successful in an action for remedial contempt, the party seeking contempt must allege and prove four elements by a preponderance of the evidence:
  1. That a lawful order was entered.
  2. That the contemnor had knowledge of the order.
  3. That the contemnor has not complied with the Order.

- Be specific.
  - Offense must pre-date hearing
4. That the contemnor has the present ability to comply with the order.
    - With money, the client has to prove that the contemnor has the ability to pay all past-due funds as of the day of the hearing. Often, the contemnor does not have this ability, so if the client is seeking contempt for a monetary matter, the client should ask for punitive sanctions, or a combination of remedial and punitive sanctions.
    - If the contemnor has equity in a house or car, or money in a retirement account, the client should argue that the contemnor has the ability to sell those items or liquidate the retirement funds to pay what is due.
    - With parenting time, or failure to confer regarding a joint decision, it is not possible to correct a wrong that happened in the past, such as parent contracting for a non-emergency medical procedure for the child without the other party's consent. See *In Re the Marriage of Webb*, 284 P.3d 107 (Colo. App. 2011). If client is seeking to hold the other party in contempt for a parenting time violation or other one-time violation, this needs to be pled as a punitive contempt, not a remedial contempt.
- (2) Punitive contempt is designed to punish the contemnor for failure to comply with the original order – the sanctions are a fine or imprisonment or both.
- To be successful in an action for punitive contempt, the party seeking contempt must prove five elements beyond a reasonable doubt.
    1. That a lawful order was entered.
    2. That the contemnor had knowledge of the order.
    3. That the contemnor has not complied with the order.
    4. The fourth element is that the contemnor has the ability to comply with the order.
      - This is NOT interpreted as the present ability to comply, it is interpreted as the ability to comply prior to the motion and hearing. In other words, the contemnor had a job and could have paid support or the contemnor just decided to take the child during the other party's parenting time because he wanted to.
    5. Then the fifth element is that the contemnor's refusal to comply with the order was **willful**.
      - Willful is defined as voluntary, knowing, and with conscious regard for the consequences of his conduct. See *In Re the Marriage of Nussbeck*, 974 P.2d 493 (Colo. 1999). This could

be an e-mail in which the contemnor responds to the client's query about a payment in an offensive manner, or it could be a second or third action for contempt for the same reason, which is typically found to be willful.

d. Procedure for Contempt.

- The client must obtain personal service of the motion, citation and order on the contemnor. It cannot be served on the contemnor's attorney and it cannot be served by mail, e-mail, text, etceteras.
- With an action for punitive contempt, there will be two hearings – the first hearing will be what is called an advisement, then testimony will be taken at a later hearing. With remedial contempt, the court sometimes treats the first hearing as an advisement, and sometimes does not.

**2. Enforcement of Parenting Time**

- a. Form: Verified Motion Concerning Parenting Time Disputes Pursuant to § 14-10-129.5, C.R.S., JDF 1418

Order Re: Parenting Time, JDF 1419  
Instructions to File a Motion Concerning Parenting Time Disputes, JDF 1418I

- b. Statutory Authority: C.R.S. § 14-10-129.5

- If there has been a parenting time violation, this is a much preferred, much easier option.
- Unlike contempt, there is no service of process required, the Motion can be mailed.
- Client can get a remedy for a parenting time violation, such as make up parenting time. This is not an option with contempt.
- Court can modify a parenting time order, which is also not an option with contempt.

**3. Collection of Support**

- a. Have they contacted Child Support Enforcement for their county? This is a good first step for a pro se party.
- b. Verified Entry of Support Judgment, JDF 1813.



**F. PROCEDURE OF POST-DECREE MOTIONS:**

- a. Generally: Follow the instructions given by the Court Clerk when you file the motion. In addition, review the “instruction” JDF associated with the respective motion.
- b. Verification: If the pleading requires verification, the clerk of the Court can verify the motion when filed.
- c. Proposed Order: C.R.C.P. 121 §1-15(10) mandates that all motions be filed with a Proposed Order. If no form order exists for the motion your client is filing with the Court, file, JDF 1316 granting the relief your client is requesting.
- d. Filing Fee: There are fees associated with filing of most post-decree motions. Parties can apply to waive filing fees by filing Motion to file without payment of filing Fee, JDF 205. Clients associated with MVL post-decree clinics have already been vetted and qualify to waive filing fees.
- e. Certificate of Service: Service of any motion, other than a motion, citation and order for contempt may be made by mail at the parties’ last registered address with the Court. *See* C.R.C.P, 5(a). It is best practice to personally serve emergency motions such as to restrict parenting time immediately because of danger to child. *See* CRS 14-10-129(4).
- f. Review Case Management Order: Some jurisdictions issue a Case Management Order (CMO) as soon as a motion is filed, other jurisdictions do not enter a CMO until the issue is scheduled for hearing.
- g. File a Notice to Set: If a Case Management Order is not immediately issued, file a Notice to Set.
- h. Responding to a Post-Decree Motion: Best practice is to file a Response detailing your objections. To respond to any motion use, JDF 1315.
- i. Caption. Ensure that it is completed with contact information and Case Number.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent: Attorney or Party Without Attorney (Name and Address): _____ <hr/> Phone Number: _____      E-mail: _____ FAX Number: _____      Atty. Reg.#: _____	▲ <b>COURT USE ONLY</b> ▲
Case Number: _____ <hr/> Division      Courtroom	<b>VERIFIED MOTION TO MODIFY CHILD SUPPORT PURSUANT TO §14-10-122, C.R.S.</b>

**Note to Responding Party:** If you disagree with this Motion, the Colorado Rules of Civil Procedure allow you to file a written response with the Court which must be filed within 21 days of the date this Motion was served on you or mailed to you.

The  Petitioner  Co-Petitioner/Respondent states the following for the purpose of modifying child support.

1. **Information about Petitioner:**      Date of Birth: \_\_\_\_\_  
 Current Mailing Address: \_\_\_\_\_  
 City & Zip: \_\_\_\_\_  
 Home Phone #: \_\_\_\_\_ Work Phone #: \_\_\_\_\_ Cell #: \_\_\_\_\_
  
2. **Information about Co-Petitioner/Respondent:**      Date of Birth: \_\_\_\_\_  
 Current mailing address: \_\_\_\_\_  
 City & Zip: \_\_\_\_\_  
 Home Phone #: \_\_\_\_\_ Work Phone #: \_\_\_\_\_ Cell #: \_\_\_\_\_

3. The parties have \_\_\_\_\_ minor child(ren):

Full Name of Child	Present Address	Sex	Date of Birth

4. Under the current Support Order, the Petitioner has \_\_\_\_\_ overnights per year with the children and the Co-Petitioner/Respondent has \_\_\_\_\_ overnights per year with the children.

5. Under the current child support order, the  Petitioner's  Co-Petitioner's/Respondent's child support obligation is \$ \_\_\_\_\_ and is paid  weekly  bi-weekly  twice a month  monthly  Other: \_\_\_\_\_.
6.  (Check only if applicable.) The current support order does not contain a provision regarding medical insurance (medial, dental, and/or vision) coverage.
7. A change in the current Support Order is appropriate because of the following change(s) in circumstance(s). Please check the appropriate box.  Day Care costs  Change in Income  
 Change in Parenting Time  Change in Residence  Emancipation of a Child  
 Medical insurance coverage  Other: \_\_\_\_\_

Describe why you are requesting the modification.

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8. The new child support obligation that I am requesting  is  is not more than a 10% change from the current child support order. The proposed child support obligation should be \$ \_\_\_\_\_ to be paid  weekly  bi-weekly  twice a month  monthly  other: \_\_\_\_\_.
9. I/We have completed a child support worksheet that shows what the new child support obligation should be. The child support worksheet  is  is not attached to this Motion.
10. I/We have attached current Sworn Financial Statements to this Motion.
11. Is either party currently receiving public assistance?  Yes  No If you checked Yes, answer the following:

Name of Person Receiving Benefit	Name of County or State

12. Is either party receiving child support enforcement services.  Yes  No If Yes, identify \_\_\_\_\_ (County) \_\_\_\_\_ (State).
13. Does either parent live in another state?  Yes  No If Yes, identify \_\_\_\_\_ (name of person) and \_\_\_\_\_ (City and State) they are currently living in.

14.  (Check only if applicable.) I request a change in the current tax exemption because of the reallocation of the costs of raising the dependent children, pursuant to §14-10-115(12), C.R.S.

I respectfully request that this Court enter an Order modifying the  Petitioner's  Co-Petitioner's/Respondent's child support obligation as described above.

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### VERIFICATION AND ACKNOWLEDGMENT

I swear/affirm under oath that I have read the foregoing Motion and that the statements set forth therein are true and correct to the best of my knowledge.

Signature of Attorney, if applicable \_\_\_\_\_ Date \_\_\_\_\_  Petitioner or  Co-Petitioner/Respondent  
Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
(Area Code) Telephone Number (home) \_\_\_\_\_  
(Area Code) Telephone Number (work) \_\_\_\_\_

Subscribed and affirmed, or sworn to before me in the County of \_\_\_\_\_, State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My Commission Expires: \_\_\_\_\_ Notary Public/Deputy Clerk \_\_\_\_\_

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### CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ (date) a true and accurate copy of the *Verified Motion to Modify Child Support* was served on the other party by:

Hand Delivery,  E-filed,  Faxed to this number: \_\_\_\_\_, or  
 by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Your signature

If the Child Support Enforcement Unit is involved in the case; you must provide them a copy of this Motion.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent:	<div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;"> <b>▲ COURT USE ONLY ▲</b> </div> Case Number:  Division                      Courtroom
<b>ORDER RE: MODIFICATION OF CHILD SUPPORT</b>	

This matter comes before the Court on the Motion/Stipulation of the  Petitioner  Co-Petitioner/Respondent to modify the child support order entered by this Court or a Court of competent jurisdiction in another state.

I. Following review of the Motion/Stipulation, Sworn Financial Statements, Child Support Worksheet, and other supporting documents, and Response, if applicable, or hearing on \_\_\_\_\_ (date), the Court finds the following:

- That the parties stipulate/agree to the modification.
- or
- That the changed circumstances are not substantial and continuing and that the motion is denied.
- or
- That the changed circumstances are substantial and continuing and that the motion is granted.

II. The Court orders the following.

- A new Child Support Order is attached based on the modification of child support.
- The  Petitioner  Co-Petitioner/Respondent shall pay child support to \_\_\_\_\_ (name of party) commencing on \_\_\_\_\_ (date).
- The  Petitioner  Co-Petitioner/Respondent shall pay for all reasonable attorney fees, costs and expenses associated with this action.
- Other:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Judge    Magistrate

**CERTIFICATE OF MAILING**

I certify that on \_\_\_\_\_ (date), I mailed this Order to the following:

- Petitioner
- Petitioner's Attorney
- Co-Petitioner/Respondent
- Co-Petitioner/Respondent's Attorney
- Child Support Enforcement Unit

\_\_\_\_\_  
Clerk

## INSTRUCTIONS TO FILE A MOTION OR STIPULATION TO MODIFY CHILD SUPPORT

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

### GENERAL INFORMATION

- ◆ Use these instructions if you already have obtained a Court order for Child Support and want to modify the amount (either to increase or decrease the amount paid).
- ◆ Child support is calculated under statutory guidelines. If there has been a “substantial and continuing” change in circumstances, then you may file for a modification. The change in circumstances must amount to a 10% increase or decrease in the current child support order. Two examples of situations that may cause substantial and continuing change are:
  - a permanent, significant increase or decrease in the income of either party; and
  - the emancipation of a child when support is ordered for two or more children. If you are paying child support for one child who is currently emancipated and you wish to terminate child support, please complete the Motion to Terminate Child Support (JDF 1408).
- ◆ You may also file for a modification if your current order does not contain a provision regarding medical/dental support, such as insurance coverage, payment for medical/dental insurance deductibles and co-payments, or unreimbursed medical/dental expenses.
- ◆ Added expenses (such as a new car, house, etc.) do not qualify for a modification.
- ◆ If the child support is modified, the change will be applied retroactively to the date of the filing of the Motion.
- ◆ Within 49 days of the date your Motion is filed, the Court will review the matter and determine whether the case will be scheduled and resolved under the provisions of Colorado Rule of Civil Procedure 16.2(c) or will be handled based on the documents provided with no hearing.
- ◆ For additional information, please review Colorado Revised Statute §14-10-122.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:  
[http://www.courts.state.co.us/Administration/HR/ADA/Coordinator\\_List.cfm](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

### COMMON TERMS

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>⊗ Petitioner:</li><li>⊗ Co-Petitioner/Respondent:</li><li>⊗ Stipulation:</li><li>⊗ Service of Process:</li><br/><li>⊗ Hearing Date:</li><li>⊗ Emancipation:</li><br/><li>⊗ May:</li><li>⊗ Shall:</li></ul> | <p>The person identified in the original Petition filed with the Court.</p> <p>The person identified in the original Petition filed with the Court.</p> <p>A written agreement prepared by both parties.</p> <p>The official means by which a party is notified that a document has been filed against him/her and provided a copy of the document and a description of the person's rights and obligations as a party to the case.</p> <p>The date that the Petitioner and Co-Petitioner/Respondent must appear in Court to present evidence in support of the Motion.</p> <p>Emancipation occurs when the last or only child reaches the age of 19, unless the child is still in high school, in which case support continues until the end of the month following graduation; or until the child(ren) otherwise emancipate as may be determined by the Court. Child support may be changed or amended upon motion of a party when any of the children reach 19. See §14-10-115(13), C.R.S. for exceptions.</p> <p>In legal terms, “may” is defined as “optional” or “can”.</p> <p>In legal terms, “shall” is defined as “required”.</p> |
|--|--|

If you do not understand this information, please contact an attorney. You may also contact the Family Court Facilitator at your local courthouse, if one is available in your Judicial District.

## FEES

A filing fee of \$105.00 is required, unless you are filing your motion/stipulation in a juvenile support case under Title 19, Article 6 or the motion/stipulation is being filed less than 60 days after the original decree or order is issued. If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide if you need to pay the filing fee.

Other fees that a party to the case may encounter are as follows:

- |   |  |
|---|--|
| <input type="checkbox"/> Response (Required, unless previous filing fee paid by party.) | \$116.00                                     |
| <input type="checkbox"/> Service Fees   | Varies (not payable through or to the Court) |
| <input type="checkbox"/> Certification Fee  | \$20.00                                      |
| <input type="checkbox"/> Copies of Documents (Documents on File)                        | \$.75 per page or \$1.50 if double sided     |
| <input type="checkbox"/> Copies of Documents (Documents not on File)                    | \$.25 per page or \$.50 if double sided      |

## FORMS



To access a form online go to [www.courts.state.co.us](http://www.courts.state.co.us) and click on the "Forms" tab. The forms are available in PDF or Word format by selecting **Domestic, Family Matters, Civil Unions - Modify Child Support**. You may complete a form online and print or you may print it and type or print legibly in black ink. You may need all or some of these forms. Read these instructions carefully to determine what forms you need.

- |                                   |   |
|-----------------------------------|---|
| <input type="checkbox"/> JDF 1104 | Certificate of Compliance with Mandatory Financial Disclosure |
| <input type="checkbox"/> JDF 1111 | Sworn Financial Statement                                     |
| <input type="checkbox"/> JDF 1117 | Support Order   |
| <input type="checkbox"/> JDF 1403 | Verified Motion to Modify Child Support                       |
| <input type="checkbox"/> JDF 1404 | Stipulation Regarding Child Support Modification              |
| <input type="checkbox"/> JDF 1405 | Order re: Modification of Child Support                       |

## STEPS TO FILING YOUR MOTION OR STIPULATION

Selecting these instructions indicates that you are planning to file a motion or stipulation to modify child support. You must identify yourself as the Petitioner or Co-Petitioner/Respondent depending on your "title/role" in the original case. It is important to remember that your "title/role" in the case does not change based on who files the motion or stipulation to reopen a case. The caption area below needs to be completed on all forms filed. **Keep a copy of each form for your own records and make a copy to provide to the other party.**

**Complete the steps identified below under Option 1 or Option 2 depending on if you plan to file a stipulation or a motion.**

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____	<b>COURT USE ONLY</b>  
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Petitioner: and Co-Petitioner/Respondent:			
Attorney or Party Without Attorney (Name and Address):		Case Number:	
Phone Number:	E-mail:	Division	Courtroom
FAX Number:	Atty. Reg. #:		
NAME OF FORM			

**Option 1: Stipulation to Modify Child Support. You have an existing order for child support and both parties agree that child support should be increased or decreased.**

**Step 1: Complete Forms.**

- Stipulation Regarding Child Support Modification (JDF 1404):**
  - Please complete all sections of this form.
  - This form must be notarized or signed in the presence of a court clerk or Notary Public
  - If any addresses have changed since the original case was filed, please provide current address information to the Court in writing.
  - Send a copy of the Stipulation (JDF 1404) to the County Office of Child Support Enforcement if they are involved in your case. **This is required.**
  
- Sworn Financial Statement (JDF 1111):**

You must provide true and complete information to the Court about your assets, debts, and income. You can be assessed a fine or jailed for providing false information. In addition, your case can be reopened due to fraud.

  - The Financial Statement must contain current personal and financial information to determine whether the modification of child support is fair to each party. Failure of a party to file a Financial Statement may result in a refusal by the Court to enter an Order to Modify Child Support. The Court may impose sanctions against the party who does not file the required paperwork. Complete and file with the Court a Supporting Schedules for Assets (JDF 1111SS) only if applicable to your case.
  - Each party **must** complete his/her own Financial Statement and all sections **must** be completed.
  - The form must be signed in the presence of a Court Clerk or Notary Public.
  
- Child Support Worksheet A or B:**

Use the information from each of your Sworn Financial Statements to complete the appropriate worksheet. You have two options to complete the worksheet:

  - Automatic Calculation Option:** New child support guidelines became effective on January 1, 2014. To access the software for electronically calculating child support based on the new guidelines, go to [www.courts.state.co.us](http://www.courts.state.co.us) – “Calculate Child Support/Maintenance” (you can also find a link to the new software at the top of the “Modify Child Support” page). If you are trying to calculate retroactive child support that was ORDERED prior to January 1, 2014, you will need to use the guidelines that were in effect at that time. You can also access the old Excel electronic worksheet (JDF 1820E).
  - Manual Calculation Option:** Each worksheet is available in a MANUAL “M” format; you will need to obtain and calculate the Child Support Guidelines to determine your child support if you select this



format. If you wish to use the Manual Worksheets, please review Instructions for Completing Worksheets A & B Manually (JDF 1822).

- Worksheet A (JDF 1820M): Sole Physical Care. Physical Care for 273 nights or more per year. If one or more of your children spends at least 273 nights with one parent they are considered to have a primary home with that parent.
- Worksheet B (JDF 1821M): Shared Physical Care. If one or more of your children spends more than 92 nights per year with each parent, they are considered to have two homes (one at your residence and one at the other parent's residence).
- Split Care: If each parent has primary physical care of at least one of the children because that child or children reside with that parent the majority of the time, you have a split physical care situation. Each parent should complete a separate worksheet A for the child or children for whom he/she provides primary care.
- Complete a Certificate of Service (JDF 1313) indicating that you have provided the other party with a copy of your completed Child Support Worksheet.
- Order re: Modification of Child Support (JDF 1405):**
  - Complete the caption only on this form.
  - The Magistrate or Judge will complete the remaining sections of this Order and give you and the other party a signed copy.

**Step 2: You are Ready to File your Stipulation with the Court.**

- Pay the \$105.00 filing fee, if applicable.
- Provide the Court with the Stipulation and all other appropriate documents.
- If your address has changed since you originally filed your case, please provide your current address to the Court in writing.
- Provide the Court with a self-addressed stamped envelope to receive a copy of the Order. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.

**Step 3: Court Review of Stipulation.**

Within 49 days of the date a post decree matter is filed, the Court will review the matter and determine whether the Stipulation will be approved or not.

- No hearing is required; however, the Court will use the Child Support Guidelines to review the adequacy of child support order negotiated by the parties as well as the financial affidavits.
- You will receive a signed copy of the Order Re: Modification of Child Support.
- If child support is modified, you will also receive an updated Support Order.

**Remember, if you change the child support amount, you must also modify any income assignment to reflect that change.**

**Option 2: Motion to Modify Child Support. If you have an existing order for child support and both parties do not agree that child support should be increased or decreased.**

**Step 1: Complete Forms.**

- Verified Motion to Modify Child Support (JDF 1403):**

- Please complete all sections of this form. It is very important that you describe the change in circumstances to justify why you are requesting to modify child support.
- This form must be signed in the presence of a Court Clerk or Notary Public
- Make sure you have copies of all documents for the Court and the other party.
- Send a copy of the Motion to Modify Child Support (JDF 1403) to the County Department of Human Services if they are involved in your case. **This is required.**
- If your address or the other party's address has changed since you originally filed your case, please provide your current address to the Court in writing.**
  
- Certificate of Compliance with C.R.C.P 16.2(e) (JDF 1104):**  
The purpose of this form is for each party to acknowledge to the Court that they provided the mandatory disclosure documents to the other party. This form **must be filed with the Court within 42 days** after the Post-Decree Motion involving financial issues was served on the other party.
  - Each party shall complete and file a Certificate of Compliance with the Court when the mandatory disclosures documents have been provided to the other party. If you did not provide all of the mandatory disclosure items, please state why on this form.
  - Complete all sections on this form.
  - Complete the Certificate of Service portion identifying the method selected to provide the other party with a copy of this document.
  - Send the other party the information you have identified on the form.
  
- Sworn Financial Statement (JDF 1111):**  
You must provide true and complete information to the Court about your assets, debts, and income. You can be assessed a fine or jailed for providing false information. In addition, your case can be reopened due to fraud.
  - The Financial Statement must contain current personal and financial information to determine whether the modification of child support is fair to each party. Failure of a party to file a Financial Statement may result in a refusal by the Court to enter an Order to Modify Child Support. The Court may impose sanctions against the party who does not file the required paperwork. Complete and file with the Court a Supporting Schedules for Assets (JDF 1111SS) only if applicable to your case.
  - Each party **must** complete his/her own Financial Statement and all sections **must** be completed.
  - The form must be signed in the presence of a Court Clerk or Notary Public.
  
- Child Support Worksheet A or B:**  
Use the information from each of your Sworn Financial Statements to complete the appropriate worksheet. You have two options to complete the worksheet.
  - Automatic Calculation Option:** New child support guidelines became effective on January 1, 2014. To access the software for electronically calculating child support based on the new guidelines, go to [www.courts.state.co.us](http://www.courts.state.co.us) – “Calculate Child Support/Maintenance” (you can also find a link to the new software at the top of the "Modify Child Support" page). If you are trying to calculate retroactive child support that was ORDERED prior to January 1, 2014, you will need to use the guidelines that were in effect at that time. You can also access the old Excel electronic worksheet (JDF 1820E).
  - Manual Calculation Option:** Each worksheet is available in a MANUAL “M” format; you will need to obtain and calculate the Child Support Guidelines to determine your child support if you select this format. If you wish to use the Manual Worksheets, please review Instructions for Completing Worksheets A & B Manually (JDF 1822).
    - Worksheet A (JDF 1820M): Sole Physical Care. Physical Care for 273 nights or more per year. If one or more of your children spends at least 273 nights with one parent they are considered to have a primary home with that parent.
    - Worksheet B (JDF 1821M): Shared Physical Care. If one or more of your children spends more than 92 nights per year with each parent, they are considered to have two homes (one at your residence and one at the other parent's residence).
    - Split Care: If each parent has primary physical care of at least one of the children because that child or children reside with that parent the majority of the time, you have a split physical care situation. Each parent should complete a separate worksheet A for the child or children for whom he/she provides primary care.

- Complete a Certificate of Service (JDF 1313) indicating that you have provided the other party with a copy of your completed Child Support Worksheet.

**Order re: Modification of Child Support (JDF 1405):**

- Complete the caption only on this form.
- The Magistrate or Judge will complete the remaining sections of this Order and give you and the other party a signed copy.

**Support Order (JDF 1117):**

- Complete the caption and the sections about the parties and children.
- If the Court ordered child support to be modified, the Magistrate or Judge will complete the remaining sections of the Support Order and give you and the other party a signed copy.

**Step 2: You are Ready to File your Motion with the Court.**

- Pay the \$105.00 filing fee, if applicable.
- Provide the Court with the Motion and all other appropriate documents.
- If your address has changed since you originally filed your case, please provide your current address to the Court in writing.
- Provide the Court with a self-addressed stamped envelope to receive a copy of the Order. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.

**Step 3: Provide a Completed Motion to the Other Party.**

- You must provide a copy of the motion to all parties to the case.
- Complete the Certificate of Service portion on the form. The purpose of the Certificate of Service is to notify the Court when and how you provided copies of the motion to all parties in the case. This is very important, because the Court must have knowledge that all parties involved are aware of the motion prior to any Court action being taken. If the Department of Human Services – Office of Child Support Enforcement is involved with your case, provide a copy of the Motion to them as well.

**Step 4: Court Review of Motion or Hearing.**

Within 49 days of the date a post-decree matter is filed, the Court will review the matter and determine whether the motion will be approved or not.

- The Judge or Magistrate will review all documents filed and enter an Order regarding your Motion to Modify Child Support based on the pleadings filed with the Court.
- or
- The Court may set the case for a hearing at which time both parties will have the opportunity to appear and make statements to the Court.
  - If child support is modified, you will also receive an updated Support Order.

**Remember, if you change the child support amount, you must also modify any income assignment to reflect that change.**

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____		<b>▲ COURT USE ONLY ▲</b>
In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning:  Petitioner: and Co-Petitioner/Respondent:		
Attorney or Party Without Attorney (Name and Address): _____  Phone Number: _____      E-mail: _____ FAX Number: _____      Atty. Reg. #: _____		Case Number: _____  Division                      Courtroom
<b>CERTIFICATE OF COMPLIANCE WITH MANDATORY FINANCIAL DISCLOSURES</b> <b>*****EACH PARTY MUST COMPLETE AND FILE THIS FORM WITH THE COURT*****</b>		

I, the  Petitioner  Co-Petitioner/Respondent (check one) hereby certify that I have sent the other party the following Mandatory Disclosures as required by Rule 16.2(e)(7) of the Colorado Rules of Civil Procedure.

See JDF 1125: Mandatory Disclosure – Form 35.1 for explanation on what is required by the disclosures being listed. Check those that you have furnished to the other party. (**Note: Only the Sworn Financial Statement and Child Support Worksheet should be filed with the Court.**)

- |   |   |
|---|---|
| <input type="checkbox"/> Sworn Financial Statement                                  | <input type="checkbox"/> Retirement Plans   |
| <input type="checkbox"/> Income Tax Returns (most recent 3 years)                   | <input type="checkbox"/> Bank/Financial Institution Accounts                            |
| <input type="checkbox"/> Personal Financial Statements (last 3 years)               | <input type="checkbox"/> Income Documentation (Pay Stubs, etc.)                         |
| <input type="checkbox"/> Business Financial Statements (last 3 years)               | <input type="checkbox"/> Employment and Education – Related child<br>Care Documentation |
| <input type="checkbox"/> Real Estate Documents (Appraisal, Title, etc.)             | <input type="checkbox"/> Insurance Documentation  |
| <input type="checkbox"/> Personal Debt (Loans, Title, Credit Card Statements, etc.) | <input type="checkbox"/> Extraordinary Children's Expense<br>Documentation              |
| <input type="checkbox"/> Investments  |   |
| <input type="checkbox"/> Employment Benefits  |   |

If I have not provided information, it is because:

\_\_\_\_\_

\_\_\_\_\_

I hereby certify that, to the best of my knowledge, the disclosures I have made are complete and correct as of this date.

\_\_\_\_\_  
 Petitioner/Co-Petitioner/Respondent Signature                      Date

\_\_\_\_\_  
 Attorney Signature, if any    Date

**You must complete the Certificate of Service below:**

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date) a true and accurate copy of the **CERTIFICATE OF COMPLIANCE WITH MANDATORY FINANCIAL DISCLOSURES** was served on the other party by:

- Hand Delivery,  E-filed,  Faxed to this number \_\_\_\_\_, or  
 by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 (Your signature)

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent: _____	▲ <b>COURT USE ONLY</b> ▲
Attorney or Party Without Attorney (Name and Address): _____ <hr/> Phone Number: _____    E-mail: _____ FAX Number: _____    Atty. Reg. #: _____	Case Number: _____ <hr/> Division                      Courtroom
<b>SWORN FINANCIAL STATEMENT</b>	

I, \_\_\_\_\_ (full name)  am  am not currently employed.

I am employed \_\_\_\_\_ hours per week. I am paid  weekly  bi-weekly  twice a month  monthly.

My pay is based on a  Monthly Salary  Hourly rate of \$ \_\_\_\_\_  Other: \_\_\_\_\_

Date employment began \_\_\_\_\_.

My occupation is: \_\_\_\_\_ Name of employer: \_\_\_\_\_

Address of employer: \_\_\_\_\_

If unemployed, what date did you last work? \_\_\_\_\_

I am unemployed due to  disability  involuntary layoff at work  other: \_\_\_\_\_

This household consists of \_\_\_\_\_ adult(s), and \_\_\_\_\_ minor child(ren).

I believe the monthly gross income of the other party is \$ \_\_\_\_\_.

Annual gross income (last tax year 20\_\_ ) for Petitioner \$ \_\_\_\_\_,  Co-Petitioner/Respondent \$ \_\_\_\_\_

**1. Monthly Income (Convert annual, bi-monthly, and weekly amounts to monthly amounts.)**

Gross Monthly Income (before taxes and deductions) from salary and wages, including commissions, bonuses, overtime, self-employment, business income, other jobs, and monthly reimbursed expenses.	\$	Social Security Benefits (SSA) <input type="checkbox"/> SSDI (Disability insurance – entitlement program) <input type="checkbox"/> SSI (supplemental income – need based)	\$
Unemployment & Veterans' Benefits		Disability, Workers' Compensation	
Pension & Retirement Benefits		Interest & Dividends	
Public Assistance (TANF)		Other -	
<b>Total Monthly Income</b>			<b>\$</b>
<b>Miscellaneous Income</b>			
Royalties, Trusts, and Other Investments	\$	Contributions from Others	\$
Dependent Children's monthly gross income. Source of Income: _____		All other sources, i.e. personal injury settlement, non-reported income, etc.	
Rental Net Income		Expense Accounts	
Child Support from Others		Other -	
Spousal/Partner Support from Others		Other -	
<b>Total Monthly Miscellaneous Income</b>			<b>\$</b>
<b>Total Income</b>			<b>\$</b>

## 2. Monthly Deductions (Mandatory and Voluntary)

Mandatory Deductions	Cost Per Month		Cost Per Month
Federal Income Tax	\$	State/Local Income Tax	\$
PERA/Civil Service		Social Security Tax	
Medicare Tax		Other -	
<b>Total Mandatory Deductions</b>			\$
Voluntary Deductions	Cost Per Month		Cost Per Month
Life and Disability Insurance	\$	Stocks/Bonds	\$
Health, Dental, Vision Insurance Premium		Retirement & Deferred Compensation	
Total number of people covered on Plan →		Other -	
Child Care (deducted from salary)		Other -	
Flex Benefit Cafeteria Plan			
<b>Total Voluntary Deductions</b>			\$
<b>Total Monthly Deductions</b>			\$

## 3. Monthly Expenses

**Note:** List regular monthly expenses below that you pay on an on-going basis and that are not identified in the deductions above.

### A. Housing

	Cost Per Month		Cost Per Month
1 <sup>st</sup> Mortgage	\$	2 <sup>nd</sup> Mortgage	\$
Insurance (Home/Rental) & Property Taxes (not included in mortgage payment)		Condo/Homeowner's/Maintenance Fees	
Rent		Other -	
<b>Total Housing</b>			\$

### B. Utilities and Miscellaneous Housing Services

	Cost Per Month		Cost Per Month
Gas & Electricity	\$	Water, Sewer, Trash Removal	\$
Telephone (local, long distance, cellular & pager)		Property Care (Lawn, snow removal, cleaning, security system, etc.)	
Internet Provider, Cable & Satellite TV		Other -	
<b>Total Utilities and Miscellaneous Housing Services</b>			\$

### C. Food & Supplies

	Cost Per Month		Cost Per Month
Groceries & Supplies	\$	Dining Out	\$
<b>Total Food &amp; Supplies</b>			\$

### D. Health Care Costs (Co-pays, Premiums, etc.)

	Cost Per Month		Cost Per Month
Doctor & Vision Care	\$	Dentist and Orthodontist	\$
Medicine & RX Drugs		Therapist	
Premiums (if not paid by employer)		Other -	
<b>Total Health Care</b>			\$

**E. Transportation & Recreation Vehicles (Motorcycles, Motor Homes, Boats, ATV, Snowmobiles, etc.)**

	Cost Per Month		Cost Per Month
Primary Vehicle Payment	\$	Other Vehicle Payments	\$
Fuel, Parking, and Maintenance		Insurance & Registration/Tax Payments (yearly amount(s) ÷ 12)	
Bus & Commuter Fees		Other -	
<b>Total Transportation</b>			<b>\$</b>

**F. Children's Expenses and Activities**

	Cost Per Month		Cost Per Month
Clothing & Shoes	\$	Child Care	\$
Extraordinary Expenses i.e. Special Needs, etc.		Misc. Expenses, i.e. Tutor, Books, Activities, Fees, Lunch, etc.	
Tuition		Other -	
<b>Total Children's Expenses and Activities</b>			<b>\$</b>

**G. Education for you - Please identify status:  Full-time student  Part-time student**

	Cost Per Month		Cost Per Month
Tuition, Books, Supplies, Fees, etc.		Other -	
<b>Total Education</b>			<b>\$</b>

**H. Maintenance (Spousal/Partner Support) & Child Support (that you pay)**

	Cost Per Month		Cost Per Month
Maintenance		Child Support	
<input type="checkbox"/> This family	\$	<input type="checkbox"/> This family	\$
<input type="checkbox"/> Other family		<input type="checkbox"/> Other family	
<b>Total Maintenance and Child Support</b>			<b>\$</b>

**I. Miscellaneous (Please list on-going expenses not covered in the sections above)**

	Cost Per Month		Cost Per Month
Recreation/Entertainment	\$	Personal Care (Hair, Nail, Clothing, etc.)	\$
Legal/Accounting Fees		Subscriptions (Newspapers, Magazines, etc.)	
Charity/Worship		Movie & Video Rentals	
Vacation/Travel/Hobbies		Investments (Not part of payroll deductions)	
Membership/Clubs		Home Furnishings	
Pets/Pet Care		Sports Events/Participation	
Other -		Other -	
Other -		Other -	
Other -		Other -	
Other -		Other -	
<b>Total Miscellaneous</b>			<b>\$</b>

<b>Total Monthly Expenses (Totals from A - I)</b>	<b>\$</b>
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**4. Debts (unsecured)**

List unsecured debts such as credit cards, store charge accounts, loans from family members, back taxes owed to the I.R.S., etc. Do not list debts that are liens against your property, such as mortgages and car loans, because that payment is already listed as an expense above, and the total of the debt is shown elsewhere as a deduction from value where that asset is listed, such as under Real Estate or Motor Vehicles.

For name on account, "P" = Petitioner, "C/R" = Co-Petitioner or Respondent, "J" = Joint.

Name of Creditor	Account Number (last 4-digits only)	P	C/R	J	Date of Balance	Balance	Minimum Monthly Payment Required	Reason for Which Debt was Incurred
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		\$	\$	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<b>Unsecured Debt Balance</b>						\$	\$	→Total Minimum Monthly

**SWORN FINANCIAL STATEMENT SUMMARY  
(INCOME/EXPENSES)**

**Total Income** (from Page 1) \$ \_\_\_\_\_ **A**

**Total Monthly Deductions** (from Page 2) \$ \_\_\_\_\_ **B**

**Total Monthly Net Income (A minus B)** \$ \_\_\_\_\_

**Total Monthly Expenses** (from Page 3) \$ \_\_\_\_\_ **C**

**Total Minimum Monthly Payment Required - Debts Unsecured** (from Page 4) \$ \_\_\_\_\_ **D**

**Total Monthly Expenses and Payments (C plus D)** \$ \_\_\_\_\_

<b>Net Excess or Shortfall</b> (Monthly Net Income less Monthly Expenses and Payments) (+/-) \$ _____
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**5. Assets**

You **MUST** disclose all assets correctly. By indicating "None", you are stating affirmatively that you or the other party, do not have assets in that category. Please attach additional copies of pages 5 & 6 to identify your assets, if necessary.

*If the parties are married or partners in a civil union*, check under the heading Joint (J) all assets acquired during the marriage/civil union but not by gift or inheritance. Under the headings of Petitioner (P) or Co-Petitioner/Respondent (C/R), check assets owned before this marriage/civil union and assets acquired by gift or inheritance.

*If the parties were NEVER married to each other or are using this form to modify child support*, list all of each party's assets under the headings of Petitioner (P) or Co-Petitioner/Respondent (C/R).

**"P" = Petitioner, "C/R" = Co-Petitioner or Respondent, "J" = Joint.**

A. Real Estate (Address or Property Description and Name of Creditor/ Lender) <input type="checkbox"/> None	P	C/R	J	Estimated Value as of Today Value = what you could sell it for in its current condition.	Amount Owed	Net Value/Equity (Value minus amount owed)
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$	\$	\$
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>Total</b>				\$	\$	\$

B. Motor Vehicles & Recreation Vehicles Including Motorcycles, ATV's, Boats, etc.) (Year, Make, Model) (Name of Creditor/Lender) <input type="checkbox"/> None	P	C/R	J	Estimated Value as of Today Value = what you could sell it for in its current condition.	Amount Owed	Net Value/Equity (Value minus amount owed)
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>Total</b>				\$	\$	\$

C. Cash on Hand, Bank, Checking, Savings, or Health Accounts (Name of Bank or Financial Institution) <input type="checkbox"/> None	P	C/R	J	Type of Account	Account # (last 4-digits only)	Balance as of Today
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			\$
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>Total</b>						\$

D. Life Insurance (Name of Company/Beneficiary) <input type="checkbox"/> None	P	C/R	J	Type of Policy	Face Amount of Policy	Cash Value today
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		\$	\$
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>Total</b>				\$	\$

E. Furniture, Household Goods, and Other Personal Property, i.e. Jewelry, Antiques, Collectibles, Artwork, Power Tools, etc. Identify Items and report in total. <input type="checkbox"/> None	P	C/R	J	Current Possession Held by			Estimated Value as of Today Value = what you could sell it for in its current condition.
				P	C/R	J	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Total</b>							\$

F. Stocks, Bonds, Mutual Funds, Securities & Investment Accounts <input type="checkbox"/> None <input type="checkbox"/> If owned please attach JDF 1111-SS.	<b>Total</b>	\$
G. Pension, Profit Sharing, or Retirement Funds <input type="checkbox"/> None <input type="checkbox"/> If owned please attach JDF 1111-SS.	<b>Total</b>	\$

H. Miscellaneous Assets <input type="checkbox"/> None If you own any of the assets identified below, please check the appropriate box and attach JDF 1111-SS to report the value.			
<input type="checkbox"/> Business Interests	<input type="checkbox"/> Stock Options	<input type="checkbox"/> Money/Loans owed to you	<input type="checkbox"/> IRS Refunds due to you
<input type="checkbox"/> Country Club & Other Memberships	<input type="checkbox"/> Livestock, Crops, Farm Equipment	<input type="checkbox"/> Pending lawsuit or claim by you	<input type="checkbox"/> Accrued Paid Leave (sick, vacation, personal)
<input type="checkbox"/> Oil and Gas Rights	<input type="checkbox"/> Vacation Club Points	<input type="checkbox"/> Safety Deposit Box/Vault	<input type="checkbox"/> Trust Beneficiary
<input type="checkbox"/> Frequent Flyer Miles	<input type="checkbox"/> Education Accounts	<input type="checkbox"/> Health Savings Accounts	<input type="checkbox"/> Mineral and Water Rights
<input type="checkbox"/> Other - _____	<input type="checkbox"/> Other - _____	<input type="checkbox"/> Other - _____	<input type="checkbox"/> Other - _____
<b>Total</b>			\$

I. Separate Property <input type="checkbox"/> None <input type="checkbox"/> If owned please attach JDF 1111-SS to identify the property and to report the value.	<b>Total</b>	\$
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<b>Total Value/Balance of All Assets (A – I)</b>	\$
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I swear or affirm under oath that this Sworn Financial Statement, attached schedules, and mandatory disclosures contain a complete disclosure of my income, expenses, assets, and debt as of the date of my signature.

I understand that if the information I have provided changes or needs to be updated before a final decree or order is issued by the Court, that I have a duty to provide the correct or updated information.

I understand that this oath is made under penalty of perjury. I understand that if I have omitted or misstated any material information, intentionally or not, the Court will have the power to enter orders to

address those matters, including the power to punish me for any statements made with the intent to defraud or mislead the Court or the other party.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of  Petitioner or  Co-Petitioner/Respondent

Subscribed and affirmed, or sworn to before me in the  
County of \_\_\_\_\_, State of  
\_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Deputy Clerk

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### CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ (date) a true and accurate copy of the **SWORN FINANCIAL STATEMENT** was served on the other party by:

- Hand Delivery,  E-filed,  Faxed to this number: \_\_\_\_\_, or  
 By placing it in the United States mail, postage pre-paid, and addressed to the following:

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Your signature

### Supporting Schedules for Assets in Section F, G, H, and I.

Attach this supporting schedule to JDF 1111 **ONLY** if you have assets in sections F & G, any additional assets to report in section H, and/or separate property to report in section I. In addition, report totals from this document to the appropriate sections on JDF 1111.

F. Stocks, Bonds, Mutual Funds, Securities & Investment Accounts (Name of Item or Fund)	P	C/R	J	# of Shares	Account # (last 4-digits only)	Current Value as of Today
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>Total</b>						\$
G. Pension, Profit Sharing, or Retirement Funds (Defined Contribution and/or Defined Benefit Plans)	P	C/R	J	Type of Plan (401K, IRA, 457, PERA, Military, etc.)	Account # (last 4-digits only, if applicable)	Current Value as of Today
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>Total</b>						\$
H. Miscellaneous Assets (Identify Type of Asset)	P	C/R	J			Estimated Value as of Today
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>Total</b>						
I. Separate Property (Identify Type)	P	C/R	J			Estimated Value as of Today
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>Total</b>						\$

West's Colorado Revised Statutes Annotated  
Title 14. Domestic Matters  
Dissolution of Marriage--Parental Responsibilities  
Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-122

§ 14-10-122. Modification and termination of provisions for  
maintenance, support, and property disposition--automatic lien

Effective: May 31, 2014

Currentness

(1)(a) Except as otherwise provided in sections 14-10-112(6) and 14-10-115(11)(c), the provisions of any decree respecting maintenance may be modified only as to installments accruing subsequent to the motion for modification and only upon a showing of changed circumstances so substantial and continuing as to make the terms unfair, and, except as otherwise provided in subsection (5) of this section, the provisions of any decree respecting child support may be modified only as to installments accruing subsequent to the filing of the motion for modification and only upon a showing of changed circumstances that are substantial and continuing or on the ground that the order does not contain a provision regarding medical support, such as insurance coverage, payment for medical insurance deductibles and copayments, or unreimbursed medical expenses. The provisions as to property disposition may not be revoked or modified unless the court finds the existence of conditions that justify the reopening of a judgment.

(b) Application of the child support guidelines and schedule of basic child support obligations set forth in section 14-10-115 to the circumstances of the parties at the time of the filing of a motion for modification of the child support order which results in less than a ten percent change in the amount of support due per month shall be deemed not to be a substantial and continuing change of circumstances.

(c) In any action or proceeding in any court of this state in which child support, maintenance when combined with child support, or maintenance is ordered, a payment becomes a final money judgment, referred to in this section as a support judgment, when it is due and not paid. Such payment shall not be retroactively modified except pursuant to paragraph (a) of this subsection (1) and may be enforced as other judgments without further action by the court; except that an existing child support order with respect to child support payable by the obligor may be modified retroactively to the time that a mutually agreed upon change of physical custody occurs pursuant to subsection (5) of this section. A support judgment is entitled to full faith and credit and may be enforced in any court of this state or any other state. In order to enforce a support judgment, the obligee shall file with the court that issued the order a verified entry of support judgment specifying the period of time that the support judgment covers and the total amount of the support judgment for that period. The obligee or the delegate child support enforcement unit shall not be required to wait fourteen days to execute on such support judgment. A verified entry of support judgment is not required to be signed by an attorney. A verified entry of support judgment may be used to enforce a support judgment for debt entered pursuant to section 14-14-104. The filing of a verified entry of support judgment shall revive all individual support judgments that have arisen during the period of time specified in the entry of support judgment and that have not been satisfied, pursuant to rule 54(h) of the Colorado rules of civil procedure, without the requirement of a separate motion, notice, or hearing. Notwithstanding the provisions of this paragraph (c), no court order for support judgment nor verified entry of support judgment shall be required in order for the county and state child support enforcement units to certify past-due amounts of child support

to the internal revenue service or to the department of revenue for purposes of intercepting a federal or state tax refund or lottery winnings.

(d) If maintenance or child support is modified pursuant to this section, the modification should be effective as of the date of the filing of the motion, unless the court finds that it would cause undue hardship or substantial injustice or unless there has been a mutually agreed upon change of physical custody as provided for in subsection (5) of this section. In no instance shall the order be retroactively modified prior to the date of filing, unless there has been a mutually agreed upon change of physical custody. The court may modify installments of maintenance or child support due between the filing of the motion and the entry of the order even if the circumstances justifying the modification no longer exist at the time the order is entered.

(1.5)(a) **Lien by operation of law.** (I) Commencing July 1, 1997, all cases in which services are provided in accordance with Title IV-D of the federal "Social Security Act", as amended, referred to in this subsection (1.5) as "IV-D cases", shall be subject to the provisions of this subsection (1.5), regardless of the date the order for child support was entered. In any IV-D case in which current child support, child support when combined with maintenance, or maintenance has been ordered, a payment becomes a support judgment when it is due and not paid, and a lien therefor is created by operation of law against the obligor's real and personal property and any interest in any such real or personal property. The entry of an order for child support debt, retroactive child support, or child support arrearages or a verified entry of judgment pursuant to this section creates a lien by operation of law against the obligor's real and personal property and any interest in any such real and personal property.

(II) The amount of such lien shall be limited to the amount of the support judgment for outstanding child support, child support when combined with maintenance, maintenance, child support debt, retroactive child support, or child support arrearages, any interest accrued thereon, and the amount of any filing fees as specified in this section.

(III) A support judgment or lien shall be entitled to full faith and credit and may be enforced in any court of this state or any other state. Full faith and credit shall be accorded to such a lien arising from another state that complies with the provisions of this subsection (1.5). Judicial notice or hearing or the filing of a verified entry of judgment shall not be required prior to the enforcement of such a lien.

(IV) The creation of a lien pursuant to this section shall be in addition to any other remedy allowed by law.

(b) **Lien on real property.** (I) To evidence a lien on real property created pursuant to this subsection (1.5), a delegate child support enforcement unit shall issue a notice of lien and record the same in the real estate records in the office of the clerk and recorder of any county in the state of Colorado in which the obligor holds an interest in real property. From the time of recording of the notice of lien, such lien shall be an encumbrance in favor of the obligee, or the assignee of the obligee, and shall encumber any interest of the obligor in any real property in such county.

(II) The lien on real property created by this section shall remain in effect for the earlier of twelve years or until all past-due amounts are paid, including any accrued interest and costs, without the necessity of renewal. A lien on real property arising pursuant to this subsection (1.5) may be extended or renewed indefinitely beyond twelve years by rerecording the lien every twelve years. Within twenty calendar days after satisfaction of the debt or debts described in the notice of lien, the delegate child support enforcement unit shall record a release of lien with the clerk and recorder of the county where the notice of lien was recorded. A release of lien shall be conclusive evidence that the lien is extinguished.

(III) The child support enforcement unit shall be exempt from the payment of recording fees charged by the clerk and recorder for the recording of notices of lien or releases of lien.

<Text of (1.5)(c)(I) effective until January 1, 2017>

(c) **Lien on personal property other than wages and moneys held by a financial institution as defined in 42 U.S.C. sec. 669a(d)(1) or motor vehicles.** (I) To evidence a lien on personal property, other than wages and moneys held by a financial institution as defined in 42 U.S.C. sec. 669a(d)(1) or motor vehicles, created pursuant to this subsection (1.5), the state child support enforcement agency shall file a notice of lien with the secretary of state by means of direct electronic data transmission. From the time of filing the notice of lien with the secretary of state, such lien shall be an encumbrance in favor of the obligee, or the assignee of the obligee, and shall encumber all personal property or any interest of the obligor in any personal property.

<Text of (1.5)(c)(I) effective January 1, 2017>

(c) **Lien on personal property other than wages, insurance claim payments, awards, and settlements, and moneys held by a financial institution as defined in 42 U.S.C. sec. 669a(d)(1) or motor vehicles.** (I) To evidence a lien on personal property, other than wages; insurance claim payments, awards, and settlements as authorized in section 26-13-122.7, C.R.S.; and moneys held by a financial institution as defined in 42 U.S.C. sec. 669a(d)(1) or motor vehicles, created pursuant to this subsection (1.5), the state child support enforcement agency shall file a notice of lien with the secretary of state by means of direct electronic data transmission. From the time of filing the notice of lien with the secretary of state, the lien is an encumbrance in favor of the obligee, or the assignee of the obligee, and encumbers all personal property or any interest of the obligor in any personal property.

(II) The lien on personal property created by this section shall remain in effect for the earlier of twelve years or until all past-due amounts are paid, including any accrued interest and costs, without the necessity of renewal. A lien on personal property arising pursuant to this subsection (1.5) may be extended or renewed indefinitely beyond twelve years by rerecording the lien every twelve years. Within twenty calendar days after satisfaction of the debt or debts described in the notice of lien, the state child support enforcement agency shall file a release of lien with the secretary of state. The filing of such a release of lien shall be conclusive evidence that the lien is extinguished.

(III) The state child support enforcement agency shall be exempt from paying a fee for the filing of notices of liens or releases of liens with the secretary of state pursuant to this paragraph (c).

(IV) For purposes of this paragraph (c), "personal property" means property that the child support enforcement agency has determined has a net equity value of not less than five thousand dollars at the time of the filing of the notice of lien with the secretary of state.

(d) **Lien on motor vehicles.** (I)(A) To evidence a lien on a motor vehicle created pursuant to this subsection (1.5), a delegate child support enforcement unit shall issue a notice of lien to the authorized agent as defined in section 42-6-102(1), C.R.S., by first class mail. From the time of filing of the lien for public record and the notation of such lien on the owner's certificate of title, such lien shall be an encumbrance in favor of the obligee, or the assignee of the obligee, and shall encumber any interest of the obligor in the motor vehicle. In order for any such lien to be effective as a valid lien against a

motor vehicle, the obligee, or assignee of the obligee, shall have such lien filed for public record and noted on the owner's certificate of title in the manner provided in sections 42-6-121 and 42-6-129, C.R.S.

(B) Liens on motor vehicles created by this section shall remain in effect for the same period of time as any other lien on motor vehicles as specified in section 42-6-127, C.R.S., or until the entire amount of the lien is paid, whichever occurs first. A lien created pursuant to this section may be renewed pursuant to section 42-6-127, C.R.S. Within twenty calendar days after satisfaction of the debt or debts described in the notice of lien, the delegate child support enforcement unit shall release the lien pursuant to the procedures specified in section 42-6-125, C.R.S. When a lien on a motor vehicle created pursuant to this subsection (1.5) is released, the authorized agent and the executive director of the department of revenue shall proceed as provided in section 42-6-126, C.R.S.

(C) The child support enforcement unit shall not be exempt from the payment of filing fees charged by the authorized agent for the filing of either the notice of lien or the release of lien. However, the child support enforcement unit may add the amount of the filing fee to the lien amount and collect the amount of such fees from the obligor.

(II) For purposes of this subsection (1.5), "motor vehicle" means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways, trailers, semitrailers, and trailer coaches, without motive power; that has a net equity value based upon the loan value identified for such vehicle in the national automobile dealers' association car guide of not less than five thousand dollars at the time of the filing of the notice of lien and that meets such additional conditions as the state board of human services may establish by rule; and on which vehicle a lien already exists that is filed for public record and noted accordingly on the owner's certificate of title. "Motor vehicle" does not include low-power scooters, as defined in section 42-1-102, C.R.S.; vehicles that operate only upon rails or tracks laid in place on the ground or that travel through the air or that derive their motive power from overhead electric lines; farm tractors, farm trailers, and other machines and tools used in the production, harvesting, and care of farm products; and special mobile machinery or industrial machinery not designed primarily for highway transportation. "Motor vehicle" does not include a vehicle that has a net equity value based upon the loan value identified for such vehicle in the national automobile dealers' association car guide of less than five thousand dollars at the time of the filing of the notice of lien and does not include a vehicle that is not otherwise encumbered by a lien or mortgage that is filed for public record and noted accordingly on the owner's certificate of title.

(e) **Priority of a lien.** (I) A lien on real property created pursuant to this section shall be in effect for the earlier of twelve years or until all past-due amounts are paid and shall have priority over all unrecorded liens and all subsequent recorded or unrecorded liens from the time of recording, except such liens as may be exempted by regulation of the state board of human services. A lien on real property arising pursuant to this subsection (1.5) may be extended or renewed indefinitely beyond twelve years by rerecording the lien every twelve years.

(II) A lien on personal property, other than motor vehicles, created pursuant to this section shall be in effect for the earlier of twelve years or until all past-due amounts are paid and shall have priority from the time the lien is filed with the central filing officer over all unfiled liens and all subsequent filed or unfiled liens, except such liens as may be exempted by regulation of the state board of human services. A lien on personal property arising pursuant to this subsection (1.5) may be extended or renewed indefinitely beyond twelve years by rerecording the lien every twelve years.

(III) Liens on motor vehicles created pursuant to this section shall remain in effect for the same period of time as any other lien on motor vehicles as specified in section 42-6-127, C.R.S., or until all past-due amounts are paid, whichever occurs first, and shall have priority from the time the lien is filed for public record and noted on the owner's certificate



of title over all unfiled liens and all subsequent filed or unfiled liens, except such liens as may be exempted by regulation of the state board of human services.

(f) **Notice of lien -- contents.** (I) The notice of lien shall contain the following information:

(A) The name and address of the delegate child support enforcement unit and the name of the obligee or the assignee of the obligee as grantee of the lien;

(B) The name, social security number, and last-known address of the obligor as grantor of the lien;

(C) The year, make, and vehicle identification number of any motor vehicle for liens arising pursuant to paragraph (d) of this subsection (1.5);

(D) A general description of the personal property for liens arising pursuant to paragraph (c) of this subsection (1.5);

(E) The county and court case number of the court of record that issued the order of current child support, child support debt, retroactive child support, child support arrearages, child support when combined with maintenance, or maintenance or of the court of record where the verified entry of judgment was filed;

(F) The date the order was entered;

(G) The date the obligation commenced;

(H) The amount of the order for current child support, child support debt, retroactive child support, child support arrearages, child support when combined with maintenance, or maintenance;

(I) The total amount of past-due support as of a date certain; and

(J) A statement that interest may accrue on all amounts ordered to be paid, pursuant to sections 14-14-106 and 5-12-101, C.R.S., and may be collected from the obligor in addition to costs of sale, attorney fees, and any other costs or fees incident to such sale for liens arising pursuant to paragraphs (b) and (c) of this subsection (1.5).

(II) For purposes of liens against motor vehicles, the notice of lien shall include the information set forth in subparagraph (I) of this paragraph (f) in addition to the information specified in section 42-6-120, C.R.S.

(g) **Rules.** The state board of human services shall promulgate rules and regulations concerning the procedures and mechanism by which to implement this subsection (1.5).

(h) **Bona fide purchasers -- bona fide lenders.** (I) The provisions of this subsection (1.5) shall not apply to any bona fide purchaser who acquires an interest in any personal property or any motor vehicle without notice of the lien or to any bona fide lender who lent money to the obligor without notice of the lien the security or partial security for which is any personal property or motor vehicle of such obligor.

(II) For purposes of this paragraph (h):

(A) "Bona fide purchaser" means a purchaser for value in good faith and without notice of an adverse claim, including but not limited to an automatic lien arising pursuant to this subsection (1.5).

(B) "Bona fide lender" means a lender for value in good faith and without notice of an adverse claim, including but not limited to an automatic lien arising pursuant to this subsection (1.5).

(i) **No liability.** No clerk and recorder, authorized agent as defined in section 42-6-102(1), C.R.S., financial institution, lienholder, or filing officer, nor any employee of any of such persons or entities, shall be liable for damages for actions taken in good faith compliance with this subsection (1.5).

(j) **Definition.** For purposes of this subsection (1.5), "child support debt" shall have the same meaning as set forth in section 26-13.5-102(3), C.R.S.

(2)(a) Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future maintenance is terminated upon the earlier of:

(I) The death of either party;

(II) The end of the maintenance term, unless a motion for modification is filed prior to the expiration of the term;

(III) The remarriage of or the establishment of a civil union by the party receiving maintenance; or

(IV) A court order terminating maintenance.

(b) A payor spouse whose income is reduced or terminated due to his or her retirement after reaching full retirement age is entitled to a rebuttable presumption that the retirement is in good faith.

(c) For purposes of this subsection (2), "full retirement age" means the payor's usual or ordinary retirement age when he or she would be eligible for full United States social security benefits, regardless of whether he or she is ineligible for social security benefits for some reason other than attaining full retirement age. "Full retirement age" shall not mean "early retirement age" if early retirement is available to the payor spouse, nor shall it mean "maximum benefit retirement age" if additional benefits are available as a result of delayed retirement.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child but not by the death of a parent obligated to support the child. When a parent obligated to pay support dies, the amount of support may be modified, revoked, or commuted to a lump-sum payment, to the extent just and appropriate in the circumstances.

(4) Notwithstanding the provisions of subsection (1) of this section, the provisions of any decree respecting child support may be modified as a result of the change in age for the duty of support as provided in section 14-10-115 (15), but only as to installments accruing subsequent to the filing of the motion for modification; except that section 14-10-115 (15) (b) does not apply to modifications of child support orders with respect to a child who has already achieved the age of nineteen as of July 1, 1991.

<Text of (5) effective until January 1, 2017>

(5) Notwithstanding the provisions of subsection (1) of this section, when a court-ordered, voluntary, or mutually agreed upon change of physical care occurs, the provisions for child support of the obligor under the existing child support order, if modified pursuant to this section, will be modified or terminated as of the date when physical care was changed. The provisions for the establishment of a child support order based on a court-ordered, voluntary, or mutually agreed upon change of physical care may also be entered retroactively to the date when the physical care was changed. When a court-ordered, voluntary, or mutually agreed upon change of physical care occurs, parties are encouraged to avail themselves of the provision set forth in section 14-10-115(14)(a) for updating and modifying a child support order without a court hearing.

<Text of (5) effective January 1, 2017>

(5) Notwithstanding the provisions of subsection (1) of this section, when a court-ordered, voluntary, or mutually agreed upon change of physical care occurs, the provisions for child support of the obligor under the existing child support order, if modified pursuant to this section, will be modified or terminated as of the date when physical care was changed. The provisions for the establishment of a child support order based on a court-ordered, voluntary, or mutually agreed upon change of physical care may also be entered retroactively to the date when the physical care was changed. When a court-ordered, voluntary, or mutually agreed upon change of physical care occurs, parties are encouraged to avail themselves of the provision set forth in section 14-10-115(14)(a) for updating and modifying a child support order without a court hearing. The court shall not modify child support pursuant to this subsection (5) for any time more than five years prior to the filing of the motion to modify child support, unless the court finds that its application would be substantially inequitable, unjust, or inappropriate. The five-year prohibition on retroactive modification does not preclude a request for relief pursuant to any statute or court rule.

(6)(a) Notwithstanding any other provisions of this article, within the time frames set forth in paragraph (c) of this subsection (6), the individual named as the father in the order may file a motion to modify or terminate an order for child support entered pursuant to this article if genetic test results based on DNA testing, administered in accordance with section 13-25-126, C.R.S., establish the exclusion of the individual named as the father in the order as the biological parent of the child for whose benefit the child support order was entered.

(b) If the court finds pursuant to paragraph (a) of this subsection (6) that the individual named as the father in the order is not the biological parent of the child for whose benefit the child support order was entered and that it is just and proper under the circumstances and in the best interests of the child, the court shall modify the provisions of the order

for support with respect to that child by terminating the child support obligation as to installments accruing subsequent to the filing of the motion for modification or termination, and the court may vacate or deem as satisfied, in whole or in part, unpaid child support obligations arising from or based upon the order determining parentage. The court shall not order restitution from the state for any sums paid to or collected by the state for the benefit of the child.

(c)(I) A motion to modify or terminate an order for child support pursuant to this subsection (6) must be filed within two years from the date of the entry of the initial order establishing the child support obligation.

(II) Repealed by Laws 2008, Ch. 354, § 3, eff. July 1, 2011.

(d) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (6), a court order for child support shall not be modified or terminated pursuant to this subsection (6) if:

(I) The child support obligor acknowledged paternity pursuant to section 19-4-105(1)(c) or (1)(e), C.R.S., knowing that he was not the father of the child;

(II) The child was adopted by the child support obligor; or

(III) The child was conceived by means of assisted reproduction.

(e) A motion filed pursuant to this section may be brought by the individual named as the father in the order and shall be served in the manner set forth in the Colorado rules of civil procedure upon all other parties. The court shall not modify or set aside a final order determining parentage pursuant to this section without a hearing.

(f) For purposes of this subsection (6), "DNA" means deoxyribonucleic acid.

#### Credits

Amended by Laws 1986, H.B.1275, § 3, eff. Nov. 1, 1986; Laws 1987, H.B.1263, § 4, eff. July 10, 1987; Laws 1988, H.B.1258, § 7, eff. July 1, 1988; Laws 1989, H.B.1180, § 16, eff. July 1, 1989; Laws 1990, H.B.90-1254, § 11, eff. July 1, 1990; Laws 1991, H.B.91-1049, § 2, eff. July 1, 1991; Laws 1991, H.B.91-1209, § 8, eff. July 1, 1991; Laws 1992, H.B.92-1232, § 10, eff. Aug. 1, 1992; Laws 1993, S.B.93-154, § 2, eff. July 1, 1993; Laws 1997, H.B.97-1205, § 9, eff. July 1, 1997; Laws 1997, S.B.97-114, § 6, eff. July 1, 1997; Laws 1998, Ch. 215, § 14, eff. July 1, 1998; Laws 1998, Ch. 310, § 46, eff. Feb. 1, 1999; Laws 1999, Ch. 210, § 21, eff. Jan. 1, 2000; Laws 2000, Ch. 350, § 1, eff. July 1, 2000; Laws 2001, Ch. 321, § 38, eff. July 1, 2001; Laws 2004, Ch. 121, § 2, eff. July 1, 2004; Laws 2007, Ch. 29, § 3, eff. March 16, 2007; Laws 2008, Ch. 354, § 3, eff. Aug. 15, 2008; Laws 2009, Ch. 281, § 19, eff. Oct. 1, 2009; Laws 2010, Ch. 320, § 18, eff. Oct. 1, 2010; Laws 2012, Ch. 208, § 28, eff. July 1, 2012; Laws 2013, Ch. 103, § 3, eff. Jan. 1, 2014; Laws 2013, Ch. 176, § 2, eff. Jan. 1, 2014; Laws 2013, Ch. 316, § 35, eff. Aug. 7, 2013; Laws 2014, Ch. 307, § 2, eff. May 31, 2014; Laws 2016, Ch. 157, §§ 2, 8, eff. Jan. 1, 2017.

C. R. S. A. § 14-10-122, CO ST § 14-10-122

Current through Laws effective May 10, 2017 of the First Regular Session of the 71st General Assembly (2017).

End of Document

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District Court _____ County, Colorado Court Address:		▲ COURT USE ONLY ▲
In re <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: Petitioner: and Co-Petitioner/Respondent:		
Attorney or Party Without Attorney (Name and Address):		Case Number:
Phone Number:	E-mail:	Division
FAX Number:	Atty. Reg. #:	Courtroom
<b>VERIFIED <input type="checkbox"/> MOTION <input type="checkbox"/> STIPULATION TO MODIFY OR TERMINATE MAINTENANCE (SPOUSAL/PARTNER SUPPORT) PURSUANT TO §14-10-122, C.R.S.</b>		

**Note to Responding Party:** If you disagree with this Motion, the Colorado Civil Rules of Procedure allow you to file a written response with the Court which must be filed within 21 days of the date this Motion was served on you or mailed to you.

The  Petitioner  Co-Petitioner/Respondent  request(s) that this Court enter an Order modifying the parties'  Decree of Dissolution of Marriage  Decree of Dissolution Civil Union to provide for the  modification  termination of maintenance for the reasons set forth below.

- The Decree of Dissolution of Marriage/Civil Union was entered by the Court on \_\_\_\_\_ (date).
- Under the terms of the  Decree of Dissolution of Marriage  Decree of Dissolution of Civil Union, the  Petitioner  Co-Petitioner/Respondent is obligated to pay maintenance to the other party in the amount of \$ \_\_\_\_\_ to be paid  weekly  bi-weekly  twice a month  monthly  Other: \_\_\_\_\_.
- Check one:**  
 A change in the maintenance obligation is appropriate because of the following substantial and continuing change(s) in circumstances:

\_\_\_\_\_

\_\_\_\_\_

These changes in circumstances are so substantial and continuing as to make the terms of the Court's previous Order in the  Decree of Dissolution of Marriage  Decree of Dissolution of Civil Union unfair, and the maintenance obligation should be modified to:

\_\_\_\_\_

\_\_\_\_\_

OR

Maintenance should be terminated because:

\_\_\_\_\_  
\_\_\_\_\_

I respectfully request that this Court enter an Order modifying the parties'  Decree of Dissolution of Marriage  
 Decree of Dissolution of Civil Union to provide for (choose one):

Modify maintenance as follows:

1.  Petitioner  Co-Petitioner/Respondent shall pay maintenance to the  Petitioner  Co-Petitioner/Respondent. The Payments will be  weekly  bi-weekly  twice a month  monthly in the amount of \$ \_\_\_\_\_.
2. Payments will begin on \_\_\_\_\_ (date) and will end on \_\_\_\_\_ (date), or until the Court modifies this Order pursuant to §14-10-122, C.R.S.
3. Maintenance shall be paid: (check one)
  - To the Family Support Registry (FSR) along with child support, P. O. Box 2171, Denver, CO 80201-2171.
  - Directly to the  Petitioner  Co-Petitioner/Respondent

Terminate maintenance as of \_\_\_\_\_ (date).

### VERIFICATION AND ACKNOWLEDGMENT

I swear/affirm under oath that I have read the foregoing Motion and that the statements set forth therein are true and correct to the best of my knowledge.

\_\_\_\_\_  
Petitioner Signature Date

\_\_\_\_\_  
Co-Petitioner/Respondent Signature Date

\_\_\_\_\_  
Petitioner's Attorney Signature, if any

\_\_\_\_\_  
Co-Petitioner's/Respondent's Attorney Signature, if any

Subscribed and affirmed, or sworn to before me  
in the County of \_\_\_\_\_,  
State of \_\_\_\_\_, this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_.

Subscribed and affirmed, or sworn to before me  
in the County of \_\_\_\_\_,  
State of \_\_\_\_\_, this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_.

My Commission Expires: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Clerk

\_\_\_\_\_  
Notary Public/Clerk

### CERTIFICATE OF SERVICE (Required if only one of the parties is filing the Motion.)

I certify that on \_\_\_\_\_ (date) a true and accurate copy of the *Verified Motion/Stipulation to Modify or Terminate Maintenance* was served on the other party by:

- Hand Delivery  E-filed  Faxed to this number \_\_\_\_\_ or  
 by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Your Signature)

District Court _____ County, Colorado Court Address: _____	▲ <b>COURT USE ONLY</b> ▲
In re <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: Petitioner:  and  Co-Petitioner/Respondent:	Case Number: _____  Division                      Courtroom
<b>ORDER TO MODIFY OR TERMINATE MAINTENANCE (SPOUSAL/PARTNER SUPPORT)</b>	

This matter comes before the Court on the Motion/Stipulation of the  Petitioner  Co-Petitioner/Respondent  Both to modify/terminate maintenance entered by this Court or a Court of competent jurisdiction in another state.

I. Following review of the Motion/Stipulation, and other supporting documents, and Response, if applicable, or hearing on \_\_\_\_\_ (date), the Court finds the following:

- That the parties stipulate/agree to the modification.
- That the changed circumstances are not substantial and continuing and that the Motion is denied.
- That the changed circumstances are substantial and continuing and that the Motion is granted.

II. The Court orders the following.

- The  Petitioner  Co-Petitioner/Respondent shall pay maintenance to the  Petitioner  Co-Petitioner/Respondent.
  1. Payments will be  weekly  bi-weekly  twice a month  monthly in the amount of \$ \_\_\_\_\_.
  2. Payments will begin on \_\_\_\_\_ (date) and will end on \_\_\_\_\_ (date), or until the Court modifies this Order pursuant to §14-10-122, C.R.S.
  3. Maintenance shall be paid: (check one)
    - To the Family Support Registry (FSR) along with child support, P. O. Box 2171, Denver, CO 80201-2171.
    - Directly to the  Petitioner  Co-Petitioner/Respondent
- The  Petitioner  Co-Petitioner/Respondent shall pay for all reasonable attorney fees, costs and expenses associated with this action.
- Maintenance shall terminate effective \_\_\_\_\_ (date).
- Other: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
 Judge  Magistrate

### CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ (date), I mailed, faxed, e-filed, or hand-delivered a copy of this Order to the following:

- Attorney for Petitioner or Petitioner *pro se*
- Attorney for Co-Petitioner/Respondent or Co-Petitioner/Respondent *pro se*
- Other \_\_\_\_\_

\_\_\_\_\_  
 Clerk



# INSTRUCTIONS TO FILE A MOTION OR STIPULATION TO MODIFY OR TERMINATE MAINTENANCE (SPOUSAL/PARTNER SUPPORT)

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

## GENERAL INFORMATION

- ◆ You must have an existing court order concerning maintenance and circumstances have changed that are substantial and continuing so that either a change in the amount of maintenance or termination of the maintenance is appropriate.
- ◆ Unless otherwise agreed in writing or identified in the Decree, the obligation to pay future maintenance is terminated upon death of either party or the entry into a civil union or remarriage of the party receiving maintenance.
- ◆ Within 49 days of the date your Motion is filed, the Court will review the matter and determine whether the case will be scheduled and resolved under the provisions of Colorado Rule of Civil Procedure 16.2(c) or will be handled based on the documents provided with no hearing.
- ◆ If granted by the Court, the Obligor can provide copies of the Order to Modify or Terminate Maintenance to his/her employer to terminate an income assignment.
- ◆ For additional information, please review Colorado Revised Statute §14-10-122.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:

[http://www.courts.state.co.us/Administration/HR/ADA/Coordinator\\_List.cfm](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## COMMON TERMS

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Petitioner:               | The person so identified in the original Petition filed with the Court.   |
| <input checked="" type="checkbox"/> Co-Petitioner/Respondent: | The person so identified in the original Petition filed with the Court.   |
| <input checked="" type="checkbox"/> Service of Process:       | The official means by which a party is notified that a document has been filed against him/her and provided a copy of the document and a description of the person's rights and obligations as a party to the case. |
| <input checked="" type="checkbox"/> Stipulation:              | A written agreement prepared by both parties.   |
| <input checked="" type="checkbox"/> Hearing Date:             | The date that the Petitioner and Co-Petitioner/Respondent must appear in Court to present evidence in support of the Motion.  |

If you do not understand this information, please contact an attorney. You also may contact the Family Court Facilitator at your local courthouse, if one is available in your Judicial District.

## FEES

A filing fee of \$105.00 is required for all motions/stipulations filed 60 days or more after the original decree or order is issued.

If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide if you need to pay the filing fee.

Other fees that a party to the case may encounter are as follows:

- |   |  |
|---|--|
| <input type="checkbox"/> Response (Required, unless previous filing fee paid by party). | \$ 116.00                                    |
| <input type="checkbox"/> Service Fees   | Varies (not payable through or to the Court) |
| <input type="checkbox"/> Certification of Documents                                     | \$20.00                                      |
| <input type="checkbox"/> Copies of Documents (Documents on File)                        | \$.75 per page or \$1.50 if double sided     |
| <input type="checkbox"/> Copies of Documents (Documents not on File)                    | \$.25 per page or \$.50 if double sided      |

## FORMS

To access a form online go to [www.courts.state.co.us](http://www.courts.state.co.us) and click on the "Forms" tab. The packet/forms are available in PDF or WORD by selecting **Divorce, Family Matters, Civil Unions – "Divorce" or "Civil Union" - Maintenance & Alimony**. You may complete a form online and print or you may print it and type or print legibly in black ink.

- |                                   |   |
|-----------------------------------|---|
| <input type="checkbox"/> JDF 1401 | Motion/Stipulation to Modify or Terminate Maintenance |
| <input type="checkbox"/> JDF 1402 | Order to Modify or Terminate Maintenance              |

## STEPS TO FILING YOUR MOTION/STIPULATION

Selecting these instructions indicates that you are planning to file a motion or stipulation to modify or terminate maintenance. You must identify yourself as the Petitioner or Co-Petitioner/Respondent depending on your prior identification in the original case. It is important to remember that your "classification in the case does not change based on who files the motion to reopen a case. **Keep a copy of each completed form for your own records and make a copy to provide to the other party.**

### Step 1: Complete Forms.

- Motion/Stipulation to Modify or Terminate Maintenance (JDF 1401):**
  - Please complete all sections of this form.
  - The Motion/Stipulation will be filed in your existing dissolution/legal separation case. Make sure you identify the case number in the caption.
  - Make sure you have copies of all documents for the Court and the other party.
  - If your address or the other party's address has changed since the original case was filed, please provide current contact information to the Court in writing.**
  - This form must be notarized or signed in the presence of a court clerk or Notary Public. If this is a stipulation, both parties must sign the document

**Order to Modify or Terminate Maintenance (JDF 1402):**

- Complete the caption only on this form.
- The Magistrate or Judge will complete the remaining sections of this Order and give you and the other party a signed copy.

**Step 2: You are Ready to File your Documents with the Court.**

- Pay the \$105.00 filing fee, if applicable.
- Provide the Court with the Motion/Stipulation (JDF 1401) and Order (JDF 1402).
- Provide the Court with a self-addressed stamped envelope for each party to receive a copy of the Order. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.

**Step 3: Provide a Completed Motion to the Other Party.**

If you and the other party are filing a stipulation, this step does not apply.

- You must provide a copy of the Motion to all parties to the case.
- Complete the Certificate of Service portion on the form. The purpose of the Certificate of Service is to notify the Court when and how you provided copies of the motion to all parties in the case. This is very important, because the Court must have knowledge that all parties involved are aware of the motion prior to any Court action being taken.

**Step 4: Court Review of Motion/Stipulation or Hearing.**

Within 49 days of the date your Motion/Stipulation is filed, the Court will review the matter and determine whether it will be approved.

- The Judge or Magistrate will review all documents filed and enter an Order regarding your Motion/Stipulation to Modify or Terminate Maintenance.

or

- The Court may set the case for a hearing at which time both parties will have the opportunity to appear to make statements to the Court and present any evidence.

**Remember: If granted, it is the responsibility of the Obligor to provide copies of the Order to Modify or Terminate Maintenance to his/her employer to modify or terminate the existing income assignment.**

West's Colorado Revised Statutes Annotated  
Title 14: Domestic Matters  
Dissolution of Marriage--Parental Responsibilities  
Article 10: Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-114

§ 14-10-114. Spousal maintenance--guidelines--legislative declaration--definitions

Effective: August 5, 2015

Currentness

(1) **Legislative declaration.** (a) The general assembly hereby finds that:

(I) The economic lives of spouses are frequently closely intertwined in marriage and that it is often impossible to later segregate the respective decisions and contributions of the spouses; and

(II) Consequently, awarding spousal maintenance may be appropriate if a spouse needs support and the other spouse has the ability to pay support.

(b) The general assembly further finds that:

(I) Because the statutes provide little guidance to the court concerning maintenance awards, there has been inconsistency in the amount and term of maintenance awarded in different judicial districts across the state in cases that involve similar factual circumstances; and

(II) Courts and litigants would benefit from the establishment of a more detailed statutory framework that includes advisory guidelines to be considered as a starting point for the determination of fair and equitable maintenance awards.

(c) Therefore, the general assembly declares that it is appropriate to create a statutory framework for the determination of maintenance awards, including advisory guidelines for the amount and term of maintenance in certain cases, that will assist the court and the parties in crafting maintenance awards that are fair, equitable, and more consistent across judicial districts.

(2) At the time of permanent orders in dissolution of marriage, legal separation, or declaration of invalidity proceedings, and upon the request of either party, the court may order the payment of maintenance from one spouse to the other pursuant to the provisions of this section. An award of maintenance shall be in an amount and for a term that is fair and equitable to both parties and shall be made without regard to marital misconduct.

(3)(a)(I) **Determination of maintenance.** When a party has requested maintenance in a dissolution of marriage, legal separation, or declaration of invalidity proceeding, prior to granting or denying an award of maintenance, the court shall make initial written or oral findings concerning:

(A) The amount of each party's gross income;

(B) The marital property apportioned to each party;

(C) The financial resources of each party, including but not limited to the actual or potential income from separate or marital property; and

(D) Reasonable financial need as established during the marriage.

(II) After making the initial findings described in subparagraph (I) of this paragraph (a), the court shall determine the amount and term of the maintenance award, if any, that is fair and equitable to both parties after considering:

(A) The guideline amount and term of maintenance set forth in paragraph (b) of this subsection (3), if applicable, based upon the duration of the marriage and the combined gross incomes of the parties;

(B) The factors relating to the amount and term of maintenance set forth in paragraph (c) of this subsection (3); and

(C) Whether the party seeking maintenance has met the requirement for a maintenance award pursuant to paragraph (d) of this subsection (3).

(b) **Guideline amount and term of maintenance.** If the duration of the parties' marriage is at least three years and the parties' combined, annual adjusted gross income does not exceed the greater of two hundred forty thousand dollars or the uppermost limits of the schedule of basic child support obligations set forth in section 14-10-115, the court shall make additional oral or written findings concerning the duration of the marriage in whole months and the guideline amount and term of maintenance, calculated as follows:

(I) The amount of maintenance under the guidelines is equal to forty percent of the higher income party's monthly adjusted gross income less fifty percent of the lower income party's monthly adjusted gross income; except that, when added to the gross income of the recipient, shall not result in the recipient receiving in excess of forty percent of the parties' combined monthly adjusted gross income.

(II)(A) The term of maintenance under the guidelines, calculated in whole months, for marriages of at least three years but not more than twenty years, is set forth in the table contained in sub-subparagraph (B) of this subparagraph (II). When the duration of the parties' marriage exceeds twenty years, the court may award maintenance for a specified term of years or for an indefinite term, but the court shall not specify a maintenance term that is less than the maintenance term under the guidelines for a twenty-year marriage without making specific findings that support a reduced term of maintenance.

(B) **Table of guideline maintenance term (in whole months)**

Months of Marriage	Percentage	Guideline Term of Maintenance
36	31.00%	11
37	31.17%	12
38	31.33%	12
39	31.50%	12
40	31.67%	13
41	31.83%	13
42	32.00%	13
43	32.17%	14
44	32.33%	14
45	32.50%	15
46	32.67%	15
47	32.83%	15
48	33.00%	16
49	33.17%	16
50	33.33%	17
51	33.50%	17
52	33.67%	18
53	33.83%	18
54	34.00%	18
55	34.17%	19
56	34.33%	19
57	34.50%	20
58	34.67%	20
59	34.83%	21
60	35.00%	21
61	35.17%	21

62	35.33%	22
63	35.50%	22
64	35.67%	23
65	35.83%	23
66	36.00%	24
67	36.17%	24
68	36.33%	25
69	36.50%	25
70	36.67%	26
71	36.83%	26
72	37.00%	27
73	37.17%	27
74	37.33%	28
75	37.50%	28
76	37.67%	29
77	37.83%	29
78	38.00%	30
79	38.17%	30
80	38.33%	31
81	38.50%	31
82	38.67%	32
83	38.83%	32
84	39.00%	33
85	39.17%	33
86	39.33%	34
87	39.50%	34
88	39.67%	35
89	39.83%	35
90	40.00%	36

91	40.17%	37
92	40.33%	37
93	40.50%	38
94	40.67%	38
95	40.83%	39
96	41.00%	39
97	41.17%	40
98	41.33%	41
99	41.50%	41
100	41.67%	42
101	41.83%	42
102	42.00%	43
103	42.17%	43
104	42.33%	44
105	42.50%	45
106	42.67%	45
107	42.83%	46
108	43.00%	46
109	43.17%	47
110	43.33%	48
111	43.50%	48
112	43.67%	49
113	43.83%	50
114	44.00%	50
115	44.17%	51
116	44.33%	51
117	44.50%	52
118	44.67%	53
119	44.83%	53



120	45.00%	54
121	45.17%	55
122	45.33%	55
123	45.50%	56
124	45.67%	57
125	45.83%	57
126	46.00%	58
127	46.17%	59
128	46.33%	59
129	46.50%	60
130	46.67%	61
131	46.83%	61
132	47.00%	62
133	47.17%	63
134	47.33%	63
135	47.50%	64
136	47.67%	65
137	47.83%	66
138	48.00%	66
139	48.17%	67
140	48.33%	68
141	48.50%	68
142	48.67%	69
143	48.83%	70
144	49.00%	71
145	49.17%	71
146	49.33%	72
147	49.50%	73
148	49.67%	74

149	49.83%	74
150	50.00%	75
151	50.00%	76
152	50.00%	76
153	50.00%	77
154	50.00%	77
155	50.00%	78
156	50.00%	78
157	50.00%	79
158	50.00%	79
159	50.00%	80
160	50.00%	80
161	50.00%	81
162	50.00%	81
163	50.00%	82
164	50.00%	82
165	50.00%	83
166	50.00%	83
167	50.00%	84
168	50.00%	84
169	50.00%	85
170	50.00%	85
171	50.00%	86
172	50.00%	86
173	50.00%	87
174	50.00%	87
175	50.00%	88
176	50.00%	88
177	50.00%	89

178	50.00%	89
179	50.00%	90
180	50.00%	90
181	50.00%	91
182	50.00%	91
183	50.00%	92
184	50.00%	92
185	50.00%	93
186	50.00%	93
187	50.00%	94
188	50.00%	94
189	50.00%	95
190	50.00%	95
191	50.00%	96
192	50.00%	96
193	50.00%	97
194	50.00%	97
195	50.00%	98
196	50.00%	98
197	50.00%	99
198	50.00%	99
199	50.00%	100
200	50.00%	100
201	50.00%	101
202	50.00%	101
203	50.00%	102
204	50.00%	102
205	50.00%	103
206	50.00%	103

207	50.00%	104
208	50.00%	104
209	50.00%	105
210	50.00%	105
211	50.00%	106
212	50.00%	106
213	50.00%	107
214	50.00%	107
215	50.00%	108
216	50.00%	108
217	50.00%	109
218	50.00%	109
219	50.00%	110
220	50.00%	110
221	50.00%	111
222	50.00%	111
223	50.00%	112
224	50.00%	112
225	50.00%	113
226	50.00%	113
227	50.00%	114
228	50.00%	114
229	50.00%	115
230	50.00%	115
231	50.00%	116
232	50.00%	116
233	50.00%	117
234	50.00%	117
235	50.00%	118

236	50.00%	118
237	50.00%	119
238	50.00%	119
239	50.00%	120
240	50.00%	120

(c) **Factors affecting the amount and term of maintenance.** In any proceeding for maintenance, the court shall consider all relevant factors, including but not limited to:

(I) The financial resources of the recipient spouse, including the actual or potential income from separate or marital property or any other source and the ability of the recipient spouse to meet his or her needs independently;

(II) The financial resources of the payor spouse, including the actual or potential income from separate or marital property or any other source and the ability of the payor spouse to meet his or her reasonable needs while paying maintenance;

(III) The lifestyle during the marriage;

(IV) The distribution of marital property, including whether additional marital property may be awarded to reduce or alleviate the need for maintenance;

(V) Both parties' income, employment, and employability, obtainable through reasonable diligence and additional training or education, if necessary, and any necessary reduction in employment due to the needs of an unemancipated child of the marriage or the circumstances of the parties;

(VI) Whether one party has historically earned higher or lower income than the income reflected at the time of permanent orders and the duration and consistency of income from overtime or secondary employment;

(VII) The duration of the marriage;

(VIII) The amount of temporary maintenance and the number of months that temporary maintenance was paid to the recipient spouse;

(IX) The age and health of the parties, including consideration of significant health care needs or uninsured or unreimbursed health care expenses;

(X) Significant economic or noneconomic contribution to the marriage or to the economic, educational, or occupational advancement of a party, including but not limited to completing an education or job training, payment by one spouse of the other spouse's separate debts, or enhancement of the other spouse's personal or real property;

(XI) Whether the circumstances of the parties at the time of permanent orders warrant the award of a nominal amount of maintenance in order to preserve a claim of maintenance in the future; and

(XII) Any other factor that the court deems relevant.

(d) After considering the provisions of this section and making the required findings of fact, the court shall award maintenance only if it finds that the spouse seeking maintenance lacks sufficient property, including marital property apportioned to him or her, to provide for his or her reasonable needs and is unable to support himself or herself through appropriate employment or is the custodian of a child whose condition or circumstances make it inappropriate for the spouse to be required to seek employment outside the home.

(e) The maintenance guidelines set forth in paragraph (b) of this subsection (3) do not create a presumptive amount or term of maintenance. The court has discretion to determine the award of maintenance that is fair and equitable to both parties based upon the totality of the circumstances. The court shall make specific written or oral findings in support of the amount and term of maintenance awarded pursuant to this section or an order denying maintenance.

(f) The court may award additional marital property to the recipient spouse or otherwise adjust the distribution of marital property or debt to alleviate the need for maintenance or to reduce the amount or term of maintenance awarded.

(g) The court may reserve jurisdiction to establish, review, or modify an award of maintenance at a later date pursuant to the provisions of this section by setting forth:

(I) The reasons for reserving jurisdiction;

(II) The ascertainable future event that forms the basis for reserving jurisdiction; and

(III) A reasonably specific time within which maintenance may be considered pursuant to this section.

(h) The court may award maintenance in short-term marriages, including marriages of less than three years in duration, when, given the circumstances of the parties, the distribution of marital property is insufficient to achieve an equitable result. In determining the award of maintenance, the court may consider the maintenance guidelines and the relevant factors affecting the amount and term of maintenance set forth in this subsection (3). The court shall make written or oral findings pursuant to paragraph (e) of this subsection (3).

(i) Nothing in this section prohibits an award of maintenance in gross.

(4) **Temporary maintenance.** (a)(I) In every proceeding for dissolution of marriage, legal separation, or declaration of invalidity where temporary maintenance is requested by a party, the court may award a monthly amount of temporary maintenance pursuant to the provisions of subsection (3) of this section that are relevant to a determination of temporary maintenance.

(II) The guideline term of maintenance set forth in subparagraph (II) of paragraph (b) of subsection (3) of this section does not apply to temporary maintenance orders. The court shall determine the term for payment of temporary maintenance.

(III) In addition to the relevant factors set forth in paragraph (c) of subsection (3) of this section, the court shall consider any additional factors specific to the determination of temporary maintenance, including the payment of family expenses and debts.

(b) After determining the amount of temporary maintenance pursuant to this subsection (4) and the amount of temporary child support pursuant to section 14-10-115, the court shall consider the respective financial resources of each party and determine the temporary payment of marital debt and the temporary allocation of marital property.

(c) A determination of temporary maintenance does not prejudice the rights of either party at permanent orders.

(5) **Modification or termination of maintenance.** (a) Except upon written agreement of the parties, an award of maintenance entered pursuant to this section may be modified or terminated pursuant to the provisions of section 14-10-122. The court may consider the guideline amount and term of maintenance and the statutory factors set forth in subsection (3) of this section only in a modification or termination proceeding concerning a maintenance award entered on or after January 1, 2014.

(b) The enactment of this section does not constitute a substantial and continuing change of circumstance for purposes of modifying maintenance orders entered before January 1, 2014.

(6) **Security for the payment of maintenance.** (a) The court may require the payor spouse to provide reasonable security for the payment of maintenance in the event of the payor spouse's death prior to the end of the maintenance term.

(b) Reasonable security may include, but need not be limited to, maintenance of life insurance for the benefit of the recipient spouse. In entering an order to maintain life insurance, the court shall consider:

(I) The age and insurability of the payor spouse;

(II) The cost of the life insurance;

(III) The amount and term of the maintenance;

(IV) Whether the parties carried life insurance during the marriage;

(V) Prevailing interest rates at the time of the order; and

(VI) Other obligations of the payor spouse.

(c) Orders to maintain security may be modified or terminated pursuant to section 14-10-122.

(7) **Maintenance agreements--waiver--unrepresented parties.** (a) Either or both of the parties may agree in writing or orally in court to waive maintenance consistent with the provisions of section 14-10-112. The parties may also agree to waive maintenance in a premarital agreement or marital agreement consistent with the provisions of the "Uniform Premarital and Marital Agreements Act", created in part 3 of article 2 of this title. The enforceability of maintenance provisions in a premarital agreement or marital agreement is determined pursuant to the provisions of section 14-2-309.

(b) In any proceeding that falls within the maintenance guidelines set forth in subsection (3) of this section, at the time of either temporary orders or permanent orders, if either party is not represented by an attorney, the court shall not approve an agreement waiving maintenance or agreeing to an amount or term of maintenance that does not follow the maintenance guidelines unless the unrepresented party has indicated that he or she is aware of the maintenance guidelines pursuant to this section.

(8) **Definitions.** As used in this section, unless the context otherwise requires:

<Text of (8)(a)(I) effective until January 1, 2017>

(a)(I) "Adjusted gross income" means gross income as defined in paragraph (c) of this subsection (8), less preexisting court-ordered child support obligations actually paid by a party, preexisting court-ordered alimony or maintenance obligations actually paid by a party, and the adjustment to a party's income as determined pursuant to section 14-10-115(6)(b)(I), for any children who are not children of the marriage for whom the party has a legal responsibility to support.

<Text of (8)(a)(I) effective January 1, 2017>

(a)(I) "Adjusted gross income" means gross income as defined in paragraph (c) of this subsection (8), less preexisting court-ordered child support obligations actually paid by a party, preexisting court-ordered alimony or maintenance obligations actually paid by a party, and the adjustment to a party's income as determined pursuant to section 14-10-115(6)(b) for any children who are not children of the marriage for whom the party has a legal responsibility to support.

(II) For purposes of this paragraph (a), "income" means the actual gross income of a party, if employed to full capacity, or potential income, if unemployed or underemployed.

(b) "Duration of marriage" means the number of whole months, beginning from the first day of the month following the date of the parties' marriage until the date of decree or the date of the hearing on disposition of property if such hearing precedes the date of the decree.

(c)(I) "Gross income" means income from any source and includes, but is not limited to:



(A) Income from salaries;

(B) Wages, including tips declared by the individual for purposes of reporting to the federal internal revenue service or tips imputed to bring the employee's gross earnings to the minimum wage for the number of hours worked, whichever is greater;

(C) Commissions;

(D) Payments received as an independent contractor for labor or services, which payments must be considered income from self-employment;

(E) Bonuses;

(F) Dividends;

(G) Severance pay;

(H) Pension payments and retirement benefits actually received that have not previously been divided as property in this action, including but not limited to those paid pursuant to articles 51, 54, 54.5, and 54.6 of title 24, C.R.S., and article 30 of title 31, C.R.S.;

(I) Royalties;

(J) Rents;

(K) Interest;

(L) Trust income and distributions;

(M) Annuity payments;

(N) Capital gains;

(O) Any moneys drawn by a self-employed individual for personal use that are deducted as a business expense, which moneys must be considered income from self-employment;

(P) Social security benefits, including social security benefits actually received by a party as a result of the disability of that party;

(Q) Workers' compensation benefits;

(R) Unemployment insurance benefits;

(S) Disability insurance benefits;

(T) Funds held in or payable from any health, accident, disability, or casualty insurance to the extent that such insurance replaces wages or provides income in lieu of wages;

(U) Monetary gifts;

(V) Monetary prizes, excluding lottery winnings not required by the rules of the Colorado lottery commission to be paid only at the lottery office;

(W) Income from general partnerships, limited partnerships, closely held corporations, or limited liability companies; except that, if a party is a passive investor, has a minority interest in the company, and does not have any managerial duties or input, then the income to be recognized may be limited to actual cash distributions received;

(X) Expense reimbursements or in-kind payments received by a party in the course of employment, self-employment, or operation of a business if they are significant and reduce personal living expenses;

(Y) Alimony or maintenance received; and

(Z) Overtime pay, only if the overtime is required by the employer as a condition of employment.

(II) "Gross income" does not include:

(A) Child support payments received;

(B) Benefits received from means-tested public assistance programs, including but not limited to assistance provided under the Colorado works program, as described in part 7 of article 2 of title 26, C.R.S., supplemental security income, food stamps, and general assistance;

(C) Income from additional jobs that result in the employment of the obligor more than forty hours per week or more than what would otherwise be considered to be full-time employment;

(D) Social security benefits received by a parent on behalf of a minor child as a result of the death or disability of a parent or stepparent; and

(E) Earnings or gains on retirement accounts, including individual retirement accounts; except that such earnings or gains shall not be included as income unless a party takes a distribution from the account. If a party may take a distribution from the account without being subject to a federal tax penalty for early distribution and the party chooses not to take a distribution, the court may consider the distribution that could have been taken in determining the party's gross income.

(III)(A) For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, "gross income" equals gross receipts minus ordinary and necessary expenses, as defined in sub-subparagraph (B) of this subparagraph (III), required to produce such income.

(B) "Ordinary and necessary expenses", as used in sub-subparagraph (A) of this subparagraph (III), does not include amounts allowable by the internal revenue service for the accelerated component of depreciation expenses or investment tax credits or any other business expenses determined by the court to be inappropriate for determining gross income for purposes of calculating maintenance.

(IV) If a party is voluntarily unemployed or underemployed, maintenance shall be calculated based on a determination of potential income; except that a determination of potential income shall not be made for a party who is physically or mentally incapacitated or is caring for a child under the age of thirty months for whom the parties owe a joint legal responsibility or for an incarcerated parent sentenced to one year or more.

(V) For the purposes of this section, a party shall not be deemed "underemployed" if:

(A) The employment is temporary and is reasonably intended to result in higher income within the foreseeable future; or

(B) The employment is a good faith career choice; or

(C) The party is enrolled in an educational program that is reasonably intended to result in a degree or certification within a reasonable period of time and that will result in a higher income, so long as the educational program is a good faith career choice.

(9) **Application.** The provisions of this section apply only to actions in which a petition for dissolution of marriage, legal separation, or declaration of invalidity, or an action for the initial establishment of maintenance is filed on or after January 1, 2014. Actions filed before January 1, 2014, are determined pursuant to the provisions of this section as it existed at the time of the filing of the action.

#### Credits

Amended by Laws 1979, H.B.1226, § 1, eff. July 1, 1979; Laws 1998, Ch. 310, § 41, eff. Feb. 1, 1999; Laws 2001, Ch. 151, § 1, eff. July 1, 2001; Laws 2007, Ch. 29, § 2, eff. March 16, 2007. Repealed and reenacted by Laws 2013, Ch. 176, § 1,

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eff. Jan. 1, 2014. Amended by Laws 2014, Ch. 307, § 1, eff. May 31, 2014; Laws 2015, Ch. 259, § 36, eff. Aug. 5, 2015; Laws 2016, Ch. 157, § 10, eff. Jan. 1, 2017.

C. R. S. A. § 14-10-114, CO ST § 14-10-114

Current through Laws effective May 10, 2017 of the First Regular Session of the 71st General Assembly (2017).

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End of Document

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<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ <hr/> Petitioner: and Co-Petitioner/Respondent: _____ <hr/> Attorney or Party Without Attorney (Name and Address): _____ <hr/> Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		▲ COURT USE ONLY ▲  Case Number: _____  Division _____ Courtroom _____
<b>VERIFIED MOTION TO:</b> <input type="checkbox"/> <b>MODIFY PARENTING TIME, Pursuant to §14-10-129, C.R.S.</b> <input type="checkbox"/> <b>RESTRICT PARENTING TIME, Pursuant to §14-10-129(4), C.R.S.</b>		

**NOTE: To Party responding to a Motion to Modify Parenting Time:** If you disagree with this Motion, Colorado Rules of Civil Procedure allow you to file a written response with the Court that must be filed within 21 days of the date this Motion was served on you or mailed to you. The Court will NOT address the motion until the 21 days have passed.

**NOTE: If this is a Motion to Restrict Parenting Time,** a response can be filed on or before the emergency hearing or made at the hearing. If granted, a hearing will be set no later than 14 days from the filing of the motion.

The  Petitioner  Co-Petitioner/Respondent states the following for the purpose of modifying/restricting parenting time.

1. The last Order regarding parenting time was entered by the Court on \_\_\_\_\_ (date).
2. A motion for a substantial modification of parenting time which also changes the party with whom the child resides a majority of the time  has  has not been filed in the last two years. If one has been filed, please identify the date filed \_\_\_\_\_.
3.  (Check only if this Motion is to Restrict Parenting Time or Parental Contact pursuant to §14-10-129(4), C.R.S.) The child(ren) is/are in imminent physical or emotional danger due to the current parenting time or parental contact of a parent and the  Petitioner  Co-Petitioner/Respondent requests the Court Order that:  
 This hearing shall be held on an emergency basis within fourteen days of the filing of this Motion and parenting time shall be supervised until the hearing by an unrelated third party deemed suitable by the Court or by a licensed mental health professional.

**4. Information about Petitioner:**

Date of Birth: \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Home Phone #: \_\_\_\_\_ Work Phone #: \_\_\_\_\_ Cell #: \_\_\_\_\_

**5. Information about Co-Petitioner/Respondent:**

Date of Birth: \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Home Phone #: \_\_\_\_\_ Work Phone #: \_\_\_\_\_ Cell #: \_\_\_\_\_

**6. The parties have \_\_\_\_\_ minor child(ren):**

Full Name of Child	Present Address	Sex	Date of Birth

7.  (Check only if applicable.) \_\_\_\_\_ (name of party) has been convicted of a crime set forth in §14-10-129(3)(a), C.R.S. in the County of \_\_\_\_\_, State of \_\_\_\_\_, in case number \_\_\_\_\_ on \_\_\_\_\_ (date) that constitutes a potential threat or endangerment to the child(ren).

8. The  Petitioner  Co-Petitioner/Respondent now has parenting time with the minor child(ren) under the following parenting plan and under the following conditions (if any):

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**9. Required Notice of Prior Protection/Restraining Orders.**

Have any Temporary or Permanent Protection/Restraining Orders to prevent domestic abuse or any Criminal Protection/Restraining Orders or Emergency Protection Orders been issued against either party by any Court within two years prior to the filing of this Motion?  No  Yes If your answer was Yes, complete the following:

The Protection/Restraining Order was  Temporary  Permanent and issued against \_\_\_\_\_, in the County of \_\_\_\_\_, State of \_\_\_\_\_, in case number \_\_\_\_\_ on \_\_\_\_\_ (date).

What was the subject matter of the Civil Protection/Restraining Order or Emergency Protection Order?

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I request that this Court enter an order modifying/restricting the parenting time for the  Petitioner  Co-Petitioner/Respondent as described below. Complete number 10 if requesting to modify parenting time and number 11 if requesting to restrict parenting time.

10. a. I request the Court to modify the current parenting time order to provide for the following new parenting plan schedule and this plan is in the best interests of the minor child(ren) for the following reasons: (Attach additional documentation, if necessary.)

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b. The above new parenting plan is in the best interests of the minor child(ren) as follows:

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11. a. I allege that the minor child(ren) is/are in imminent physical or emotional danger due to the current parenting time as follows:

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b. I request that the parenting time plan be restricted as follows:

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12. \_\_\_\_\_ (initial) I understand that the Court will NOT address a modification of child support unless I also file a Verified Motion to Modify Child Support Pursuant to C.R.S. § 14-10-122, JDF 1403.

### VERIFICATION AND ACKNOWLEDGMENT

I swear/affirm under oath, and under penalty of perjury, that I have read the foregoing VERIFIED MOTION TO MODIFY OR RESTRICT PARENTING TIME and that the statements set forth therein are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Attorney, if applicable      Date

Petitioner or  Co-Petitioner/Respondent      Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
(Area Code) Telephone Number (home)

\_\_\_\_\_  
(Area Code) Telephone Number (work)

The foregoing instrument was subscribed and affirmed, or sworn before me in the County of \_\_\_\_\_, State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Deputy Clerk

\_\_\_\_\_  
Signature of Attorney

### CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ (date) a true and accurate copy of the *Verified Motion to*

*Modify*  *Restrict Parenting Time* was served on the other party by:

Hand Delivery  E-filed  Faxed to this number \_\_\_\_\_ or

by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Your signature

If the Child Support Enforcement Unit is involved in the case; you must provide them a copy of this Motion.



<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court <span style="margin-left: 200px;">County, Colorado</span> Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ <hr/> Petitioner: and Co-Petitioner/Respondent: _____	<b>▲ COURT USE ONLY ▲</b> <hr/> Case Number: _____  Division                      Courtroom
<b>ORDER RE: MODIFICATION/RESTRICTION OF PARENTING TIME</b>	

This matter comes before the Court on a Motion of the  Petitioner  Co-Petitioner/Respondent or  Stipulation of the Parties to modify/restrict the parenting time order entered by this Court or a Court of competent jurisdiction in another state.

I. The Court following review of the Motion and Response, if applicable, or hearing on \_\_\_\_\_ (date) finds that:

- Modifying the parenting time order  is or  is not in the best interests of the child(ren). The  Petitioner  Co-Petitioner/Respondent shall pay for all reasonable attorney fees, costs and expenses associated with this action.
- or
- Restricting the parenting time order for the  Petitioner  Co-Petitioner/Respondent is necessary. The child(ren)'s present environment may endanger the child(ren)'s physical health or significantly impair the child(ren)'s emotional development due to the current parenting time schedule. The  Petitioner  Co-Petitioner/Respondent shall pay for all reasonable attorney fees, costs and expenses associated with this action.
- or
- The parties stipulation is in the best interests of the child(ren).

II. The Court Orders that Parenting Time be modified/restricted, and Orders the following.

- A new Parenting Plan is attached and becomes an Order of this Court. or
- The Parenting Plan is modified/restricted as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

A new Child Support Order is attached based on the modification to parenting time.

III.  If applicable, the Court Orders that Parental contact shall be restricted as follows:

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Date: \_\_\_\_\_

Judge  Magistrate

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**CERTIFICATE OF MAILING**

I certify that on \_\_\_\_\_ (date), I mailed, faxed, e-filed, or hand-delivered a copy of this Order to the following:

- Petitioner
- Petitioner's Attorney
- Co-Petitioner/Respondent
- Co-Petitioner/Respondent's Attorney
- Child Support Enforcement Unit

\_\_\_\_\_  
Clerk

# INSTRUCTIONS TO FILE A MOTION/STIPULATION TO MODIFY/RESTRICT PARENTING TIME

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

## GENERAL INFORMATION

- ◆ This information provides a guide to the process and forms necessary to file a Motion to modify parenting time or to restrict parental contact.
- ◆ You must have an existing court order concerning parenting time.
- ◆ If this is a motion to restrict parenting time or parental contact pursuant to §14-10-129(4), C.R.S., based on imminent physical or emotional danger, you must indicate such in the caption. It is important that the Court is aware of this request. Once you file the Motion, you should seek guidance from the Clerk's Office regarding their procedures for setting a hearing as each court may have different procedures.
- ◆ If a Motion/Stipulation has been filed for a substantial modification of parenting time **which also changes the party with whom the child resides a majority to time**, whether or not it has been granted, no subsequent motion may be filed within two years after disposition of the prior motion, **unless you believe that the child's present environment may endanger the child's physical health or significantly impair the child's emotional development.**
- ◆ Parties can modify/restrict parenting time by agreement (stipulation) at any time. If both parties agree, a written agreement (stipulation) can be filed with the Court. If this applies to you, please see JDF 1423 Stipulation Regarding Parenting Time Modification and JDF 1424 Order re: Modification/Restriction of Parenting Time.
- ◆ If a party is seeking to relocate with a child to a residence that will substantially change the geographical ties between a child and the other party, please refer to Instructions for Filing a Motion to Relocate Minor Children (JDF 1407I).
- ◆ Either party can ask the Court to modify the parenting time schedule (to increase or decrease parenting time or to impose or remove restrictions), if the modification is in the best interest of the children.
- ◆ When modifying parenting time, please consider whether child support also needs to be modified. If child support needs to be modified, check box 12 on the Motion to Modify Parenting Time. Child support is calculated under statutory guidelines. You may file for a modification of child support, only if there has been a "substantial and continuing" change in circumstances (for example, one of the parties has received a significant pay raise or pay cut). The change in circumstances must amount to a 10% increase or decrease in the current amount of child support or your motion will be denied with a hearing. Please review Instructions to Modify Child Support – JDF 1403I.
- ◆ If the Court finds that the motion filed under §14-10-129(4), C.R.S. is substantially frivolous, groundless or vexatious, the Court will require the party who filed the motion to pay the reasonable attorney fees and costs of the other party.
- ◆ For additional information, please review Colorado Revised Statute §14-10-129.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:  
<http://www.courts.state.co.us/Administration/Unit.cfm/Unit/interp>

## COMMON TERMS

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Petitioner:               | The person identified in the original Petition filed with the Court.  |
| <input checked="" type="checkbox"/> Co-Petitioner/Respondent: | The person identified in the original Petition filed with the Court.  |
| <input checked="" type="checkbox"/> Stipulation:              | A written agreement prepared by both parties.   |
| <input checked="" type="checkbox"/> Service of Process:       | The official means by which a party is notified that a document has been filed against him/her and provided a copy of the document and a description of the person's rights and obligations as a party to the case. |
| <br>  | <br>  |
| <input checked="" type="checkbox"/> Hearing Date:             | The date that the Petitioner and Co-Petitioner/Respondent must appear in Court.   |
| <br>  | <br>  |
| <input checked="" type="checkbox"/> May:                      | In legal terms, "may" is defined as "optional" or "can".  |
| <input checked="" type="checkbox"/> Shall:                    | In legal terms, "shall" is defined as "required".   |

If you do not understand this information, please contact an attorney. You may also contact the Family Court Facilitator at your local courthouse, if one is available in your Judicial District.

**FEES**

A filing fee of \$105.00 is required. A filing fee is required for all motions/stipulations filed 60 days or more after the original decree or order is issued. If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide if you need to pay the filing fee.

Other fees that a party to the case may encounter are as follows:

- Response (Required, unless previous filing fee paid by party.) \$116.00
- Service Fees Varies (not payable through or to the Court)
- Certification Fee \$20.00
- Copies of Documents (Documents on File) \$.75 per page or \$1.50 if double sided
- Copies of Documents (Documents not on File) \$.25 per page or \$.75 if double sided

**FORMS**

To access a form online go to [www.courts.state.co.us](http://www.courts.state.co.us) and click on the "Forms" tab. The packet/forms are available in PDF, WORD or EXCEL by selecting **Divorce, Family Matters, Civil Unions – Custody and Child Support – Modify Parenting Time**. You may complete a form online and print or you may print it and type or print legibly in black ink. You may need all or some of these forms. Read these instructions carefully to determine what forms you may need.

- JDF 1113 Parenting Plan
- JDF 1273 Parenting Plan (Civil Union)
- JDF 1129 Pretrial Statement
- JDF 1406 Verified Motion to Modify/Restrict Parenting Time
- JDF 1416 Affidavit in Support of Motion to Modify
- JDF 1423 Stipulation Regarding Parenting Time Modification
- JDF 1424 Order re: Modification/Restriction to Parenting Time

**STEPS TO FILING YOUR MOTION OR STIPULATION**

Selecting these instructions indicates that you are planning to file a motion or stipulation to modify/restrict parenting time. You must identify yourself as the Petitioner or Co-Petitioner/Respondent depending on your "title/role" in the original case. It is important to remember that your "title/role" in the case does not change based on who files the motion or stipulation to reopen a case. The caption area below needs to be completed on all forms filed. Keep a copy of each form for your own records and make a copy to provide to the other party.

Complete the steps identified below under Option 1 or Option 2 depending on if you plan to file a stipulation or a motion.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ In re: <input type="checkbox"/> The Marriage of; <input type="checkbox"/> The Civil Union of; <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent: Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	▲ <b>COURT USE ONLY</b> ▲
Case Number: _____ Division      Courtroom	<b>NAME OF FORM</b>

**Option 1: Stipulation to Modify Parenting Time. You have an existing order and both parties agree that parenting time should be changed.**

**Step 1: Complete Forms.**

- Stipulation Regarding Parenting Time Modification (JDF 1423):**
  - Please complete all sections of this form.
  - If the modification to parenting time results in a modification to child support indicate such in the Stipulation and also complete a Stipulation to Modify Child Support (JDF 1404).
  - This form must be notarized or signed in the presence of a court clerk or Notary Public
  - If any addresses have changed since the original case was filed, please provide current address information to the Court in writing.**
  
- Parenting Plan (JDF 1113) or Parenting Plan (Civil Union) (JDF 1273):**
  - Complete all sections of this form, as appropriate. Review section E – Child Tax Exemption to determine if the changes to the Parenting Plan affect this section. If you have any unique situations, identify them in the "Other Terms" section. The Parenting Plan should identify only those parties who will have court-ordered parenting time and decision-making responsibilities. Day care/babysitting arrangements do not need to be specifically identified on this form.
    - Please indicate if this is a full or partial parenting plan.
      - If this is a partial parenting plan you or the other party must complete JDF 1129 – Pretrial Statement.** The purpose of this form is for you or the other party to identify to the Court what issues have not been resolved
    - Please check with the Court Facilitator in your judicial district regarding what additional information the Court may need.

**If a modification to child support applies, complete Section D on the Parenting Plan and complete the Sworn Financial Statement (JDF 1111) and the appropriate Child Support Worksheet and file them with the Court.**

- Sworn Financial Statement (JDF 1111):**

You must provide true and complete information to the Court about your assets, debts, and income. You can be assessed a fine or jailed for providing false information. In addition, your case can be reopened due to fraud.

  - The Financial Statement must contain current personal and financial information to determine whether the modification of child support is fair to each party. Failure of a party to file a Financial Statement may result in a refusal by the Court to enter an Order to Modify Child Support. The Court may impose sanctions against the party who does not file the required paperwork. Complete and file with the Court a Supporting Schedules for Assets (JDF 1111SS) only if applicable to your case.
  - Each party **must** complete his/her own Financial Statement and all sections **must** be completed.
  - The form must be signed in the presence of a Court Clerk or Notary Public.
  
- Child Support Worksheets A or B:**

Use the information from each of your Sworn Financial Statements to complete the appropriate worksheet. You have two options to complete the worksheet:

  - Automatic Calculation Option:** New child support guidelines became effective on January 1, 2014. To access the software for electronically calculating child support based on the new guidelines, go to [www.courts.state.co.us](http://www.courts.state.co.us) – “Calculate Child Support/Maintenance” (you can also find the link to the

software at the top of the "Child Custody" page). If you are trying to calculate retroactive child support that was ORDERED prior to January 1, 2014, you will need to use the guidelines that were in effect at that time. You can also access the old Excel electronic worksheet (JDF 1820E).

- Manual Calculation Option:** Each worksheet is available in a MANUAL "M" format; you will need to obtain and calculate the Child Support Guidelines to determine your child support if you select this format. If you wish to use the Manual Worksheets, please review Instructions for Completing Worksheets A & B Manually (JDF 1822).
  - Worksheet A (JDF 1820M):** Sole Physical Care. Physical Care for 273 nights or more per year. If one or more of your children spends at least 273 nights with one parent they are considered to have a primary home with that parent.
  - Worksheet B (JDF 1821M):** Shared Physical Care. If one or more of your children spends more than 92 nights per year with each parent, they are considered to have two homes (one at your residence and one at the other parent's residence).
  - Split Care:** If each parent has primary physical care of at least one of the children because that child or children reside with that parent the majority of the time, you have a split physical care situation. Each parent should complete a separate worksheet A for the child or children for whom he/she provides primary care.
- Complete a Certificate of Service (JDF 1313) indicating that you have provided the other party with a copy of your completed Child Support Worksheet.
- Order Re: Modification/Restriction of Parenting Time (JDF 1424):**
  - Complete the caption only on this form.
  - Provide the Court with the appropriate number of copies you would like. If you want any of the copies to be certified, you will need to provide the Court with a \$20.00 certified copy fee.

### Step 2: You are Ready to File your Stipulation with the Court.

- Pay the \$ 105.00 filing fee, if applicable.
- Provide the Court with the Stipulation and all other appropriate documents listed above.
- If any addresses have changed since the original case was filed, please provide current address information to the Court in writing.
- Provide the Court with a self-addressed stamped envelope to receive a copy of the Order. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.

### Step 3: Court Review of Stipulation.

Within 49 days of the date a post decree matter is filed, the Court will review the matter and determine whether the Stipulation will be approved or not.

- No hearing is required and following the review of the Stipulation, you will receive a signed copy of the Order Re: Modification/Restriction of Parenting Time.
- If you are requesting a modification to Child Support, the Court will use the Child Support Guidelines to review the adequacy of child support order negotiated by the parties as well as the financial affidavits. If child support is modified, you will also receive an updated Support Order.

**Option 2: Motion to Modify/Restrict Parenting Time. If you have an existing order and both parties do not agree that parenting time should be modified or restricted.**

### Step 1: Complete Forms.

- Verified Motion to Modify/Restrict Parenting Time (JDF 1406):**
  - Please complete all sections of this form and indicate in the caption if this is a motion to modify or restrict parenting time.

- This form must be signed in the presence of a Court Clerk or Notary Public
- Describe precisely the changes in the parenting time schedule you are requesting and explain why you believe the requested changes are in the best interest of the child.
- Include any requested restrictions or limitations on parenting time. If you are requesting a restriction of parenting time or parental contact because you believe that the child is in imminent physical or emotional danger from the other parent, you may state that in your motion and request that the Court hear your motion immediately. You may request that any parenting time which occurs during the time you are waiting for your motion to be heard be supervised by an unrelated third party deemed suitable by the Court or by a licensed mental health professional. (§14-10-129(4), C.R.S.)
- If you state in your Motion that the child is in imminent physical or emotional danger due to the parenting time or contact by the other parent, and the Court finds that your statement was substantially frivolous, groundless or vexatious, the Court may require you to pay reasonable and necessary attorney fees and costs of the other party.
- If child support needs to be modified, please check and complete Section 12 and file a Motion to Modify Child Support (JDF 1403).
- Make sure you have the appropriate number of copies of all documents for the Court and the other party.
- If your address has changed since you originally filed your case, please provide your current address to the Court in writing.
  
- Affidavit in Support of Motion to Modify (JDF 1416):**
  - This form must be signed in the presence of a Court Clerk or Notary Public.
  - Make sure you have the appropriate number of copies of all documents for the Court and the Co-Petitioner/Respondent.
  
- Parenting Plan (JDF 1113) or Parenting Plan (Civil Union) (JDF 1273):**
  - Complete all sections of this form, as appropriate. Review section E – Child Tax Exemption to determine if the changes to the Parenting Plan affect this section. If you have any unique situations, identify them in the "Other Terms" section. The Parenting Plan should identify only those parties who will have court-ordered parenting time and decision-making responsibilities. Day care/babysitting arrangements do not need to be specifically identified on this form.
    - Please indicate if this is a full or partial parenting plan.
      - If this is a partial parenting plan you or the other party must complete JDF 1129 – Pretrial Statement.** The purpose of this form is for you or the other party to identify to the Court what issues have not been resolved.
    - Please check with the Court Facilitator in your judicial district regarding what additional information the Court may need.

**If a modification to child support applies to you, complete Section D on the Parenting Plan and complete the Sworn Financial Statement (JDF 1111) and the appropriate Child Support Worksheet and file them with the Court.**

- Sworn Financial Statement (JDF 1111):**  
You must provide true and complete information to the Court about your assets, debts, and income. You can be assessed a fine or jailed for providing false information. In addition, your case can be reopened due to fraud.
  - The Financial Statement must contain current personal and financial information to determine whether the modification of child support is fair to each party. Failure of a party to file a Financial Statement may result in a refusal by the Court to enter an Order to Modify Child Support. The Court may impose sanctions against the party who does not file the required paperwork. Complete and file with the Court a Supporting Schedules for Assets (JDF 1111SS) only if applicable to your case.
  - Each party **must** complete his/her own Financial Statement and all sections **must** be completed.
  - The form must be signed in the presence of a Court Clerk or Notary Public.

**Child Support Worksheets A or B:**

Use the information from each of your Sworn Financial Statements to complete the appropriate worksheet. You have two options to complete the worksheet:

- Automatic Calculation Option:** New child support guidelines became effective on January 1, 2014. To access the software for electronically calculating child support based on the new guidelines, go to [www.courts.state.co.us](http://www.courts.state.co.us) – “Calculate Child Support/Maintenance” (you can also find the link to the software at the top of the “Child Custody” page). If you are trying to calculate retroactive child support that was ORDERED prior to January 1, 2014, you will need to use the guidelines that were in effect at that time. You can also access the old Excel electronic worksheet (JDF 1820E).
- Manual Calculation Option:** Each worksheet is available in a MANUAL “M” format; you will need to obtain and calculate the Child Support Guidelines to determine your child support if you select this format. If you wish to use the Manual Worksheets, please review Instructions for Completing Worksheets A & B Manually (JDF 1822).
  - Worksheet A (JDF 1820M):** Sole Physical Care. Physical Care for 273 nights or more per year. If one or more of your children spends at least 273 nights with one parent they are considered to have a primary home with that parent.
  - Worksheet B (JDF 1821M):** Shared Physical Care. If one or more of your children spends more than 92 nights per year with each parent, they are considered to have two homes (one at your residence and one at the other parent’s residence).
  - Split Care:** If each parent has primary physical care of at least one of the children because that child or children reside with that parent the majority of the time, you have a split physical care situation. Each parent should complete a separate worksheet A for the child or children for whom he/she provides primary care.
- Complete a Certificate of Service (JDF 1313) indicating that you have provided the other party with a copy of your completed Child Support Worksheet.

**Order Re: Modification/Restriction of Parenting Time (JDF 1424):**

- Complete the caption only on this form.
- Provide the Court with the appropriate number of copies you would like. If you want any of the copies to be certified, you will need to provide the Court with a \$20.00 certified copy fee.
- The Magistrate or Judge will complete the rest of the Order and give you and the other party a signed copy.

**Step 2: You are Ready to File your Motion/Stipulation with the Court.**

- Pay the \$105.00 filing fee.
- Provide the Court with the Motion and all other appropriate documents listed above.
- If your address has changed since you originally filed your case, please provide your current address to the Court in writing.
- Provide the Court with a self-addressed stamped envelope to receive a copy of the Order. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.

**Step 3: Provide a Completed Motion to the Other Party.**

- You must provide a copy of this Motion to all parties to the case.
- Complete the Certificate of Service portion on the form. The purpose of the Certificate of Service is to notify the Court when and how you provided copies of the motion to all parties in the case. This is very important, because the Court must have knowledge that all parties involved are aware of the motion prior to any Court action being taken.

**Step 4: Court Review of Motion or Hearing.**

- The Judge or Magistrate will review all documents filed and enter an Order regarding your Motion based on the pleadings filed with the Court or the Court may set the case for a hearing at which time both parties will have the opportunity to appear and make statements to the Court.
- You will receive a signed copy of the Order Re: Modification/Restriction of Parenting Time. If child support is modified, you will receive an updated Support Order.



West's Colorado Revised Statutes Annotated  
Title 14: Domestic Matters  
Dissolution of Marriage--Parental Responsibilities  
Article 10: Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-129

§ 14-10-129. Modification of parenting time .

Effective: July 1, 2014

Currentness

(1)(a)(I) Except as otherwise provided in subparagraph (I) of paragraph (b) of this subsection (1), the court may make or modify an order granting or denying parenting time rights whenever such order or modification would serve the best interests of the child.

(II) In those cases in which a party with whom the child resides a majority of the time is seeking to relocate with the child to a residence that substantially changes the geographical ties between the child and the other party, the court, in determining whether the modification of parenting time is in the best interests of the child, shall take into account all relevant factors, including those enumerated in paragraph (c) of subsection (2) of this section. The party who is intending to relocate with the child to a residence that substantially changes the geographical ties between the child and the other party shall provide the other party with written notice as soon as practicable of his or her intent to relocate, the location where the party intends to reside, the reason for the relocation, and a proposed revised parenting time plan. A court hearing on any modification of parenting time due to an intent to relocate shall be given a priority on the court's docket.

(b)(I) The court shall not restrict a parent's parenting time rights unless it finds that the parenting time would endanger the child's physical health or significantly impair the child's emotional development. In addition to a finding that parenting time would endanger the child's physical health or significantly impair the child's emotional development, in any order imposing or continuing a parenting time restriction, the court shall enumerate the specific factual findings supporting the restriction. Nothing in this section shall be construed to affect grandparent or great-grandparent visitation granted pursuant to section 19-1-117, C.R.S.

(II) The provisions of subparagraph (I) of this paragraph (b) shall not apply in those cases in which a party with whom the child resides a majority of the time is intending to relocate with the child to a residence that substantially changes the geographical ties between the child and the other party.

(1.5) If a motion for a substantial modification of parenting time which also changes the party with whom the child resides a majority of the time has been filed, whether or not it has been granted, no subsequent motion may be filed within two years after disposition of the prior motion unless the court decides, on the basis of affidavits, that the child's present environment may endanger the child's physical health or significantly impair the child's emotional development or that the party with whom the child resides a majority of the time is intending to relocate with the child to a residence that substantially changes the geographical ties between the child and the other party.

(2) The court shall not modify a prior order concerning parenting time that substantially changes the parenting time as well as changes the party with whom the child resides a majority of the time unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or the party with whom the child resides the majority of the time and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the parenting time schedule established in the prior decree unless:

(a) The parties agree to the modification; or

(b) The child has been integrated into the family of the moving party with the consent of the other party; or

(c) The party with whom the child resides a majority of the time is intending to relocate with the child to a residence that substantially changes the geographical ties between the child and the other party. A court hearing on any modification of parenting time due to an intent to relocate shall be given a priority on the court's docket. In determining whether the modification of parenting time is in the best interests of the child, the court shall take into account all relevant factors, including whether a party has committed an act of domestic violence, has engaged in a pattern of domestic violence, or has a history of domestic violence, as that term is defined in section 14-10-124(1.3), which factor shall be supported by a preponderance of the evidence, and shall consider such domestic violence whether it occurred before or after the prior decree, and all other factors enumerated in section 14-10-124(1.5)(a) and:

(I) The reasons why the party wishes to relocate with the child;

(II) The reasons why the opposing party is objecting to the proposed relocation;

(III) The history and quality of each party's relationship with the child since any previous parenting time order;

(IV) The educational opportunities for the child at the existing location and at the proposed new location;

(V) The presence or absence of extended family at the existing location and at the proposed new location;

(VI) Any advantages of the child remaining with the primary caregiver;

(VII) The anticipated impact of the move on the child;

(VIII) Whether the court will be able to fashion a reasonable parenting time schedule if the change requested is permitted; and

(IX) Any other relevant factors bearing on the best interests of the child; or

(d) The child's present environment endangers the child's physical health or significantly impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

(2.5)(a) When the court restricts a party's parenting time pursuant to section 19-5-105.5, C.R.S., or section 19-5-105.7, C.R.S., or section 14-10-124(4)(a)(IV), the court may make or modify an order granting or denying parenting time rights whenever such order or modification would serve the best interests of the child. Within thirty-five days after the filing of a verified motion by the restricted party seeking a modification of parenting time, the court shall determine from the verified motion, and response to the motion, if any, whether there has been a substantial and continuing change of circumstances such that the current parenting time orders are no longer in the child's best interests, including consideration of whether the restricted parent has satisfactorily complied with any conditions set forth by the court when the court imposed the restrictions on parenting time, and either:

(I) Deny the motion, if there is an inadequate allegation; or

(II) Set the matter for hearing as expeditiously as possible with notice to the parties of the time and place of the hearing.

(b) If the court finds that the filing of a motion under paragraph (a) of this subsection (2.5) was substantially frivolous, substantially groundless, substantially vexatious, or intended to harass or intimidate the other party, the court shall require the moving party to pay the reasonable and necessary attorney fees and costs of the other party.

(3)(a) If a parent has been convicted of any of the crimes listed in paragraph (b) of this subsection (3) or convicted in another state or jurisdiction, including but not limited to a military or federal jurisdiction, of an offense that, if committed in Colorado, would constitute any of the crimes listed in paragraph (b) of this subsection (3), or convicted of any crime in which the underlying factual basis has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3 (1), C.R.S., that constitutes a potential threat or endangerment to the child, the other parent, or any other person who has been granted custody of or parental responsibility for the child pursuant to court order may file an objection to parenting time with the court. The other parent or other person having custody or parental responsibility shall give notice to the offending parent of such objection as provided by the Colorado rules of civil procedure, and the offending parent shall have twenty-one days from such notice to respond. If the offending parent fails to respond within twenty-one days, the parenting time rights of such parent shall be suspended until further order of the court. If such parent responds and objects, a hearing shall be held within thirty-five days of such response. The court may determine that any offending parent who responds and objects shall be responsible for the costs associated with any hearing, including reasonable attorney fees incurred by the other parent. In making such determination, the court shall consider the criminal record of the offending parent and any actions to harass the other parent and the children, any mitigating actions by the offending parent, and whether the actions of either parent have been substantially frivolous, substantially groundless, or substantially vexatious. The offending parent shall have the burden at the hearing to prove that parenting time by such parent is in the best interests of the child or children.

(b) The provisions of paragraph (a) of this subsection (3) shall apply to the following crimes:

(I) Murder in the first degree, as defined in section 18-3-102, C.R.S.;

- (II) Murder in the second degree, as defined in section 18-3-103, C.R.S.;
- (III) Enticement of a child, as defined in section 18-3-305, C.R.S.;
- (IV)(A) Sexual assault, as described in section 18-3-402, C.R.S.; and
- (B) Sexual assault in the first degree, as described in section 18-3-402, C.R.S., as it existed prior to July 1, 2000;
- (V) Sexual assault in the second degree, as described in section 18-3-403, C.R.S., as it existed prior to July 1, 2000;
- (VI)(A) Unlawful sexual contact if the victim is compelled to submit, as described in section 18-3-404(2), C.R.S.; and
- (B) Sexual assault in the third degree if the victim is compelled to submit, as described in section 18-3-404(2), C.R.S., as it existed prior to July 1, 2000;
- (VII) Sexual assault on a child, as defined in section 18-3-405, C.R.S.;
- (VIII) Incest, as described in section 18-6-301, C.R.S.;
- (IX) Aggravated incest, as described in section 18-6-302, C.R.S.;
- (X) Child abuse, as described in section 18-6-401(7)(a)(I) to (7)(a)(IV), C.R.S.;
- (XI) Human trafficking of a minor for sexual servitude, as described in section 18-3-504(2), C.R.S.;
- (XII) Sexual exploitation of children, as defined in section 18-6-403, C.R.S.;
- (XIII) Procurement of a child for sexual exploitation, as defined in section 18-6-404, C.R.S.;
- (XIV) Soliciting for child prostitution, as defined in section 18-7-402, C.R.S.;
- (XV) Pandering of a child, as defined in section 18-7-403, C.R.S.;
- (XVI) Procurement of a child, as defined in section 18-7-403.5, C.R.S.;
- (XVII) Keeping a place of child prostitution, as defined in section 18-7-404, C.R.S.;

(XVIII) Pimping of a child, as defined in section 18-7-405, C.R.S.;

(XIX) Inducement of child prostitution, as defined in section 18-7-405.5, C.R.S.;

(XX) Patronizing a prostituted child, as defined in section 18-7-406, C.R.S.

(c) If the party was convicted in another state or jurisdiction of an offense that, if committed in Colorado, would constitute an offense listed in subparagraphs (III) to (XX) of paragraph (b) of this subsection (3), the court shall order that party to submit to a sex-offense-specific evaluation and a parental risk assessment in Colorado and the court shall consider the recommendations of the evaluation and the assessment in any order the court makes relating to parenting time or parental contact. The convicted party shall pay for the costs of the evaluation and the assessment.

(4) A motion to restrict parenting time or parental contact with a parent which alleges that the child is in imminent physical or emotional danger due to the parenting time or contact by the parent shall be heard and ruled upon by the court not later than fourteen days after the day of the filing of the motion. Any parenting time which occurs during such fourteen-day period after the filing of such a motion shall be supervised by an unrelated third party deemed suitable by the court or by a licensed mental health professional, as defined in section 14-10-127(1)(b). This subsection (4) shall not apply to any motion which is filed pursuant to subsection (3) of this section.

(5) If the court finds that the filing of a motion under subsection (4) of this section was substantially frivolous, substantially groundless, or substantially vexatious, the court shall require the moving party to pay the reasonable and necessary attorney fees and costs of the other party.

#### Credits

Amended by Laws 1988, H.B.1116, § 1, eff. March 15, 1988; Laws 1989, H.B.1123, § 2, eff. April 27, 1989; Laws 1990, H.B.90-1125, § 1, eff. March 16, 1990; Laws 1991, H.B.91-1255, § 2, eff. May 31, 1991; Laws 1993, S.B.93-25, § 11, eff. July 1, 1993; Laws 1998, Ch. 310, § 15, eff. Feb. 1, 1999; Laws 2000, Ch. 171, § 21, eff. July 1, 2000; Laws 2001, Ch. 222, § 1, eff. Sept. 1, 2001; Laws 2008, Ch. 348, § 1, eff. May 29, 2008; Laws 2010, Ch. 87, § 2, eff. July 1, 2010; Laws 2010, Ch. 156, § 3, eff. April 21, 2010; Laws 2012, Ch. 208, § 33, eff. July 1, 2012; Laws 2013, Ch. 124, § 2, eff. Aug. 7, 2013; Laws 2013, Ch. 218, § 4, eff. July 1, 2013; Laws 2014, Ch. 167, § 8, eff. July 1, 2014; Laws 2014, Ch. 282, § 9, eff. July 1, 2014; Laws 2014, Ch. 374, § 4, eff. June 6, 2014.

C. R. S. A. § 14-10-129, CO ST § 14-10-129

Current through Laws effective May 10, 2017 of the First Regular Session of the 71st General Assembly (2017).

West's Colorado Revised Statutes Annotated  
Title 14: Domestic Matters  
Dissolution of Marriage--Parental Responsibilities  
Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-124

§ 14-10-124. Best interests of child

Effective: July 1, 2014

Currentness

(1) **Legislative declaration.** While co-parenting is not appropriate in all circumstances following dissolution of marriage or legal separation, the general assembly finds and declares that, in most circumstances, it is in the best interest of all parties to encourage frequent and continuing contact between each parent and the minor children of the marriage after the parents have separated or dissolved their marriage. In order to effectuate this goal when appropriate, the general assembly urges parents to share the rights and responsibilities of child-rearing and to encourage the love, affection, and contact between the children and the parents.

(1.3) **Definitions.** For purposes of this section and section 14-10-129(2)(c), unless the context otherwise requires:

(a) "Domestic violence" means an act of violence or a threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship, and may include any act or threatened act against a person or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

(b) "Intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both parents of the same child regardless of whether the persons have been married or have lived together at any time.

(c) "Sexual assault" has the same meaning as set forth in section 19-1-103(96.5), C.R.S.

(1.5) **Allocation of parental responsibilities.** The court shall determine the allocation of parental responsibilities, including parenting time and decision-making responsibilities, in accordance with the best interests of the child giving paramount consideration to the child's safety and the physical, mental, and emotional conditions and needs of the child as follows:

(a) **Determination of parenting time.** The court, upon the motion of either party or upon its own motion, may make provisions for parenting time that the court finds are in the child's best interests unless the court finds, after a hearing, that parenting time by the party would endanger the child's physical health or significantly impair the child's emotional development. In addition to a finding that parenting time would endanger the child's physical health or significantly impair the child's emotional development, in any order imposing or continuing a parenting time restriction, the court shall enumerate the specific factual findings supporting the restriction and may enumerate the conditions that the restricted party could fulfill in order to seek modification in the parenting plan. When a claim of child abuse or neglect, domestic violence, or sexual assault where there is also a claim that the child was conceived as a result of the sexual assault has

been made to the court, or the court has reason to believe that a party has committed child abuse or neglect, domestic violence, or sexual assault where there is also a claim that the child was conceived as a result of the sexual assault, prior to determining parenting time, the court shall follow the provisions of subsection (4) of this section. In determining the best interests of the child for purposes of parenting time, the court shall consider all relevant factors, including:

- (I) The wishes of the child's parents as to parenting time;
- (II) The wishes of the child if he or she is sufficiently mature to express reasoned and independent preferences as to the parenting time schedule;
- (III) The interaction and interrelationship of the child with his or her parents, his or her siblings, and any other person who may significantly affect the child's best interests;
- (IV) The child's adjustment to his or her home, school, and community;
- (V) The mental and physical health of all individuals involved, except that a disability alone shall not be a basis to deny or restrict parenting time;
- (VI) The ability of the parties to encourage the sharing of love, affection, and contact between the child and the other party; except that, if the court determines that a party is acting to protect the child from witnessing domestic violence or from being a victim of child abuse or neglect or domestic violence, the party's protective actions shall not be considered with respect to this factor;
- (VII) Whether the past pattern of involvement of the parties with the child reflects a system of values, time commitment, and mutual support;
- (VIII) The physical proximity of the parties to each other as this relates to the practical considerations of parenting time;
- (IX) Repealed by Laws 2013, Ch. 218, § 2, eff. July 1, 2013.
- (X) Repealed by Laws 2013, Ch. 218, § 2, eff. July 1, 2013.
- (XI) The ability of each party to place the needs of the child ahead of his or her own needs.

(b) **Allocation of decision-making responsibility.** The court, upon the motion of either party or its own motion, shall allocate the decision-making responsibilities between the parties based upon the best interests of the child. In determining decision-making responsibility, the court may allocate the decision-making responsibility with respect to each issue affecting the child mutually between both parties or individually to one or the other party or any combination thereof. When a claim of child abuse or neglect or domestic violence has been made to the court, or the court has reason to believe that a party has committed child abuse or neglect, domestic violence, or sexual assault where there is also a claim that the child in question was conceived as a result of the sexual assault, prior to allocating decision-making responsibility,

the court shall follow the provisions of subsection (4) of this section. In determining the best interests of the child for purposes of allocating decision-making responsibilities, the court shall consider, in addition to the factors set forth in paragraph (a) of this subsection (1.5), all relevant factors including:

(I) Credible evidence of the ability of the parties to cooperate and to make decisions jointly;

(II) Whether the past pattern of involvement of the parties with the child reflects a system of values, time commitment, and mutual support that would indicate an ability as mutual decision makers to provide a positive and nourishing relationship with the child;

(III) Whether an allocation of mutual decision-making responsibility on any one or a number of issues will promote more frequent or continuing contact between the child and each of the parties.

(IV) Repealed by Laws 2013, Ch. 218, § 2, eff. July 1, 2013.

(V) Repealed by Laws 2013, Ch. 218, § 2, eff. July 1, 2013.

(1.7) Pursuant to section 14-10-123.4, children have the right to have the determination of matters relating to parental responsibilities based upon the best interests of the child. In contested hearings on final orders regarding the allocation of parental responsibilities, the court shall make findings on the record concerning the factors the court considered and the reasons why the allocation of parental responsibilities is in the best interests of the child.

(2) The court shall not consider conduct of a party that does not affect that party's relationship to the child.

(3) In determining parenting time or decision-making responsibilities, the court shall not presume that any person is better able to serve the best interests of the child because of that person's sex.

(3.5) A request by either party for genetic testing shall not prejudice the requesting party in the allocation of parental responsibilities pursuant to subsection (1.5) of this section.

(4)(a) When a claim of child abuse or neglect, domestic violence, or sexual assault where there is also a claim that the child was conceived as a result of the sexual assault has been made to the court, or the court has reason to believe that a party has committed child abuse or neglect, domestic violence, or sexual assault that resulted in the conception of the child, prior to allocating parental responsibilities, including parenting time and decision-making responsibility, and prior to considering the factors set forth in paragraphs (a) and (b) of subsection (1.5) of this section, the court shall consider the following factors:

(I) Whether one of the parties has committed an act of child abuse or neglect as defined in section 18-6-401, C.R.S., or as defined under the law of any state, which factor must be supported by a preponderance of the evidence. If the court finds that one of the parties has committed child abuse or neglect, then it shall not be in the best interests of the child to



allocate mutual decision-making with respect to any issue over the objection of the other party or the legal representative of the child.

(II) Whether one of the parties has committed an act of domestic violence, has engaged in a pattern of domestic violence, or has a history of domestic violence, which factor must be supported by a preponderance of the evidence. If the court finds by a preponderance of the evidence that one of the parties has committed domestic violence:

(A) It shall not be in the best interests of the child to allocate mutual decision-making responsibility over the objection of the other party or the legal representative of the child, unless the court finds that there is credible evidence of the ability of the parties to make decisions cooperatively in the best interest of the child in a manner that is safe for the abused party and the child; and

(B) The court shall not appoint a parenting coordinator solely to ensure that mutual decision-making can be accomplished.

(III) Whether one of the parties has committed an act of sexual assault resulting in the conception of the child, which factor must be supported by a preponderance of the evidence. If the court finds by a preponderance of the evidence that one of the parties has committed sexual assault and the child was conceived as a result of the sexual assault, there is a rebuttable presumption that it is not in the best interests of the child to allocate sole or split decision-making authority to the party found to have committed sexual assault or to allocate mutual decision-making between a party found to have committed sexual assault and the party who was sexually assaulted with respect to any issue.

(IV) If one of the parties is found by a preponderance of the evidence to have committed sexual assault resulting in the conception of the child, whether it is in the best interests of the child to prohibit or limit the parenting time of that party with the child.

(b) The court shall consider the additional factors set forth in paragraphs (a) and (b) of subsection (1.5) of this section in light of any finding of child abuse or neglect, domestic violence, or sexual assault resulting in the conception of a child pursuant to this subsection (4).

(c) If a party is absent or leaves home because of an act or threatened act of domestic violence committed by the other party, such absence or leaving shall not be a factor in determining the best interests of the child.

(d) When the court finds by a preponderance of the evidence that one of the parties has committed child abuse or neglect, domestic violence, or sexual assault resulting in the conception of the child, the court shall consider, as the primary concern, the safety and well-being of the child and the abused party.

(e) When the court finds by a preponderance of the evidence that one of the parties has committed child abuse or neglect, domestic violence, or sexual assault resulting in the conception of the child, in formulating or approving a parenting plan, the court shall consider conditions on parenting time that ensure the safety of the child and of the abused party. In addition to any provisions set forth in subsection (7) of this section that are appropriate, the parenting plan in these cases may include, but is not limited to, the following provisions:

(I) An order limiting contact between the parties to contact that the court deems is safe and that minimizes unnecessary communication between the parties;

(II) An order that requires the exchange of the child for parenting time to occur in a protected setting determined by the court;

(III) An order for supervised parenting time;

(IV) An order restricting overnight parenting time;

(V) An order that restricts the party who has committed domestic violence, sexual assault resulting in the conception of the child, or child abuse or neglect from possessing or consuming alcohol or controlled substances during parenting time or for twenty-four hours prior to the commencement of parenting time;

(VI) An order directing that the address of the child or of any party remain confidential;

(VII) An order that imposes any other condition on one or more parties that the court determines is necessary to protect the child, another party, or any other family or household member of a party; and

(VIII) An order that requires child support payments to be made through the child support registry to avoid the need for any related contact between the parties and an order that the payments be treated as a nondisclosure of information case.

(f) When the court finds by a preponderance of the evidence that one of the parties has committed domestic violence, the court may order the party to submit to a domestic violence evaluation. If the court determines, based upon the results of the evaluation, that treatment is appropriate, the court may order the party to participate in domestic violence treatment. At any time, the court may require a subsequent evaluation to determine whether additional treatment is necessary. If the court awards parenting time to a party who has been ordered to participate in domestic violence treatment, the court may order the party to obtain a report from the treatment provider concerning the party's progress in treatment and addressing any ongoing safety concerns regarding the party's parenting time. The court may order the party who has committed domestic violence to pay the costs of the domestic violence evaluations and treatment.

(5) Repealed by Laws 1987, H.B.1019, § 6, eff. July 1, 1987.

(6) In the event of a medical emergency, either party shall be allowed to obtain necessary medical treatment for the minor child or children without being in violation of the order allocating decision-making responsibility or in contempt of court.

(7) In order to implement an order allocating parental responsibilities, both parties may submit a parenting plan or plans for the court's approval that shall address both parenting time and the allocation of decision-making responsibilities. If no parenting plan is submitted or if the court does not approve a submitted parenting plan, the court, on its own motion, shall formulate a parenting plan that shall address parenting time and the allocation of decision-making responsibilities. When issues relating to parenting time are contested, and in other cases where appropriate, the parenting plan must be

**§ 14-10-124. Best interests of child, CO ST § 14-10-124**

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as specific as possible to clearly address the needs of the family as well as the current and future needs of the aging child. In general, the parenting plan may include, but is not limited to, the following provisions:

- (a) A designation of the type of decision-making awarded;
  - (b) A practical schedule of parenting time for the child, including holidays and school vacations;
  - (c) A procedure for the exchanges of the child for parenting time, including the location of the exchanges and the party or parties responsible for the child's transportation;
  - (d) A procedure for communicating with each other about the child, including methods for communicating and frequency of communication;
  - (e) A procedure for communication between a parent and the child outside of that parent's parenting time, including methods for communicating and frequency of communication; and
  - (f) Any other orders in the best interests of the child.
- (8) The court may order mediation, pursuant to section 13-22-311, C.R.S., to assist the parties in formulating or modifying a parenting plan or in implementing a parenting plan specified in subsection (7) of this section and may allocate the cost of said mediation between the parties.

**Credits**

Amended by Laws 1979, S.B.185, § 1, March 2, 1979; Laws 1981, S.B.276, § 1, eff. May 22, 1981; Laws 1983, S.B.286, §§ 3, 4, eff. June 10, 1983; Laws 1987, H.B.1019, §§ 3, 6, eff. July 1, 1987; Laws 1987, H.B.1355, § 22, eff. July 1, 1987; Laws 1998, Ch. 310, § 10, eff. Feb. 1, 1999; Laws 2005, Ch. 111, § 2, eff. Jan. 1, 2006; Laws 2005, Ch. 244, § 6, eff. July 1, 2005; Laws 2010, Ch. 87, § 1, eff. July 1, 2010; Laws 2013, Ch. 124, § 1, eff. Aug. 7, 2013; Laws 2013, Ch. 218, § 2, eff. July 1, 2013; Laws 2014, Ch. 167, § 7, eff. July 1, 2014.

C. R. S. A. § 14-10-124, CO ST § 14-10-124

Current through Laws effective May 10, 2017 of the First Regular Session of the 71st General Assembly (2017).

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<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____  In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____  Petitioner: and Co-Petitioner/Respondent:  Attorney or Party Without Attorney (Name and Address): _____  Phone Number: _____      E-mail: _____ FAX Number: _____      Atty. Reg. #: _____	▲ COURT USE ONLY ▲
Case Number: _____  Division _____      Courtroom _____	<p style="text-align: center; margin: 0;"><b>VERIFIED <input type="checkbox"/> MOTION <input type="checkbox"/> STIPULATION TO RELOCATE MINOR CHILD(REN)</b>  <b>PURSUANT TO §14-10-129(1)(a)(II), C. R.S.</b></p>

**Note to Responding Party:** If you disagree with this Motion, the Colorado Civil Rules of Procedure allow you to file a written response with the Court which must be filed within 21 days of the date this Motion was served on you or mailed to you.

The  Petitioner  Co-Petitioner/Respondent  Both requests that the Court enter an Order to allow the permanent residence of the minor child(ren) to be changed to a residence that substantially changes the geographical ties between the child(ren) and the other party and to modify the Parenting Plan.

1. The  Petitioner  Co-Petitioner/Respondent requests to relocate the child(ren) to \_\_\_\_\_ (city) \_\_\_\_\_ (state), on \_\_\_\_\_ (date).

2. **Information about Petitioner:**      Date of Birth: \_\_\_\_\_  
 Current Mailing Address: \_\_\_\_\_  
 City, State & Zip: \_\_\_\_\_  
 Home Phone #: \_\_\_\_\_      Work Phone #: \_\_\_\_\_      Cell #: \_\_\_\_\_

3. **Information about Co-Petitioner/Respondent:**      Date of Birth: \_\_\_\_\_  
 Current Mailing Address: \_\_\_\_\_  
 City, State & Zip: \_\_\_\_\_  
 Home Phone #: \_\_\_\_\_      Work Phone #: \_\_\_\_\_      Cell #: \_\_\_\_\_

4. The parties have \_\_\_\_\_ minor child(ren):

Full Name of Child	Present Address	Sex	Date of Birth

5. The last Parenting Plan/Order regarding the residence of the minor child(ren) was entered on \_\_\_\_\_ (date) and is attached.
6. Under the terms of the last Parenting Plan/Order, the Petitioner has \_\_\_\_\_ overnights per year with the child(ren) and the Co-Petitioner/Respondent has \_\_\_\_\_ overnights per year with the child(ren).
7. I/We have filed a motion to modify the Parenting Plan/Order within the last two years?  Yes  No If Yes, please identify the outcome of that motion:  Ordered by Court  Denied by the Court.
8. I  have  have not notified the other party in writing of my request to relocate the child(ren).
9. I  have  have not provided a revised Parenting Plan to address the issues presented with the relocation.
10. Restrictions currently exist in the current Parenting Plan/Order regarding relocation of the child(ren)'s residence?  Yes  No If Yes, please identify:

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11. The relocation or change of residence is in the best interests of the child(ren) because:

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**12. Required Notice of Prior Protection/Restraining Orders.**

Have any Temporary or Permanent Protection/Restraining Orders to prevent domestic abuse or any Criminal Protection/Restraining Orders or Emergency Protection Orders been issued against either party within two years prior to the filing of this petition?  No  Yes If your answer was Yes, complete the following:

The Protection/Restraining Order was  Temporary  Permanent and issued against \_\_\_\_\_  
 \_\_\_\_\_, in the County of \_\_\_\_\_, State of \_\_\_\_\_, in case  
 number \_\_\_\_\_.

What was the subject matter of the Civil Protection/Restraining Order or Emergency Protection Order?

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13.  Check only if applicable. Due to this request to relocate the minor child(ren) and to modify the Parenting Plan, I/we request that child support also be modified.
- Under the current child support order, the  Petitioner's  Co-Petitioner's/Respondent's child support obligation is \$ \_\_\_\_\_ and is paid:
- weekly  bi-weekly  twice a month  monthly  Other: \_\_\_\_\_
- The new child support obligation requested  is  is not more than a 10% change from the current child support order.
- I/We have completed a child support worksheet that shows what the new child support obligation should be. The child support worksheet is attached to this Motion.
- I/We have attached current Sworn Financial Statements.

I/We respectfully request that this Court enter an Order to relocate the minor child(ren) and to modify the Parenting Plan/Order, and if applicable modify child support.

### VERIFICATION AND ACKNOWLEDGMENT

I swear/affirm under oath that I have read the foregoing Motion/Stipulation and that the statements set forth therein are true and correct to the best of my knowledge.

\_\_\_\_\_  
Petitioner Signature Date

\_\_\_\_\_  
Co-Petitioner/Respondent Signature Date

\_\_\_\_\_  
Petitioner's Attorney Signature, if any

\_\_\_\_\_  
Co-Petitioner's/Respondent's Attorney Signature, if any

Subscribed and affirmed, or sworn to before me  
in the County of \_\_\_\_\_,  
State of \_\_\_\_\_, this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_.

Subscribed and affirmed, or sworn to before me  
in the County of \_\_\_\_\_,  
State of \_\_\_\_\_, this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_.

My Commission Expires: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Clerk

\_\_\_\_\_  
Notary Public/Clerk

### CERTIFICATE OF SERVICE

(Required if only one of the parties is filing the Motion.)

I certify that on \_\_\_\_\_ (date) a true and accurate copy of the **Verified Motion/Stipulation to Relocate Minor Children** served on the other party by:

- Hand Delivery  E-filed  Faxed to this number \_\_\_\_\_ or  
 by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Your Signature)

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent: _____	<b>▲ COURT USE ONLY ▲</b> <hr/> Case Number: _____  Division                      Courtroom
<b>ORDER RE: MOTION TO RELOCATE MINOR CHILDREN</b>	

This matter comes before the Court on a Motion of the  Petitioner  Co-Petitioner/Respondent or  Stipulation of the Parties to allow the permanent residence of the minor child(ren) to be changed to a residence that substantially changes the geographical ties between the child(ren) and the other party and to modify the Parenting Plan and Child Support, if applicable.

I. Following review of the Motion/Stipulation, other supporting documents, and Response, if applicable, or hearing on \_\_\_\_\_ (date), the Court finds the following:

- The relocation of the  Petitioner  Co-Petitioner/Respondent and modification of the Parenting Plan  is or  is not in the best interests of the child(ren). The  Petitioner  Co-Petitioner/Respondent shall pay for all reasonable attorney fees, costs and expenses associated with this action.
- or
- The parties stipulation is in the best interests of the child(ren).

II. The Court Orders that the Parenting Plan be modified and Orders the following.

- A new Parenting Plan is attached and becomes an Order of this Court. or
- The Parenting Plan is modified as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- A new Child Support Order is attached based on modifications to the Parenting Plan.

Date: \_\_\_\_\_

Judge  Magistrate

**CERTIFICATE OF MAILING**

I certify that on \_\_\_\_\_ (date), I mailed, faxed, e-filed, or hand-delivered a copy of this Order to the following:

- Petitioner
- Petitioner's Attorney
- Co-Petitioner/Respondent
- Co-Petitioner/Respondent's Attorney
- Child Support Enforcement Unit

\_\_\_\_\_  
Clerk

# INSTRUCTIONS TO FILE A MOTION OR STIPULATION TO RELOCATE MINOR CHILDREN

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

## GENERAL INFORMATION

- ◆ This information provides a guide to the process and forms necessary to file a Motion/Stipulation to Relocate Minor Children.
- ◆ You are responsible for notifying the other party in writing of your request to relocate, the location where you plan to relocate, the reason for the relocation, and a proposed parenting plan. This should be done either before you file a Motion to Relocate the Minor Child(ren), or as soon after as possible. This applies whether the proposed move is within or outside of the State of Colorado.
- ◆ You must have an existing court order concerning parenting time.
- ◆ If a motion has been filed seeking to relocate the child(ren) to a residence that substantially changes the geographical ties between the child(ren) and the other party, the Court shall consider the following factors.
  1. whether a party has been a perpetrator of spouse/partner abuse as that term is defined in §14-10-124(4), C.R.S. which factor shall be supported by credible evidence, whether such spouse/partner abuse occurred before or after the prior decree.
  2. reasons why the party wishes to relocate with the child(ren);
  3. reasons why the opposing party is objecting to the proposed relocation;
  4. history and quality of each party's relationship(s) with the child(ren) since any previous court approved Parenting Plan;
  5. educational opportunities for the child(ren) at the existing location and at the proposed new location;
  6. presence or absence of extended family at the existing location and at the proposed new location;
  7. advantages of the child(ren) remaining with the primary caregiver;
  8. anticipated impact of the move on the child(ren);
  9. whether the Court will be able to fashion a reasonable parenting time schedule if the change requested is permitted; and
  10. any other relevant factors bearing on the best interests of the child(ren).
- ◆ When seeking to relocate the child(ren) and to modify the parenting plan, please consider whether child support also needs to be modified. Please review the Instructions JDF 1403I. If child support needs to be modified, check box 9 on the Motion to Relocate Minor Children. Child support is calculated under statutory guidelines. If there has been a "substantial and continuing" change in circumstances (for example, one of the parties has received a significant pay raise or pay cut), then you may file for a modification. The change in circumstances must amount to a 10% increase or decrease in the current amount of child support.
- ◆ For additional information, please review §14-10-129(1)(a)(II), C.R.S.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:  
[http://www.courts.state.co.us/Administration/HR/ADA/Coordinator\\_List.cfm](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## COMMON TERMS

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Petitioner:               | The person so identified in the original Petition filed with the Court.   |
| <input checked="" type="checkbox"/> Co-Petitioner/Respondent: | The person so identified in the original Petition filed with the Court.   |
| <input checked="" type="checkbox"/> Service of Process:       | The official means by which a party is notified that a document has been filed against him/her and provided a copy of the document and a description of the person's rights and obligations as a party to the case. |
| <input checked="" type="checkbox"/> Hearing Date:             | The date that the Petitioner and Co-Petitioner/Respondent must appear in Court to present evidence in support of the Motion.  |
| <input checked="" type="checkbox"/> May:                      | In legal terms, "may" is defined as "optional" or "can."  |
| <input checked="" type="checkbox"/> Shall:                    | In legal terms, "shall" is defined as "required."   |

If you do not understand this information, please contact an attorney. You also may contact the Family Court Facilitator at your local courthouse, if one is available in your Judicial District.



## FEES

A \$105.00 filing fee is required. A filing fee is required for all motions/stipulations filed 60 days or more after the original decree or order is issued. If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide if you need to pay the filing fee. Other fees that a party to the case may encounter are as follows:

- Response (Required, unless previous filing fee paid by party.) \$ 116.00
- Service Fees Varies (not payable through or to the Court)
- Certification Fee \$ 20.00
- Copies of Documents (Documents on File) \$.75 per page or \$1.50 if double-sided
- Copies of Documents (Documents not on File) \$.25 per page or \$.50 if double-sided

## FORMS

To access a form online go to [www.courts.state.co.us](http://www.courts.state.co.us) and click on the "Forms" tab. The packet/forms are available in PDF, WORD or EXCEL by selecting **Divorce, Family Matters, Civil Unions – Custody & Child Support – Relocate Minor Children**. You may complete a form online and print or you may print it and type or print legibly in black ink. You may need all or some of these forms. Read these instructions carefully to determine what forms you may need.

- JDF 1113 Parenting Plan
  - JDF 1129 Pretrial Statement
  - JDF 1407 Verified Motion/Stipulation to Relocate Minor Children
  - JDF 1425 Order re: Motion to Relocate Minor Children
- You may need the following forms, if you also request a modification to child support.**
- JDF 1111 Sworn Financial Statement
  - JDF 1117 Support Order
  - JDF 1820 & 1821 Child Support Worksheets - Instruction Page
  - JDF 1822 Instructions for Completing Worksheets A & B – Manual

## STEPS TO FILING YOUR MOTION/STIPULATION

### Step 1: Complete Initial Forms.

Selecting these instructions indicates that you are planning to file a Motion/Stipulation to Relocate Minor Children. You must identify yourself as the Petitioner or Co-Petitioner/Respondent depending on your "title/role" in the original case. It is important to remember that your "title/role" in the case does not change based on who files a motion to reopen a case. The caption on page 3 needs to be completed on all forms filed. Keep a copy of each form for your own records and make a copy to provide to the other party.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____		<b>COURT USE ONLY</b> ▲ ▲	
In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning:			
Petitioner: and Co-Petitioner/Respondent: Attorney or Party Without Attorney (Name and Address): _____			
Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number: _____  Division _____ Courtroom _____	
<b>NAME OF FORM</b>			

**Verified Motion/Stipulation to Relocate Minor Children (JDF 1407):**

- Please complete all sections of this form.
- This form must be signed in the presence of a Court Clerk or Notary Public
- If child support needs to be modified, please check and complete section 13.
- Make sure you have the appropriate number of copies of all documents for the Court and the other party, if applicable.
- If your address or the other party's address has changed since you originally filed your case, please provide your current address to the Court in writing.**

**Parenting Plan (JDF 1113):**

- Complete all sections of this form, as appropriate. Review section E -- Child Tax Exemption to determine if the changes to the Parenting Plan affect this section. If you have any unique situations, identify them in the "Other Terms" section. The Parenting Plan should identify only those parties who will have court-ordered parenting time and decision-making responsibilities. Day care/babysitting arrangements do not need to be specifically identified on this form.
  - Please indicate if this is a full or partial parenting plan.
    - If this is a partial parenting plan you or the other party must complete JDF 1129 -- Pretrial Statement.** The purpose of this form is for you or the other party to identify to the Court what issues have not been resolved
  - Please check with the Court Facilitator in your judicial district regarding what additional information the Court may need.
- Review the terms of the Parenting Plan to determine if child support should also be modified. Pursuant to §14-10-122, C.R.S., child support can be modified if the change in circumstances is substantial and continuing, and if it would result in an order that is at least 10% different than the existing order.

**If a modification to child support applies to you, complete Section D on the Parenting Plan and complete the Sworn Financial Statement (JDF 1111) and the appropriate Child Support Worksheet and file them with the Court.**

**Sworn Financial Statement (JDF 1111):**

You must provide true and complete information to the Court about your assets, debts, and income. You can be assessed a fine or jailed for providing false information. In addition, your case can be reopened due to fraud.

- The Financial Statement must contain current personal and financial information to determine whether the modification of child support is fair to each party. Failure of a party to file a Financial Statement may result in a refusal by the Court to enter an Order to Modify Child Support. The Court may impose sanctions against the party who does not file the required paperwork. Complete and file with the Court a Supporting Schedules for Assets (JDF 1111SS) only if applicable to your case.
- Each party **must** complete his/her own Financial Statement and all sections **must** be completed.
- The form must be signed in the presence of a Court Clerk or Notary Public.

**Child Support Worksheet A or B:**

Use the information from each of your Sworn Financial Statements to complete the appropriate worksheet. You have two options to complete the worksheet.

- Automatic Calculation Option:** If you select this option, enter your information into the appropriate data fields of the EXCEL-based data sheet. The program will automatically select the correct Worksheet (A or B) and calculate child support for you.
- Manual Calculation Option:** Each worksheet is available in a MANUAL "M" format; you will need to obtain and calculate the Child Support Guidelines to determine your child support if you select this format. If you wish to use the Manual Worksheets, please review Instructions for Completing Worksheets A & B Manually (JDF 1822).

- Worksheet A (JDF 1820E or 1820M): Physical Care for 273 nights or more per year. If one or more of your children spends at least 273 nights with one parent they are considered to have a primary home with that parent.
- Worksheet B: (JDF 1821E or 1821M): Shared Physical Care. If one or more of your children spends more than 92 nights per year with each parent, they are considered to have two homes (one at your residence and one at the other parent's residence).
- Split Care: If each parent has primary physical care of at least one of the children because that child or children reside with that parent the majority of the time, you have a split physical care situation. Each parent should complete a separate worksheet A for the child or children for whom he/she provides primary care.
- If you and the other party agree to the terms/changes of the Parenting Plan, each party should re-read the Parenting Plan to be sure that it accurately represents what you and the other party have agreed to.
- This form must be signed in the presence of a Court Clerk or Notary Public.
- Order Re: Motion to Relocate Minor Children (JDF 1425):**
  - Complete the caption only on this form.
  - Provide the Court with the appropriate number of copies you would like. If you want any of the copies to be certified, you will need to provide the Court with a \$20.00 certified copy fee.
  - The Magistrate or Judge will complete the rest of the Order and give you and the other party a signed copy.

**Step 2: You are Ready to File the Motion/Stipulation with the Court.**

- Pay the \$105.00 filing fee
- If your address has changed since you originally filed your case, please provide your current address to the Court in writing.
- Provide the Court with the Motion/Stipulation and Order and any other documents you wish to file.
- Provide the Court with a self-addressed stamped envelope to receive a copy of the Order. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.
- The Court may review the Motion/Stipulation and issue an order or require a hearing to be set. When filing the Motion/Stipulation, you may want to ask the Court what the Court's procedures are for this type of court proceeding.

**Step 3: If Not Filing a Stipulation, Provide a Completed Motion to the Other Party**

- You must provide a copy of this Motion to all parties in the case.
- Complete the Certificate of Service portion on the form. The purpose of the Certificate of Service is to notify the Court when and how you provided copies of the Motion to all parties in the case. This is very important, because the Court must have knowledge that all parties involved are aware of the Motion prior to any Court action being taken.

**Step 4: Court Review of Motion or Hearing.**

- The Judge or Magistrate will review all documents filed and enter an Order regarding your Motion based on the pleadings filed with the Court.
- or**
- The Court may set the case for a hearing at which time both parties will have the opportunity to appear, make statements to the Court, and present evidence.
- Provide the Court with a self-addressed stamped envelope to receive a copy of the Order. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.
- You should receive a signed copy of the Order Re: Motion to Relocate Minor Children. If child support is modified, you will receive an updated Support Order.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____  In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____  Petitioner: and Co-Petitioner/Respondent: Attorney or Party Without Attorney (Name and Address): _____	▲ <b>COURT USE ONLY</b> ▲
Phone Number: _____      E-mail: _____ FAX Number: _____      Atty. Reg. #: _____	Case Number: _____  Division _____      Courtroom _____
<b>VERIFIED <input type="checkbox"/> MOTION <input type="checkbox"/> STIPULATION</b> <b>TO MODIFY DECISION-MAKING RESPONSIBILITY PURSUANT TO §14-10-131, C.R.S.</b>	

**Note: To Responding Party:** If you disagree with this Motion, the Colorado Civil Rules of Procedure allow you to file a written response with the Court which must be filed within 21 days of the date this Motion was served on you or mailed to you.

**Note: The Court will NOT address the motion until the 21 days to respond have passed.**

The  Petitioner  Co-Petitioner/Respondent  Both requests that this Court modify Allocation of Parental Responsibilities previously entered in this case, pursuant to §14-10-131, C.R.S., and state the following:

1. The last Order regarding decision-making was entered by the Court on \_\_\_\_\_ (date).
2. A motion for a substantial modification of decision-making  has  has not been filed in the last two years. If one has been filed, please identify the date filed \_\_\_\_\_.

**3. Information about Petitioner:**      Date of Birth: \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Home Phone #: \_\_\_\_\_      Work Phone #: \_\_\_\_\_      Cell #: \_\_\_\_\_

**4. Information about Co-Petitioner/Respondent:**      Date of Birth: \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Home Phone #: \_\_\_\_\_ Work Phone #: \_\_\_\_\_ Cell #: \_\_\_\_\_

5. This Motion concerns the following child(ren) of the parties:

Full Name	Present Address	Sex	Date of Birth

6. Are there other child(ren) of the parties, who are not part of the motion?  Yes  No If Yes please identify:

Full Name	Present Address	Sex	Date of Birth

7. What new arrangements are you requesting?

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8. Why are you requesting modification of decision-making? *See the requirements of §14-10-131, C.R.S. Use additional paper, if necessary:*

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9. Have you talked to the other party about this modification of allocation of decision-making?  
 Yes  No If Yes, what is her/his position?

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10. Have any Temporary or Permanent Protection/Restraining Orders to prevent domestic abuse, any Criminal Protection/Restraining Orders or Emergency Protection Orders been issued against either party in any Court within two years prior to the filing of this motion?  No  Yes If your answer was Yes, complete the following:

The Protection/Restraining Order was  Temporary  Permanent and issued against \_\_\_\_\_, in the County of \_\_\_\_\_, State of \_\_\_\_\_, in case number \_\_\_\_\_.

What was the subject matter of the Protection/Restraining Order or Emergency Protection Order?

11. Does the other party live in another state?  Yes  No If Yes, what state? \_\_\_\_\_

### VERIFICATION AND ACKNOWLEDGMENT

I swear/affirm under oath that I have read the foregoing Motion and that the statements set forth therein are true and correct to the best of my knowledge.

\_\_\_\_\_  
Petitioner Signature Date

Subscribed and affirmed, or sworn to before me in the County of \_\_\_\_\_, State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Clerk

\_\_\_\_\_  
Petitioner's Attorney Signature, if any

\_\_\_\_\_  
Co-Petitioner/Respondent Signature Date

Subscribed and affirmed, or sworn to before me in the County of \_\_\_\_\_, State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Clerk

\_\_\_\_\_  
Co-Petitioner/Respondent's Attorney Signature, if any

### CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ (date) a true and accurate copy of the *Verified Motion to Modify/Stipulation Decision-Making Responsibilities* was served on the other party by:

Hand Delivery  E-filed  Faxed to this number \_\_\_\_\_ or  
 by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Your Signature)

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent:	<b>▲ COURT USE ONLY ▲</b> <hr/> Case Number:  Division                      Courtroom
<b>ORDER RE: MODIFICATION TO CUSTODY OR DECISION-MAKING RESPONSIBILITIES</b>	

This matter comes before the Court on a Motion of the  Petitioner  Co-Petitioner/Respondent or  Stipulation of the Parties to modify custody or decision-making responsibilities entered by this Court or a Court of competent jurisdiction in another state.

I. The Court following review of the Motion and Response, if applicable, or hearing on \_\_\_\_\_ (date) finds that:

Modifying custody or decision-making responsibilities  is or  is not in the best interests of the child(ren). The  Petitioner  Co-Petitioner/Respondent shall pay for all reasonable attorney fees, costs and expenses associated with this action.

or

The parties stipulation is in the best interests of the child(ren).

II. The Court Orders that custody or decision-making responsibilities be modified and Orders the following.

A new Parenting Plan is attached identifying custody or decision-making responsibilities and becomes an Order of this Court. or

Custody or decision-making responsibilities is modified as follows:

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A new Child Support Order is attached based on the modification to custody or decision-making responsibilities.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Judge  Magistrate

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**CERTIFICATE OF MAILING**

I certify that on \_\_\_\_\_ (date), I mailed, faxed, e-filed, or hand-delivered a copy of this Order to the following:

- Petitioner
- Petitioner's Attorney
- Co-Petitioner/Respondent
- Co-Petitioner/Respondent's Attorney
- Child Support Enforcement Unit

\_\_\_\_\_  
Clerk



# INSTRUCTIONS TO FILE A MOTION OR STIPULATION TO MODIFY CUSTODY OR DECISION-MAKING RESPONSIBILITY

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

## GENERAL INFORMATION

- ◆ Use these instructions if you are the non-custodial parent and you wish to modify the existing custody or decision-making responsibilities order/decreed. The Court shall consider the following factors:
  1. The parties agree to the modification;
  2. The child has been integrated into the family of the party filing the motion with the consent of the other party and such situation warrants a modification of the allocation of decision-making responsibilities;
  3. There has been a modification in the parenting time order that warrants a modification of the allocation of decision-making responsibilities;
  4. A party has consistently consented to the other party making individual decisions for the child which decisions that party was designated to make individually or the parties were designated to make mutually;
  5. The retention of the allocation of decision-making responsibility would endanger the child's physical health or significantly impair the child's emotional development and the harm likely to be caused by a change to the child's environment is outweighed by the advantage of a change to the child;
- ◆ Within 49 days of the date your Motion is filed, the Court will review the matter and determine whether the case will be scheduled and resolved under the provisions of Colorado Rule of Civil Procedure 16.2(c) or will be handled based on the documents provided with no hearing.
- ◆ For modifications to custody/decision-making responsibilities due to military service, please review Colorado Revised Statute §14-10-131.3. An interim order may be necessary to accommodate the parent's active duty deployment.
- ◆ When modifying custody/decision-making responsibilities, please consider whether child support also needs to be modified. Please review the Instructions to Modify Child Support – JDF 14031.
- ◆ For additional information, please review Colorado Revised Statute §14-10-131.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:  
[http://www.courts.state.co.us/Administration/HR/ADA/Coordinator\\_List.cfm](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## COMMON TERMS

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Petitioner:               | The person identified in the original Petition filed with the Court.  |
| <input checked="" type="checkbox"/> Co-Petitioner/Respondent: | The person identified in the original Petition filed with the Court.  |
| <input checked="" type="checkbox"/> Stipulation:              | A written agreement prepared by both parties.   |
| <input checked="" type="checkbox"/> Service of Process:       | The official means by which a party is notified that a document has been filed against him/her and provided a copy of the document and a description of the person's rights and obligations as a party to the case. |
| <input checked="" type="checkbox"/> Hearing Date:             | The date that the Petitioner and Co-Petitioner/Respondent must appear in Court to present evidence in support of the Motion.  |
| <input checked="" type="checkbox"/> May:                      | In legal terms, "may" is defined as "optional" or "can".  |
| <input checked="" type="checkbox"/> Shall:                    | In legal terms, "shall" is defined as "required".   |

If you do not understand this information, please contact an attorney. You may also contact the Family Court Facilitator at your local courthouse, if one is available in your Judicial District.

## FEES

A \$ 105.00 filing fee is required unless you are filing your motion/stipulation in a juvenile support case under Title 19, Article 6 or the motion/stipulation is being filed less than 60 days after the original decree or order is issued. If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide if you need to pay the filing fee.

Other fees that a party to the case may encounter are as follows:

- |   |  |
|---|--|
| <input type="checkbox"/> Response (Required, unless previous filing fee paid by party.) | \$ 116.00                                    |
| <input type="checkbox"/> Service Fees   | Varies (not payable through or to the Court) |
| <input type="checkbox"/> Certification Fee  | \$20.00                                      |
| <input type="checkbox"/> Copies of Documents (Documents on File)                        | \$.75 per page or \$1.50 if double sided     |
| <input type="checkbox"/> Copies of Documents (Documents not on File)                    | \$.25 per page or \$.50 if double sided      |

## FORMS

To access a form online go to [www.courts.state.co.us](http://www.courts.state.co.us) and click on the "Forms" tab. The packet/forms are available in PDF or WORD by selecting **Divorce, Family Matters, Civil Unions -- Custody & Child Support -- Modify Child Custody**. You may complete a form online and print or you may print it and type or print legibly in black ink. **You may need all or some of these forms. Read these instructions carefully to determine what forms you need.**

- |                                   |  |
|-----------------------------------|--|
| <input type="checkbox"/> JDF 1113 | Parenting Plan   |
| <input type="checkbox"/> JDF 1273 | Parenting Plan (Civil Union)   |
| <input type="checkbox"/> JDF 1415 | Verified Motion to Modify Allocation of Parental Responsibilities                |
| <input type="checkbox"/> JDF 1416 | Affidavit in Support of Motion to Modify Allocation of Parental Responsibilities |
| <input type="checkbox"/> JDF 1417 | Order re: Modification to Custody or Decision-Making Responsibilities            |

## STEPS TO FILING YOUR MOTION

Selecting these instructions indicates that you are planning to file a motion or stipulation to modify custody or decision-making responsibilities. You must identify yourself as the Petitioner or Co-Petitioner/Respondent depending on your "title/role" in the original case. It is important to remember that your "title/role" in the case does not change based on who files the motion or stipulation to reopen a case. The caption area below needs to be completed on all forms filed. **Keep a copy of each form for your own records and make a copy to provide to the other party.**

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address:		<b>COURT USE ONLY</b> ▲ ▲
In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning:		
Petitioner: and Co-Petitioner/Respondent: Attorney or Party Without Attorney (Name and Address):		
Phone Number: FAX Number:	E-mail: Atty. Reg. #:	Case Number:  Division                  Courtroom
<b>NAME OF FORM</b>		

## Step 1: Complete Forms.

- Verified Motion/Stipulation to Modify Parental Responsibilities (JDF 1415):**
  - Please complete all sections of this form.
  - Describe what arrangements you are requesting to change and why such changes are in the best-interest of the child(ren). Please be specific
  - This form must be signed in the presence of a Court Clerk or Notary Public.
  - Make sure you have the appropriate number of copies of all documents for the Court and the Co-Petitioner/Respondent.
  - If your address or the other party's address has changed since you originally filed your case, please provide your current address to the Court in writing.
  
- Affidavit in Support of Motion to Modify Parental Responsibilities (Decision-making and Parenting Time) (JDF 1416)**
  - This form must be signed in the presence of a Court Clerk or Notary Public.
  - Make sure you have the appropriate number of copies of all documents for the Court and the Co-Petitioner/Respondent.
  
- Parenting Plan (JDF 1113) or Parenting Plan (Civil Union) (JDF 1273):**
  - Complete all sections of this form, as appropriate.
  - Review section E – Child Tax Exemption to determine if the changes to the Parenting Plan affect this section.
  - If you have any unique situations, identify them in the "Other Terms" section. The Parenting Plan should identify only those parties who will have court-ordered custody/decision-making responsibilities. Day care/babysitting arrangements do not need to be specifically identified on this form.
  - Please check with the Court Facilitator in your judicial district regarding what additional information the Court may need.
  
- Order Re: Modification to Custody or Decision-Making Responsibilities**
  - Complete the caption only on this form.
  - The Court will complete the remaining sections.

## Step 2: You are Ready to File your Case with the Court.

- Provide the Court with all the forms identified in Step 1. If the Motion and Affidavit have not been signed in the presence of a Notary Public, you must sign both forms requiring signature verification in front of the Court Clerk who will verify your signature.
- Provide the Court with a self-addressed stamped envelope to receive a copy of the Order. The Court may review all of the forms filed and issue an order or require a hearing to be set. When filing your forms, you may want to ask the Court what their procedures are for this type of court proceeding.

## Step 3: Provide all Forms to the Co-Petitioner/Respondent.

- You must provide a copy of all forms to all parties on the case by a method stated in the certificate of service.
- Complete the Certificate of Service portion on the form. The purpose of the Certificate of Service is to notify the Court when and how you provided copies of the motion to all parties. This is very important, because the Court must have knowledge that all parties involved are aware of the Motion prior to any Court action being taken.

**Step 4: Court Review of Forms or Hearing**

- The Judge or Magistrate will review all of the forms filed and enter an Order regarding your motion to modify custody/decision-making responsibilities. You will receive a copy of the Order Re: Modification to Custody or Decision-Making Responsibilities.
- The Court may set the case for a hearing at which time both parties will have the opportunity to appear and address the Court. You will receive a copy of the Order.
- Please make sure you read and understand all issues addressed in the Order. The Court may order various sanctions to the non-complying party, such as imposing a civil fine or jail sentence, posting a bond or security to insure future compliance. In addition, the Court may require that parenting time for the aggrieved parent or child be made up, and any other orders to meet the best interests of the child(ren).

West's Colorado Revised Statutes Annotated  
Title 14. Domestic Matters  
Dissolution of Marriage--Parental Responsibilities  
Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-131

§ 14-10-131. Modification of custody or decision-making responsibility

Currentness

(1) If a motion for modification of a custody decree or a decree allocating decision-making responsibility has been filed, whether or not it was granted, no subsequent motion may be filed within two years after disposition of the prior motion unless the court decides, on the basis of affidavits, that there is reason to believe that a continuation of the prior decree of custody or order allocating decision-making responsibility may endanger the child's physical health or significantly impair the child's emotional development.

(2) The court shall not modify a custody decree or a decree allocating decision-making responsibility unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or the child's custodian or party to whom decision-making responsibility was allocated and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the allocation of decision-making responsibility established by the prior decree unless:

(a) The parties agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other party and such situation warrants a modification of the allocation of decision-making responsibilities;

(b.5) There has been a modification in the parenting time order pursuant to section 14-10-129, that warrants a modification of the allocation of decision-making responsibilities;

(b.7) A party has consistently consented to the other party making individual decisions for the child which decisions the party was to make individually or the parties were to make mutually; or

(c) The retention of the allocation of decision-making responsibility would endanger the child's physical health or significantly impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

**Credits**

Amended by Laws 1983, S.B.286, § 5, eff. June 10, 1983; Laws 1998, Ch. 310, § 18, eff. Feb. 1, 1999.

C. R. S. A. § 14-10-131, CO ST § 14-10-131

§ 14-10-131. Modification of custody or decision-making responsibility, CO ST § 14-10-131

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Current through Laws effective May 10, 2017 of the First Regular Session of the 71st General Assembly (2017).

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End of Document

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<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent: <hr/> Attorney or Party Without Attorney (Name and Address): _____ <hr/> Phone Number: _____      E-mail: _____ FAX Number: _____      Atty. Reg. #: _____	<b>▲ COURT USE ONLY ▲</b>
Case Number: _____ <hr/> Division _____      Courtroom _____	
<b>MOTION FOR APPOINTMENT OF A CHILD AND FAMILY INVESTIGATOR          PURSUANT TO §14-10-116.5, C.R.S.</b>	

The  Petitioner  Co-Petitioner/Respondent requests the appointment of a Child and Family Investigator (CFI) pursuant to §14-10-116.5, C.R.S. to investigate and make recommendations as directed by the Court concerning: (check the appropriate boxes)

- allocation of parental responsibilities (parenting time and decision-making responsibilities)
- allegations of endangerment/child abuse
- other: \_\_\_\_\_

I request that a CFI be appointed because: \_\_\_\_\_  
 \_\_\_\_\_

The Court authorized the filing of this Motion on \_\_\_\_\_ (date).

The  Petitioner  Co-Petitioner/Respondent requests that the fees of the CFI to be paid \_\_\_\_\_% by the Petitioner \_\_\_\_\_% by the Co-Petitioner/Respondent.  
 If applicable, the  Petitioner  Co-Petitioner/Respondent attaches JDF 208 and requests a finding of indigency and that \_\_\_\_\_% of the CFI fees be paid by the State.

Date: \_\_\_\_\_

Petitioner or  Co-Petitioner/Respondent

### CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ (date) the original was filed with the Court; and, a true and accurate copy of the *Motion for Appointment of a Child and Family Investigator Pursuant to §14-10-116.5, C.R.S.* was served on the other party by:

Hand Delivery    E-filed    Faxed to this number \_\_\_\_\_ or  by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Your Signature

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court  _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: <hr/> Petitioner: _____  And _____  Co-Petitioner/Respondent: _____	<div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;"> <b>▲ COURT USE ONLY ▲</b> </div> Case Number: _____  Division                      Courtroom
<b>ORDER APPOINTING CHILD AND FAMILY INVESTIGATOR PURSUANT TO §14-10-116.5, C.R.S.</b>	

This matter is before the Court on the  Court's motion,  Petitioner's motion, or  Co-Petitioner /Respondent's motion for the appointment of a Child and Family Investigator (CFI) pursuant to §14-10-116.5, C.R.S. This case is:

- pre-decree, governed by §14-10-124, C.R.S.; or
- post-decree case governed by §14-10-129, C.R.S.

The Court appoints as CFI:

Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email: \_\_\_\_\_

**Information about the Child(ren):**

Full Name of Child	Date of Birth



**Information about the Petitioner:**

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City & Zip: \_\_\_\_\_  
Home Phone #: \_\_\_\_\_ Work Phone #: \_\_\_\_\_  
Cell Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Attorney: \_\_\_\_\_ Attorney Phone #: \_\_\_\_\_

**Information about the Co-Petitioner/Respondent:**

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City & Zip: \_\_\_\_\_  
Home Phone #: \_\_\_\_\_ Work Phone #: \_\_\_\_\_  
Cell #: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Attorney: \_\_\_\_\_ Attorney Phone #: \_\_\_\_\_

**Protection/Restraining Orders:**

There  is  is not a protection/restraining order in place involving the parties and/or child(ren): County of \_\_\_\_\_, State of \_\_\_\_\_, in case number \_\_\_\_\_  
The person restrained is: \_\_\_\_\_  
The protected person(s) is/are \_\_\_\_\_

**Responsibilities of the CFI:**

1. The CFI shall comply with Chief Justice Directives 04-05 and 04-08, as subsequently amended, and with §14-10-116.5, C.R.S. Within seven days of appointment, the CFI shall file the Mandatory Disclosure Form, JDF 1338, disclosing the existence or non-existence and nature of any familial, financial, or social relationship the CFI has or had with the child(ren), any party, the attorneys of record, or the Judicial Officer.
2. The CFI shall investigate, report and make recommendations on the following specific

issues: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

pursuant to the applicable pre-decree or post-decree legal standard.

3. The CFI shall not conduct psychological testing. The CFI shall not perform or require drug, alcohol, polygraph or other testing, inspection or evaluation unless specifically ordered by the Court. If the CFI believes testing, inspection or evaluation would benefit the parties and/or child(ren) and would assist the Court, the CFI shall notify the Court and parties as soon as possible and shall include this information in the CFI report. This prohibition does not prevent the CFI from conducting domestic violence screening the CFI is competent to perform.
4. Because a CFI is the investigative arm of the Court, a CFI must not make referrals or recommendations to the parties or to the Court for specific professionals, unless a party makes a written request for referral or recommendation or unless the Court requests a referral or recommendation.
5. The CFI shall file a concise, written report and shall provide copies to the parties and/or their counsel of record by \_\_\_\_\_ (date). The next event in this case is a \_\_\_\_\_ scheduled for \_\_\_\_\_ (date) at \_\_\_\_\_ (time) in Courtroom \_\_\_\_\_. The CFI  is  is not directed to attend  in person  by telephone at this number: \_\_\_\_\_.

**Responsibilities of the Parties:**

1. Each party or their counsel shall initiate contact with the CFI within 10 days from the date of this Order to arrange his/her first meeting with the CFI. Each party and counsel shall confer with the CFI when and as the CFI directs, and shall cooperate fully with the CFI. The CFI may report to the Court a party's cooperation or lack of cooperation.
2. The parties shall provide the CFI with all Court orders addressing matters of parenting time or parental rights and responsibilities that are issued on or after the effective date of this Order, as well as existing documents in the Court file that are relevant to the CFI investigation or requested by the CFI.
3. The parties or their counsel must provide information concerning other cases that have a relationship to this case when requested by the CFI.

**Release of Confidential Information:**

The parties shall sign any releases necessary to allow the CFI to properly conduct his/her investigation. The CFI may request the Court's issuance of any other necessary order for release of information.

**Modification or Termination of the CFI's Appointment:**

The Court shall retain the discretion to modify or terminate this appointment at any time during the proceedings. This appointment shall terminate upon the following unless otherwise ordered by the Court:

- upon filing the CFI report with the Court.
- upon entry of Permanent Orders.
- upon entry of orders resolving this post-decree issue.
- other: \_\_\_\_\_

**Payment of Costs and Fees in Favor of the CFI:**

CFI fees are in the nature of child support, as the role of the CFI is to investigate, report and make recommendations to the Court on any issues that affect or may affect the best interests of the child(ren).

**A. Privately Paid CFIs.**

1. Investigation and Report. A presumptive maximum fee of \$2,750 per appointment shall be established for the investigative and reporting work of all privately paid CFIs. The total investigation and report fees of a privately paid CFI shall not exceed this presumptive \$2,750 cap unless prior Court approval is obtained in the form of a written order with specific findings concerning the extraordinary circumstances that justify the excess fees.
2. Testimony and Preparation Time. It is anticipated that, in some matters, the testimony of the privately paid CFI will be sought by the parties or deemed necessary by the Court. In such matters, a presumptive maximum fee of \$500 per appointment shall be established concerning such testimony, including any preparation or other work performed in association with giving such testimony. The total testimony and preparation time fees of a privately paid CFI shall not exceed this presumptive \$500 cap unless prior Court approval is obtained in the form of a written order with specific findings concerning the extraordinary circumstances that justify the excess fees.
3. Hourly Rate. Every order appointing a privately paid CFI shall state the CFI's hourly rate. If the CFI charges one rate for investigative and reporting work and another rate for testimony and preparation time, the CFI appointment order shall state both hourly rates.

**B. State Paid CFIs.**

CJD 04-05 establishes the maximum hourly rate and maximum total fee per appointment. The Office of the State Court Administrator compensates CFIs in matters in which the Court has found one or more of the parties to be indigent. State paid CFIs seeking fees that exceed the maximum total fee must comply with the approval procedures set forth in CJD 04-05.

**C. Payment of Fees and Costs.**

After considering the financial resources and/or other equitable circumstances of the parties, the Court apportions the payment of the fee of the CFI as follows:

- No party is indigent. The CFI will be paid a retainer of \$\_\_\_\_\_ to be applied to an hourly rate of \$\_\_\_\_\_, no later than \_\_\_\_\_ (date). The CFI shall bill the hourly rate against the retainer. Any fees and costs in excess of the retainer, up to the maximum set forth above or otherwise ordered, shall be apportioned as set forth below and shall be paid within 30 days of the date billed, unless otherwise ordered by the Court or agreed in writing between the parties. The Petitioner will pay the CFI the amount of \$\_\_\_\_\_ or \_\_\_\_\_% by that date. The Co-Petitioner/Respondent will pay the CFI the amount of \$\_\_\_\_\_ or \_\_\_\_\_% by that date.
- The Court finds that both parties are indigent. Both the Petitioner and Co-Petitioner/Respondent have completed JDF 208 and are indigent in accordance with the requirements of CJD 04-05. The Court therefore orders the fees and costs of the CFI to be borne by the State pursuant to the procedures and at the hourly rate set forth in CJD 04-05.
- The Court finds that one party \_\_\_\_\_ (name of party) is indigent.
  - The party identified above has completed JDF 208 and is indigent in accordance with the requirements of CJD 04-05. The Court therefore orders that \_\_\_\_\_% of the fees and costs of the CFI will be borne by the State pursuant to the procedures and at the hourly rate set forth in

CJD 04-05, with the remaining amount as determined by the Court to be paid by the non-indigent party to the CFI directly. The non-indigent party \_\_\_\_\_ (name of party) shall pay the CFI a retainer of \$ \_\_\_\_\_ to be applied to an hourly rate of \$ \_\_\_\_\_ no later than \_\_\_\_\_ (date). The CFI shall bill the hourly rate against the retainer. Any fees and costs in excess of the retainer, up to \_\_\_\_\_% of the maximum set forth above or otherwise ordered, shall be paid within 30 days of the date billed, unless otherwise ordered by the Court.

The Court approves a sliding fee scale as follows: \_\_\_\_\_ . The Court retains the discretion to reallocate the apportionment of fees at permanent orders or the post-decree final hearing.

The Court further orders: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The CFI shall not commence the Court's investigation until the retainer is paid in full. The CFI shall apprise the Court within 10 days of his/her inability to proceed with the case because of nonpayment. The Court may set a hearing requiring the mandatory appearance of the non-paying party(ies). Failure to comply with this Order may result in contempt of Court proceedings involving sanctions by the Court, including up to six months in the County Jail or a fine.**

Date: \_\_\_\_\_

Judge  Magistrate

### CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ (date), I mailed, faxed, e-filed, or hand-delivered a copy of this Order to the following:

- Attorney for Petitioner or Petitioner *pro se*
- Attorney for Co-Petitioner/Respondent or Co-Petitioner/Respondent *pro se*
- CFI
- Other: \_\_\_\_\_

\_\_\_\_\_  
Clerk

## APPLICATION FOR PUBLIC DEFENDER, COURT-APPOINTED COUNSEL, OR GUARDIAN AD LITEM

Pursuant to §21-1-103(3), C.R.S., a processing fee of \$25.00 may be collected by the court upon final disposition of this case.

Case number: \_\_\_\_\_ Court Room: \_\_\_\_\_ District: \_\_\_\_\_

Most serious charge: \_\_\_\_\_ Next hearing date/Type: \_\_\_\_\_

**All sections must be completed. Print neatly. If an item does not apply, write N/A.**

<b>Applicant</b>		<b>Applicant's Employer</b>	
Name _____		Company _____	
Mailing Address _____		Mailing Address _____	
Street Address (if different) _____		Street Address (if different) _____	
City, State, Zip _____		City, State, Zip _____	
Phone number _____		Phone Number _____ Position _____	
Soc. Sec. No. _____ Birthdate _____		Length of Employment _____ Hours/Week _____	
Driver's License No. _____ State _____		Pay Dates: _____ Pay Rate: \$ _____	
<b>Other Household Members (Spouse, Partner, Parent, etc.)</b>		<b>Other Household Member's Employer</b>	
Name _____		Company _____	
Relation to Applicant _____		Mailing Address _____	
Mailing Address _____		Street Address (if different) _____	
Street Address (if different) _____		City, State, Zip _____	
City, State, Zip _____		Phone Number _____ Position _____	
Phone number _____		Length of Employment _____ Hours/Week _____	
Soc. Sec. No. _____ Birthdate _____		Pay Dates: _____ Pay Rate: \$ _____	
Driver's License No. _____ State _____			
Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Partner in a Civil Union <input type="checkbox"/> Separated <input type="checkbox"/> Divorced/Civil Union Dissolved Total Number of Dependents (including yourself): _____			
<b>Gross Monthly Income (See definitions on reverse for further information.)</b>	<b>Amount</b>	<b>Monthly Expenses (See definitions on reverse for further information.)</b>	<b>Amount</b>
Self (wages, salary, commission)	\$ _____	Rent/Mortgage	\$ _____
Spouse/Partner/Other Household Members	_____	Groceries	_____
Parents (if same household)	_____	Utilities	_____
Unemployment Benefits	_____	Clothing	_____
Social Security/Retirement Funds	_____	Maintenance (Spousal/Partner Support) and/or Child Support	_____
Maintenance (Spousal/Partner Support)	_____	Medical/Dental	_____
Other Income (see Page 2)	_____	Other Expenses (identify source)	_____
Other Income (see Page 2)	_____	Other Expenses (identify source)	_____
<b>Total Household Income</b>	\$ _____	<b>Total Expenses</b>	\$ _____
<b>Assets</b>	<b>Amount</b>	<b>Description</b>	
Savings Account Balance	\$ _____	Name of Bank: _____	
Checking Account Balance	_____	Name of Bank: _____	
Value of Vehicles	_____	Year and Model: _____	
Value of Recreation Vehicles	_____	Amount Owed: \$ _____	
Value of House	_____	Type: _____	
Value of Other Property	_____	Type: _____	
Value of Stocks, Bonds, Mutual Funds	_____	Type: _____	
Value of Other Investments	_____	Year and Model: _____	
<b>Total Assets</b>	\$ _____	<b>Convertible to Cash = \$ _____</b>	
<b>References:</b>			
1. Name/Address/Phone _____			
2. Name/Address/Phone _____			
<b>Guidelines:</b>			
<input type="checkbox"/> At or below or <input type="checkbox"/> Above or			
<input type="checkbox"/> Automatically eligible for PD/GAL/RPC ( <input type="checkbox"/> In custody &/or bond allowed <input type="checkbox"/> Out on bond ) or			
<input type="checkbox"/> Refer to scoring instrument (Criminal, Misdemeanor, Traffic, Juvenile Delinquency cases )			
Signature of investigator/clerk/PD: _____		Date: _____	
I swear under penalty of perjury that the above-contained information is true and complete. I also understand that if the court grants this request, I may later be ordered to reimburse the State of Colorado for attorney fees spent on my behalf.			
Client signature _____		Date: _____	
Signature of judicial officer: _____		Date: _____	
<b>Request:</b> <input type="checkbox"/> granted or <input type="checkbox"/> denied			

# APPLICATION FOR PUBLIC DEFENDER, COURT-APPOINTED COUNSEL, OR GUARDIAN AD LITEM

## General Information

It is important that you accurately complete all sections of this form as appropriate based on your personal circumstances. If a section does not apply, please write N/A.

**A. Gross Monthly Income.** Includes income from all members of the household who contribute monetarily to the common support of the household.

♦ **Income categories to include:**

Wages, including tips, salaries, commissions, payments received as an independent contractor for labor or services, bonuses, dividends, severance pay, pensions, retirement benefits, royalties, interest/investment earnings, trust income, annuities, capital gains, unemployment benefits, Social Security Disability (SSD), Social Security Supplemental Income (SSI), Workman's Compensation Benefits, and alimony.

**Note:** Income from roommates should not be considered if such income is not commingled in accounts or otherwise combined with the applicant's income in a fashion which would allow the applicant proprietary rights to the roommate's income.

♦ **Income categories do not include:**

TANF payments, food stamps, subsidized housing assistance, veteran's benefits earned from a disability, child support payments, or other public assistance programs.

**B. Liquid Assets.** Includes cash on hand or in accounts, stocks bonds, certificates of deposit, equity, and personal property or investments which could readily be converted into cash without jeopardizing the applicant's ability to maintain home and employment.

**C. Expenses.** Nonessential items such as cable television, club memberships, entertainment, dining out, alcohol, cigarettes, etc., **shall not** be included. Allowable expense categories are listed on JDF 208.

**If you are applying to have your filing fee waived you may be asked to supply:**

- Copies of the previous three months bank statements, including checking and savings.  
**DO NOT provide originals.**
- Copies of the previous three months' pay stubs and/or proof of income must be included.  
**DO NOT provide originals.**

West's Colorado Revised Statutes Annotated  
Title 14: Domestic Matters  
Dissolution of Marriage--Parental Responsibilities  
Article 10: Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-116.5

§ 14-10-116.5. Appointment in domestic relations cases--  
child and family investigator--disclosure--background check

Effective: May 2, 2014  
Currentness

(1) The court may, upon the motion of either party or upon its own motion, appoint a neutral third person to serve the court as a child and family investigator pursuant to subsection (2) of this section in a domestic relations proceeding that involves allocation of parental responsibilities. The court shall set forth the specific duties of the child and family investigator in a written order of appointment. The same person may not serve as both the legal representative of the child pursuant to section 14-10-116 and as the child and family investigator for the court pursuant to this section. Within seven days after the appointment, the appointed person shall comply with the disclosure provisions of subsection (2.5) of this section.

(2) A child and family investigator appointed by the court may be an attorney, a mental health professional, or any other individual with appropriate training, qualifications, and an independent perspective acceptable to the court. The child and family investigator for the court shall investigate, report, and make recommendations as specifically directed by the court in the appointment order, taking into consideration the relevant factors for determining the best interests of the child as specified in section 14-10-124. The child and family investigator shall make independent and informed recommendations to the court, in the form of a written report filed with the court, unless otherwise ordered by the court. While the child and family investigator shall consider the wishes of the child, the child and family investigator need not adopt such wishes in making his or her recommendations to the court unless they serve the child's best interests as described in section 14-10-124. The child's wishes, if expressed, shall be disclosed in the child and family investigator's written report. The child and family investigator may be called to testify as a witness regarding his or her recommendations. The child and family investigator shall comply with applicable provisions set forth in chief justice directives, and any other practice or ethical standards established by rule, statute, or licensing board that regulates the child and family investigator.

(2.5)(a) Within seven days after his or her appointment, the appointed person shall disclose to each party, attorneys of record, and the court any familial, financial, or social relationship that the appointed person has or has had with the child, either party, the attorneys of record, or the judicial officer and, if a relationship exists, the nature of the relationship.

(b) Based on the disclosure required pursuant to paragraph (a) of this subsection (2.5), the court may, in its discretion, terminate the appointment and appoint a different person in the proceedings. A party has seven days from the date of the disclosure to object to the appointment based upon information contained in the disclosure. If a party objects to the appointment, the court shall appoint a different person or confirm the appointment within seven days after the date of the party's objection. If no party timely objects to the appointment, then the appointment is deemed confirmed.

(3)(a) The court shall enter an order for costs, fees, and disbursements in favor of the child and family investigator appointed pursuant to subsection (1) of this section. The order shall be made against any or all of the parties; except that, if the responsible parties are determined to be indigent, the costs, fees, and disbursements shall be borne by the state.

(b) In a proceeding for dissolution of marriage or legal separation, prior to the entry of a decree of dissolution or legal separation, the court shall not enter an order requiring the state to bear the costs, fees, or disbursements related to the appointment of a child and family investigator unless both parties are determined to be indigent after considering the combined income and assets of the parties.

(c) If the appointment of a child and family investigator occurs in a case involving unmarried parties, including those proceedings that occur after the entry of a decree for dissolution of marriage or of legal separation, the court shall make every reasonable effort to apportion costs between the parties in a manner that will minimize the costs, fees, and disbursements that shall be borne by the state.

(4)(a) Prior to being appointed as a child and family investigator, the person shall submit a complete set of his or her fingerprints to the judicial department for the purposes of a background check, and the judicial department shall determine based on the background check whether the person is suitable to act as a child and family investigator. The department shall forward such fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado bureau of investigation and the federal bureau of investigation. The department is the authorized agency to receive information regarding the result of a national fingerprint-based criminal history record check.

(b) Upon request of the department, the Colorado bureau of investigation shall also provide a name-based criminal history record check for any person whose fingerprints are unclassifiable.

(c) The applicant shall pay the cost associated with the background check.

#### Credits

Added by Laws 2005, Ch. 244, § 4, eff. July 1, 2005. Amended by Laws 2009, Ch. 207, § 2, eff. May 1, 2009; Laws 2012, Ch. 108, § 2, eff. July 1, 2012; Laws 2014, Ch. 146, § 2, eff. May 2, 2014.

C. R. S. A. § 14-10-116.5, CO ST § 14-10-116.5  
Current through Laws effective May 10, 2017 of the First Regular Session of the 71st General Assembly (2017).

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End of Document

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<input type="checkbox"/> District Court <input type="checkbox"/> Juvenile Court _____ County, Colorado Court Address: _____ In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent: _____ Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	▲ <b>COURT USE ONLY</b> ▲
Case Number: _____ Division                      Courtroom _____	<b>VERIFIED MOTION AND AFFIDAVIT FOR CITATION FOR CONTEMPT OF COURT</b>

I, \_\_\_\_\_ state that \_\_\_\_\_ (the other party),  
 has failed to comply with an order of this court as follows:

1. On \_\_\_\_\_ (date), an Order was signed by this court ordering the other party to do the following: (Briefly describe what the Order says and attach a copy of the signed Order.)

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2. As of this date, the other party owes me a total of \$ \_\_\_\_\_, for \_\_\_\_\_ (number of payments) payment(s) in the amount(s) of \$ \_\_\_\_\_ that were ordered to have been made by the following date(s): \_\_\_\_\_

and  or

Other: (Identify exactly what the other party has done, or failed to do, in violation of the Order.)

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3. Describe any circumstances which may show that the other party has the present ability to comply with the Order: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Describe any circumstances which may show that the other party willfully refused to comply with the Order:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. There has not been a stay of execution or modification of the Order.

6. The actions of the other party are contrary to the Order of this court.

7. I request this court to issue an order to the other party to appear before the court at a specific date and time for a hearing to show cause why there has been a failure and/or refusal to comply with the Order of this court.

8. I hereby request:

**Remedial Contempt.** I request that the Court find that the other party is in remedial contempt of this Court's Order. As described above, I attest that the responding party (1) did not comply with the Order; (2) knew of the Order; and (3) has the present ability to comply with the Order.

As a result, I request this court impose the following sanctions:

- payment of my costs and reasonable attorney's fees in connection with this contempt proceeding;
- payment of a fine and/or imprisonment until the other party, who has the present ability to comply, performs the act(s) ordered;
- other (be very specific) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

and/or

**Punitive Contempt.** I request that the Court find that the other party is in punitive contempt of this Court's Order. As described above, I attest that, beyond a reasonable doubt, the responding party (1) had knowledge of the Order; (2) had the ability to comply with the Order; and (3) willfully refused to comply with the Order.

I request this court find that the conduct of the other party to be offensive to the authority and dignity of the Court, and, to vindicate the dignity of this court, to impose a fine or fixed sentence of imprisonment, or both.

Date: \_\_\_\_\_

Signature of  Petitioner  Co-Petitioner/Respondent

Address

City, State, Zip Code

\_\_\_\_\_  
(Area Code) Home Telephone Number

\_\_\_\_\_  
(Area Code) Work Telephone Number

\_\_\_\_\_  
Subscribed and affirmed, or sworn to before me in the County of \_\_\_\_\_, State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Deputy Clerk

**It is important that the party accused of contempt read the following information.**

**A party accused of remedial contempt has the following rights:**

1. The right to be represented by a lawyer.
2. The right to a hearing before a judicial officer where the court must find that you were subject to a court order, that you had knowledge of that Order, that you did not comply with the Order, that you had the ability to comply with that Order, and that you have the present ability to comply with that Order.

If you are found to be in remedial contempt of court, the court may require you to pay the other party's court costs and attorney's fees connected with the contempt hearing, to pay a fine, and/or to serve an indefinite jail sentence until you comply with the original order.

**A party accused of punitive contempt has the following rights:**

1. The right to be represented by a lawyer. If you cannot afford a lawyer and if a jail sentence is contemplated, you may apply for a court-appointed lawyer.
2. The right to a jury if a jail sentence in excess of 180 days is contemplated.
3. If the judge initiated the proceedings, the right to have the contempt matter heard by a different judge.
4. The right to plead guilty or not guilty to the charge of contempt.
5. The right to be presumed innocent unless and until the allegation(s) in the motion for contempt is/are proven beyond a reasonable doubt.
6. The right to confront and cross-examine all witnesses against you.
7. The right to present relevant witnesses and evidence at the hearing.
8. The right to request the court to issue subpoenas to compel witnesses to appear and give testimony.
9. The right to remain silent.
10. The right to testify on your own behalf. If you testify, you waive your right to remain silent and the other party may cross-examine you.
11. The right to make a statement on your own behalf prior to the imposition of sanctions, if you are found in contempt of court.

If the court finds beyond a reasonable doubt that you were subject to a lawful court Order, that you had knowledge of that Order, that you had the ability to comply with that Order, that you willfully failed or refused to obey that Order, and that such conduct was offensive to the authority and dignity of the court, you may be sentenced to pay a fine or serve a jail sentence.

<input type="checkbox"/> District Court <input type="checkbox"/> Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent: _____	▲ <b>COURT USE ONLY</b> ▲ <hr/> Case Number: _____  Division      Courtroom
<b>ORDER TO ISSUE CITATION AND CITATION TO SHOW CAUSE</b>	

To: \_\_\_\_\_ (Name)

The Court, having reviewed the Verified Motion and Affidavit for Citation for Contempt of Court filed on \_\_\_\_\_ (date), orders that the clerk issue a Citation to Show Cause to the party named to appear before the Court at a date and time certain.

Date: \_\_\_\_\_  Judge    Magistrate

**CITATION TO SHOW CAUSE**

You are ordered to appear before this Court at the place, date and time listed below to show cause, if any, for the failure and refusal to comply with the Orders of this Court entered on \_\_\_\_\_ (date) and to show cause why sanctions and/or imprisonment should not be imposed.

You \_\_\_\_\_ (Name) are hereby ordered to appear at:

Court Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**If you fail to appear in Court at the time, date and place specified, a bench warrant will be issued for your arrest without further notice and you may be further sanctioned according to the law for your failure to appear.**

Date: \_\_\_\_\_ By: \_\_\_\_\_  
 Clerk/Deputy Clerk

**RETURN OF SERVICE**

I hereby certify that I am over the age of 18 years, and am not an interested party herein, and that I personally served a copy of the *Verified Motion and Affidavit for Citation for Contempt of Court and Order to issue Citation and Citation to Show Cause* upon \_\_\_\_\_ (name) identified to me as the party in contempt herein, at \_\_\_\_\_ (location) on \_\_\_\_\_ (date) \_\_\_\_\_ (time) by \_\_\_\_\_ (method of service).

Signature \_\_\_\_\_

Subscribed and affirmed, or sworn to before me by \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_ Notary Public/Clerk \_\_\_\_\_

## INSTRUCTIONS/OPTIONS TO ENFORCE ORDERS

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

### GENERAL INFORMATION

- ◆ You can use these instructions if you have already obtained a Court order for maintenance (spousal/partner support) and/or child support. The various options identified may assist you to begin collecting maintenance and/or child support or to collect support payments that have not been made.
- ◆ You can also use these instructions to enforce non-support related issues, i.e. transfer of title, completion of a court-ordered act, etc.
- ◆ If you select Option 4 – Contempt, please review Colorado Rules of Civil Procedure 107 and §14-14-110, C.R.S. It is the responsibility of the party requesting remedial contempt to describe in the Motion the nature of the sanctions and remedies that you request to be imposed. Contempt actions can be a very difficult and costly legal matter and you may wish to seek the advice of an attorney.
- ◆ For additional information, please review Colorado Revised Statute §14-14-101, et seq.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website;  
[http://www.courts.state.co.us/Administration/HR/ADA/Coordinator\\_List.cfm](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

### COMMON TERMS

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Petitioner:                      | The person identified as the Petitioner in the original Petition filed with the Court.  |
| <input checked="" type="checkbox"/> with                             |   |
| <input checked="" type="checkbox"/> Co-Petitioner:                   | The person identified as the Co-Petitioner in the original Petition filed with the Court.   |
| <input checked="" type="checkbox"/> Respondent:                      | The person identified as the Respondent in the original Petition filed with the Court.  |
| <input checked="" type="checkbox"/> Contempt of Court:               | A court finding of a violation/non-compliance of a Court Order.   |
| <input checked="" type="checkbox"/> Remedial Sanctions for Contempt: | Sanctions imposed by the Court to force compliance with a previous order or a new order that the party in contempt must comply with. A fine, jail sentence, or both may also be imposed by the Court until there is compliance with the original order. |
| <input checked="" type="checkbox"/> Punitive Sanctions for Contempt: | A fine or fixed jail sentence or both may be imposed by the Court.  |
| <input checked="" type="checkbox"/> Income Assignment:               | A standardized process for the collection of child support and/or maintenance.  |
| <input checked="" type="checkbox"/> May:                             | In legal term, "may" is defined as "optional" or "can".   |
| <input checked="" type="checkbox"/> Shall:                           | In legal term, "shall" is defined as "required".  |

If you do not understand this information, please contact an attorney, your local delegate child support unit, the Family Court Facilitator at your local courthouse or access the Colorado Child Support Enforcement website at [www.childsupport.state.co.us](http://www.childsupport.state.co.us)

### FEES

Fees that you may encounter are as follows:

- |  |  |
|--|--|
| <input type="checkbox"/> Transcript of Judgment                      | \$ 25.00                                     |
| <input type="checkbox"/> Service Fees                                | Varies (not payable through or to the Court) |
| <input type="checkbox"/> Copies of Documents (Documents on File)     | \$ .75 per page or \$1.50 if double-sided    |
| <input type="checkbox"/> Copies of Documents (Documents not on File) | \$ .25 per page or \$.50 if double-sided     |
| <input type="checkbox"/> Certification Fee                           | \$ 20.00                                     |

## FORMS

The forms listed below are based on the option you select to enforce your order. JDF 1801 are the instructions for completing an income assignment. You will need various income assignment forms based on the time period for which child support was ordered. Please look over instructions JDF 1801 to determine the specific forms you will need to complete.

- JDF 1801 Instructions for Completing an Income Assignment
- JDF 1813 Verified Entry of Support Judgment
- JDF 1814 Verified Motion for Clerk of Court to Transfer Title Pursuant to C.R.C.P. 70
- JDF 1815 Order for Clerk of Court to Transfer Title Pursuant to C.R.C.P. 70
- JDF 1816 Verified Motion and Affidavit for Citation for Contempt of Court
- JDF 1817 Order to Issue Citation and Citation to Show Cause

When completing the forms, you must identify yourself as the Petitioner or Co-Petitioner/Respondent depending on your title/role in the original Petition. It is important to remember that your title/role in the case does not change based on who files the motion. **Keep a copy of each form for your own records and make a copy to provide to the other party.**

### OPTION 1: FAMILY SUPPORT REGISTRY

If you have an order for *child support, maintenance (spousal/partner support), or child support combined with maintenance*, and the Court has ordered that the payments be processed through the Family Support Registry (FSR), the Obligor must write the FSR number on the check and mail it to: Family Support Registry, P.O. Box 2171, Denver, CO 80201-2171.

### OPTION 2: INCOME ASSIGNMENT

Complete the necessary forms per the instructions (JDF 1801 I).

### OPTION 3: VERIFIED ENTRY OF SUPPORT JUDGMENT

This option is available if support has been ordered and not paid. For additional information, please review §14-10-122, (1)(c), C.R.S. Below are steps to file your papers.

#### Step 1: Complete Verified Entry of Support Judgment (JDF 1813).

This form requires you to tell the Court, under oath, what payments have been ordered, what payments have not been made, and what is now owed. You are also entitled to interest of 12% per annum compounded monthly on child support, and 8% per annum on maintenance. Interest continues to accrue until the debt is satisfied.

- Fill in all of the blanks on this form
- This form must be signed in the presence of a Court Clerk or Notary Public.
- Attach current payment records to this form as supporting documentation.

#### Step 2: File the Verified Entry of Support Judgment (JDF 1813) with the Court.

#### Step 3: Mail the Other Party a Copy of JDF 1813.

#### Step 4: Judgment Entered by Court.

You will receive a transcript of the judgment and you must record it with the County Clerk and Recorder in any county in which the Obligor resides, or in which you think the party may own property. Once your judgment is recorded, a lien will be placed on the Obligor's real property in the amount of your judgment. The property cannot be sold without the buyer taking over that obligation.

## OPTION 4: CONTEMPT OF COURT

Contempt actions can be a very difficult legal matter and you may wish to seek the advice of an attorney. Prior to filing a motion for contempt, you may wish to consider mediation. Mediation is an informal process in which a neutral third party helps people in conflict to negotiate a mutually acceptable agreement. Mediation can be faster – and less expensive – than going to court. Many judicial officers in Colorado require an attempt at mediation prior to proceeding to contested hearing. Please see [www.ColoradoODR.org](http://www.ColoradoODR.org) or call 1-800-888-0001, ext. 3672 for more information.

### Step 1: Complete Forms

This option is available when the other party fails to comply with a previous court order. It is important that before you cite the other party for contempt that you are sure that a violation has occurred with respect to the most current order on the subject matter of the contempt.

- Verified Motion and Affidavit for Citation for Contempt of Court (JDF 1816).**
  - Complete all sections of this form.
  - Section 6 on this form requires that you identify the sanctions that you want the Court to impose. If you are requesting jail time in a punitive contempt action, the other party has the right to have an attorney.
  - This form must be signed in the presence of a Court Clerk or Notary Public.
  
- Order to Issue Citation and Citation to Show Cause (JDF 1817).**
  - Fill in the caption only, as the Court will complete the appropriate sections.

### Step 2: You are ready to file your Forms with the Court.

- Provide the Court with the Verified Motion (JDF 1816) and Order to Issue Citation (JDF 1817).
- Provide the Court with a self-addressed stamped envelope for the Court to mail the Order to Issue Citation and Citation to Show Cause back to you to complete personal service.

### Step 3: When the Verified Motion is filed, the following may occur:

- The Court will review the documents filed and a clerk will contact you to set a date for the hearing or will send you the completed Order to Issue Citation and Citation to Show Cause with a Court date/time identified. Both parties need to be present at the hearing. You and/or the other party may have an attorney appear with you. **Note:** In some courts the first hearing will be an advisement hearing only, after which the actual contempt hearing will be set.
- You must have the other party personally served with a copy of the Motion and Affidavit for Citation for Contempt of Court and Order to Issue Citation and Citation to Show Cause **at least 21 days prior** to the advisement and/or contempt hearing date.
- You must have a private process server or the Sheriff's Department, in the county where the other party lives or works serve the other party. Provide the person completing service with an extra copy of the Order to Issue Citation and Citation to Show Cause (JDF 1817) to complete the Return of Service.
- Once service is complete, the process server or Sheriff should complete the Return of Service on the Citation (JDF 1817) stating how and when the party was served and return it to you. If you cannot file the Return of Service with the Court prior to the hearing, then bring it to Court on the date of your hearing.

**Step 4: Hearing (Advisement and/or Contempt Hearing)**

- If you are requesting the court impose a sentence of jail time in a criminal (punitive) contempt proceeding, the Judge/Magistrate will advise the party of his/her right to a lawyer and a jury trial, if a sentence of over 180 days is contemplated, before the Contempt Hearing will be held.
- If the other party requests to have a lawyer, a future date will be set for the Contempt Hearing. If the other party does not request to have a lawyer, the Court may proceed to the Contempt Hearing. This may vary by Court.
- Be prepared for your Contempt Hearing. You must bring all documents and records to support the information you presented in the Motion. Please make copies for the other party and the Court.
- If the other party does not appear and has been properly served, the Court may issue a warrant or take other actions.

**OPTION 5: MOTION FOR CLERK TO TRANSFER TITLE OF PROPERTY**

This option is available when the following has occurred:

- ✓ The Court ordered you to have the right to ownership of certain property, such as real estate, car, etc.
- ✓ The Court ordered the other party to take a specific legal action, such as signing a document.
- ✓ The other party refuses to sign documents giving you legal title to property that you were awarded in your Court Order.
- ✓ The other party refuses to do an act required by Court Order.

You must have a signed order of Court that describes (1) your absolute right to the property, or to the performance of the required act and (2) the property or act itself. The other party must have been given the time and opportunity to sign over the property, or do the act. Below are steps to filing your Motion and Order.

**Step 1: Complete the Two Forms Below.**

- Verified Motion for Clerk of Court to Transfer Title Pursuant to C.R.C.P. 70 (JDF 1814)**
  - Complete all sections of this form.
  - This form must be signed in the presence of a Court Clerk or Notary Public.
- Order for Clerk of Court to Transfer Title Pursuant to C.R.C.P. 70 (JDF 1815)**
  - Fill in the caption only, as the Court will complete the appropriate sections.

**Step 2: You are ready to file your Forms with the Court.**

- Provide the Court with the Motion (JDF 1814) and Order (JDF 1815).
- Provide the Court with a self-addressed stamped envelope for the Court to mail the Order back to you.

**Step 3: Mail the Other Party a Copy of the Motion.**

- If there is no response from the other party, the Court may issue the order automatically.
- If there is a response, the Court may set a hearing, or ask you to set a hearing.

**Step 4: Court Review of Motion or Hearing.**

When you get an Order, the Clerk of the Court may execute the title, or other legal document. The document signed by the clerk is as valid as if the other party signed it. The Court may also issue a contempt citation against the other party.

**OTHER ENFORCEMENT PROCEDURES**

You may wish to collect monies owed to you through other methods. Please look over the Garnishment Instructions (JDF 82) to determine if this method will work for you. The required forms are identified in the instructions and available on the Colorado Judicial Branch's Website [www.courts.state.co.us](http://www.courts.state.co.us).



West's Colorado Revised Statutes Annotated  
West's Colorado Court Rules Annotated  
Colorado Rules of Civil Procedure  
Chapter 15. Remedial Writs and Contempt

C.R.C.P. Rule 107

RULE 107. REMEDIAL AND PUNITIVE SANCTIONS FOR CONTEMPT

Currentness

(a) **Definitions. (1) Contempt:** Disorderly or disruptive behavior, a breach of the peace, boisterous conduct or violent disturbance toward the court, or conduct that unreasonably interrupts the due course of judicial proceedings; behavior that obstructs the administration of justice; disobedience or resistance by any person to or interference with any lawful writ, process, or order of the court; or any other act or omission designated as contempt by the statutes or these rules.

(2) **Direct Contempt:** Contempt that the court has seen or heard and is so extreme that no warning is necessary or that has been repeated despite the court's warning to desist.

(3) **Indirect Contempt:** Contempt that occurs out of the direct sight or hearing of the court.

(4) **Punitive Sanctions for Contempt:** Punishment by unconditional fine, fixed sentence of imprisonment, or both, for conduct that is found to be offensive to the authority and dignity of the court.

(5) **Remedial Sanctions for Contempt:** Sanctions imposed to force compliance with a lawful order or to compel performance of an act within the person's power or present ability to perform.

(6) **Court:** For purposes of this rule, "court" means any judge, magistrate, commissioner, referee, or a master while performing official duties.

(b) **Direct Contempt Proceedings.** When a direct contempt is committed, it may be punished summarily. In such case an order shall be made on the record or in writing reciting the facts constituting the contempt, including a description of the person's conduct, a finding that the conduct was so extreme that no warning was necessary or the person's conduct was repeated after the court's warning to desist, and a finding that the conduct is offensive to the authority and dignity of the court. Prior to the imposition of sanctions, the person shall have the right to make a statement in mitigation.

(c) **Indirect Contempt Proceedings.** When it appears to the court by motion supported by affidavit that indirect contempt has been committed, the court may ex parte order a citation to issue to the person so charged to appear and show cause at a date, time and place designated why the person should not be punished. The citation and a copy of the motion, affidavit and order shall be served directly upon such person at least 21 days before the time designated for the person to appear. If such person fails to appear at the time so designated, and it is evident to the court that the person was properly served with copies of the motion, affidavit, order, and citation, a warrant for the person's arrest may issue to the sheriff. The warrant shall fix the date, time and place for the production of the person in court. The court shall state

on the warrant the amount and kind of bond required. The person shall be discharged upon delivery to and approval by the sheriff or clerk of the bond directing the person to appear at the date, time and place designated in the warrant, and at any time to which the hearing may be continued, or pay the sum specified. If the person fails to appear at the time designated in the warrant, or at any time to which the hearing may be continued, the bond may be forfeited upon proper notice of hearing to the surety, if any, and to the extent of the damages suffered because of the contempt, the bond may be paid to the aggrieved party. If the person fails to make bond, the sheriff shall keep the person in custody subject to the order of the court.

**(d) Trial and Punishment. (1) Punitive Sanctions.** In an indirect contempt proceeding where punitive sanctions may be imposed, the court may appoint special counsel to prosecute the contempt action. If the judge initiates the contempt proceedings, the person shall be advised of the right to have the action heard by another judge. At the first appearance, the person shall be advised of the right to be represented by an attorney and, if indigent and if a jail sentence is contemplated, the court will appoint counsel. The maximum jail sentence shall not exceed six months unless the person has been advised of the right to a jury trial. The person shall also be advised of the right to plead either guilty or not guilty to the charges, the presumption of innocence, the right to require proof of the charge beyond a reasonable doubt, the right to present witnesses and evidence, the right to cross-examine all adverse witnesses, the right to have subpoenas issued to compel attendance of witnesses at trial, the right to remain silent, the right to testify at trial, and the right to appeal any adverse decision. The court may impose a fine or imprisonment or both if the court expressly finds that the person's conduct was offensive to the authority and dignity of the court. The person shall have the right to make a statement in mitigation prior to the imposition of sentence.

**(2) Remedial Sanctions.** In a contempt proceeding where remedial sanctions may be imposed, the court shall hear and consider the evidence for and against the person charged and it may find the person in contempt and order sanctions. The court shall enter an order in writing or on the record describing the means by which the person may purge the contempt and the sanctions that will be in effect until the contempt is purged. In all cases of indirect contempt where remedial sanctions are sought, the nature of the sanctions and remedies that may be imposed shall be described in the motion or citation. Costs and reasonable attorney's fees in connection with the contempt proceeding may be assessed in the discretion of the court. If the contempt consists of the failure to perform an act in the power of the person to perform and the court finds the person has the present ability to perform the act so ordered, the person may be fined or imprisoned until its performance.

**(e) Limitations.** The court shall not suspend any part of a punitive sanction based upon the performance or non-performance of any future acts. The court may reconsider any punitive sanction. Probation shall not be permitted as a condition of any punitive sanction. Remedial and punitive sanctions may be combined by the court, provided appropriate procedures are followed relative to each type of sanction and findings are made to support the adjudication of both types of sanctions.

**(f) Appeal.** For the purposes of appeal, an order deciding the issue of contempt and sanctions shall be final.

#### **Credits**

Amended eff. April 1, 1995; June 15, 1995; Jan. 1, 2012.

Rules Civ. Proc., Rule 107, CO ST RCP Rule 107  
Current through Laws effective April 28, 2017 of the First Regular Session of the 71st General Assembly (2017)

End of Document

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<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ <hr/> Petitioner: and Co-Petitioner/Respondent: _____ <hr/> Attorney or Party Without Attorney (Name and Address): _____ <hr/> Phone Number: _____      E-mail: _____ FAX Number: _____      Atty. Reg. #: _____	▲ <b>COURT USE ONLY</b> ▲
Case Number: _____ <hr/> Division _____      Courtroom _____	<b>VERIFIED MOTION CONCERNING PARENTING TIME DISPUTES          PURSUANT TO §14-10-129.5, C.R.S.</b>

**Note to Responding Party:** If you disagree with this motion, the Colorado Civil Rules of Procedure allow you to file a written response with the Court which must be filed within 21 days of the date this motion was served on you or mailed to you.

I am the  Petitioner  Co-Petitioner/Respondent. I request the Court to enforce the existing parenting time order or schedule, entered on \_\_\_\_\_ (date) in Case No. \_\_\_\_\_. If the order was issued in another state or county, please identify: \_\_\_\_\_ (County) \_\_\_\_\_ (State).

The  Petitioner  Co-Petitioner/Respondent is violating the parenting time order. *(Describe)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- I request the Court to:
- Set this matter for hearing as quickly as possible.
  - Require both parties to attend mediation and report the results to the Court within 63 days.
  - Require the  Petitioner  Co-Petitioner/Respondent to pay reasonable attorney fees, court costs, and expenses associated with bringing this action before the Court.
  - Impose sanctions as follows (see page 3 regarding sanctions): \_\_\_\_\_
- \_\_\_\_\_

**VERIFICATION AND ACKNOWLEDGMENT**

I swear/affirm under oath that I have read the foregoing Motion and that the statements set forth therein are true and correct to the best of my knowledge.

Signature of Attorney, if applicable \_\_\_\_\_ Date \_\_\_\_\_

Signature of Petitioner or \_\_\_\_\_ Date \_\_\_\_\_  
 Signature of Co-Petitioner/Respondent \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

(Area Code) Telephone Number (home) \_\_\_\_\_

(Area Code) Telephone Number (work) \_\_\_\_\_

Subscribed and affirmed, or sworn to before me by \_\_\_\_\_ in the County of \_\_\_\_\_  
\_\_\_\_\_, State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

Notary Public/Deputy Clerk \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date) a true and accurate copy of the *Verified Motion Concerning Parenting Time Disputes Pursuant to §14-10-129.5, C.R.S.* was served on the other party by:

- Hand Delivery or  Faxed to this number \_\_\_\_\_ or
- by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Your Signature

## Possible sanctions that may be imposed by the Court, pursuant to §14-10-129.5, C.R.S.

The possible sanctions to be imposed by the Court may include but are not limited to one or more of the following:

1. An order imposing additional terms and conditions on parenting time consistent with the Court's previous order; except that the court shall separate the issues of child support and parenting time and shall not condition child support upon parenting time.
2. An order modifying the previous order to meet the best interests of the child.
3. An order requiring either or both parties to attend a parental education program as described in §14-10-123.7, C.R.S., at the expense of the non-complying party.
4. An order requiring the parties to participate in family counseling pursuant to §13-22-313, C.R.S., at the expense of the non-complying party.
5. An order requiring the party who violated the parenting time order to post bond or security to insure future compliance.
6. An order requiring that make up parenting time be provided for the aggrieved party or child under the following conditions:
  - That such parenting time is of the same type and duration of parenting time as that which was denied, including but not limited to parenting time during weekends, on holidays, and on weekdays and during the summer.
  - That such parenting time is made-up within six months after the non-compliance occurs, unless the period of time or holiday can not be made up within six months in which case the parenting time shall be made up within one year after non-compliance occurs.
  - That such parenting time takes place at the time and in the manner chosen by the aggrieved party if it is in the best interest of the child.
  -
7. An order finding the non-complying party in contempt of court and imposing a fine or jail sentence.
8. An order on the non-complying party imposing a civil fine not to exceed \$100.00 per incident of non-compliance.
9. An order scheduling a hearing for modification of the existing order concerning parental responsibility (custodial arrangements) or the allocation of decision-making responsibility with respect to a motion filed pursuant to §14-10-131, C.R.S.
10. Any other orders that the Court finds to promote the best interests of the child involved.

In the event the party responding to an action brought pursuant to §14-10-129.5(2)(a-h), C.R.S., is found not to be in violation of the parenting time order or schedule, the Court may order the party who filed the motion to pay the court costs, attorney fees, and expenses incurred by the other party.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____	
In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent: _____	<p style="text-align: center;">▲    COURT USE ONLY    ▲</p> <hr/> Case Number: _____  Division                      Courtroom
<b>ORDER RE: PARENTING TIME</b>	

This matter came before the Court on the Verified Motion Concerning Parenting Time Disputes Pursuant to §14-10-129.5, C.R.S. of the  Petitioner  Co-Petitioner/Respondent to enforce the parenting time order entered by this Court or a Court of competent jurisdiction in another state.

**I. The Court following review of the verified motion and response, if applicable, orders the following:**

The Court finds that inadequate allegations exist and therefore the motion is denied. The  Petitioner  Co-Petitioner/Respondent shall pay for all reasonable attorney fees, costs and expenses associated with this action.

or

The Court finds it necessary for both parties to attend mediation and to report the results back to the Court within 63 days of the date of this Order.

or

A hearing is set on \_\_\_\_\_ (date) at \_\_\_\_\_ (time) at the above court address.

**II. The Court following review of the verified motion and response, if applicable, and a hearing in the matter, finds the following:**

No violation exists with the parenting time order or schedule as provided to the Court.

or

Petitioner  Respondent has not complied with the parenting time order or schedule, and has violated the Court's Order, and orders the following as set forth in section III below.

**III. The Court Orders the following in the best interests of the child(ren):**

The  Petitioner  Co-Petitioner/Respondent  both parties are ordered to attend a parenting class, pursuant to §14-10-123.7, C.R.S. to be paid for by the  \_\_\_\_\_ % Petitioner  \_\_\_\_\_ % Co-Petitioner/Respondent.

The  Petitioner  Co-Petitioner/Respondent  both parties are ordered to attend family counseling to be paid for by the  \_\_\_\_\_% Petitioner  \_\_\_\_\_% Co-Petitioner/Respondent.

The  Petitioner  Co-Petitioner/Respondent shall post a bond or security in the amount of \$ \_\_\_\_\_ to ensure compliance with the parenting time order.

Makeup time shall be provided for the  Petitioner  Co-Petitioner/Respondent of the same type and duration as the time that was denied within  six months or  one year of the noncompliance. The makeup time shall take place at the time and in the manner chosen by the  Petitioner  Co-Petitioner/Respondent.

The  Petitioner  Co-Petitioner/Respondent is in contempt of court and the following sanctions shall be imposed:

A Civil fine shall be imposed in the amount of \$ \_\_\_\_\_ per incident of non-compliance, totaling \$ \_\_\_\_\_.

or

A jail sentence shall be imposed as follows:

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Additional Court Orders in the best interests of the child(ren) are as follows:

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**IV. Additional Court Orders regarding attorney fees and costs as follows:**

The  Petitioner  Co-Petitioner/Respondent shall pay for all reasonable attorney fees, costs and expenses associated with this action to \_\_\_\_\_ (name of party).

Date: \_\_\_\_\_

Judge  Magistrate

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date), I mailed, faxed, e-filed, or hand-delivered a copy of this Order to the following:

Attorney for Petitioner or Petitioner *pro se*

Attorney for Co-Petitioner/Respondent or Co-Petitioner/Respondent *pro se*

Other \_\_\_\_\_

\_\_\_\_\_  
Clerk



# INSTRUCTIONS TO FILE A MOTION CONCERNING PARENTING TIME DISPUTES

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

## GENERAL INFORMATION

- ◆ This information provides a guide to the process and forms necessary to file a motion concerning parenting disputes.
- ◆ You must have an existing court order concerning parenting time to show that one parent is not in compliance with the parenting plan or schedule.
- ◆ Both parties may be required to schedule mediation to attempt to resolve issues regarding parenting time.
- ◆ The Court may order various sanctions against the non-complying party, such as imposing a civil fine or jail sentence, posting of a bond or security to insure future compliance, requiring that parenting time for the aggrieved parent or child be made up, and any other orders to meet the best interests of the children.
- ◆ If you wish to modify parenting time (increase/decrease parenting time or to impose/remove restrictions), please refer to instructions JDF 1406I.
- ◆ If you wish to modify allocation of parental responsibilities (both decision-making and parenting time), please refer to instructions JDF 1415I.
- ◆ For additional information, please review Colorado Revised Statute §14-10-129.5.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:  
[http://www.courts.state.co.us/Administration/HR/ADA/Coordinator\\_List.cfm](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## COMMON TERMS

- ⊗ Petitioner: The person identified as Petitioner in the original Petition filed with the Court.
- ⊗ Co-Petitioner/Respondent: The person identified as Co-Petitioner/Respondent in the original Petition filed with the Court.
- ⊗ Service of Process: The official means by which a party is notified that a document has been filed against him/her and provided a copy of the document. This can be completed by a process server, the sheriff, or a 3<sup>rd</sup> party not related to the case.
- ⊗ Hearing Date: The date that the Petitioner and Co-Petitioner/Respondent must appear in Court.
- ⊗ May: In legal terms, "may" is defined as "optional" or "can".
- ⊗ Shall: In legal terms, "shall" is defined as "required".

If you do not understand this information, please contact an attorney. You also may contact the Family Court Facilitator at your local courthouse, if one is available in your Judicial District.

## FEES

No filing fee is required to file this Motion. If you also plan to file a motion to modify child support, parenting time, etc, a \$105.00 filing fee is required. Other fees that a party to the case may encounter are as follows:

- |  |  |
|--|--|
| <input type="checkbox"/> Response (Required, unless previous filing fee paid by party) | \$116.00                                     |
| <input type="checkbox"/> Service Fees  | Varies (not payable through or to the Court) |
| <input type="checkbox"/> Certification Fee   | \$20.00                                      |
| <input type="checkbox"/> Copies of Documents (Documents on File)                       | \$.75 per page or \$1.50 if double sided     |
| <input type="checkbox"/> Copies of Documents (Documents not on File)                   | \$.25 per page or \$.50 if double sided      |

## FORMS

To access a form online go to [www.courts.state.co.us](http://www.courts.state.co.us) and click on the "Forms" tab. The packet/forms are available in PDF or WORD by selecting **Divorce, Family Matters, Civil Unions – All Domestic Forms**. You may complete a form online and print or you may print it and type or print legibly in black ink.

- |                                   |  |
|-----------------------------------|--|
| <input type="checkbox"/> JDF 1418 | Verified Motion Concerning Parenting Time Disputes |
| <input type="checkbox"/> JDF 1419 | Order Re: Parenting Time                           |

## STEPS TO FILING YOUR MOTION:

### Step 1: Complete Initial Forms.

Selecting these instructions indicates that you are planning to file a motion to concerning parenting time disputes. You must identify yourself as the Petitioner or Co-Petitioner/Respondent depending on your "title/role" in the original case. It is important to remember that your "title/role" in the case does not change based on who files a motion to reopen the case. The caption area below needs to be completed on all forms filed. Keep a copy of each form for your own records and make a copy to provide to the other party.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> <input type="checkbox"/> In re the Marriage of: <input type="checkbox"/> In re the Civil Union of: <input type="checkbox"/> In re the Parental responsibilities concerning: _____ Petitioner: _____ and _____ Co-Petitioner/Respondent: Attorney or Party Without Attorney (Name and Address): _____ <hr/> Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	▲ COURT USE ONLY ▲
Case Number: _____ <hr/> Division _____ Courtroom _____	NAME OF FORM

**Verified Motion Concerning Parenting Time Disputes (JDF 1418):**

- Complete all sections of this form.
- Describe how the other party has not complied with the existing parenting time order or schedule. Attach a copy of the parenting time order or schedule.
- Check the appropriate box(es) identifying what you are requesting from the Court. If you are requesting the Court to impose sanctions, as identified on page 3 of the Motion, please specify.
- This form must be signed in the presence of a Court Clerk or Notary Public.**

- Make sure you have the appropriate number of copies of all documents for the Court and the other party.
- If your address or the other party's address has changed since you originally filed your case, please provide the current address to the Court in writing.

- Order Re: Parenting Time (JDF 1419):**
  - Complete the caption only on this form.
  - The Court will complete the remaining sections.

**Step 2: You are Ready to File your Documents with the Court.**

- Provide the Court with the Verified Motion and Order. If the Motion has not been signed in the presence of a Notary Public, you will need to sign the Motion in front of the Court Clerk who will verify your signature.
- If any addresses have changed since the original case was filed, please provide current address information to the Court in writing.
- Provide the Court with a self-addressed stamped envelope to receive a copy of the Order. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.
- The Court may review the motion and issue an order or require a hearing to be set. When filing the Motion, you may want to ask the Court what their procedures are for this type of court proceeding.

**Step 3: Provide a Completed Motion to the Other Party.**

- You must provide a copy of this Motion to all parties to the case.
- Complete the Certificate of Service portion on the form. The purpose of the Certificate of Service is to notify the Court when and how you provided copies of the Motion to all parties in the case. This is very important, because the Court must have knowledge that all parties involved are aware of the motion prior to any Court action being taken.

**Step 4: Court Review of Motion or Hearing.**

When you receive the Order Re: Parenting Time, please make sure you read and understand all issues addressed in the Order. The Court may order various sanctions for the non-complying party, such as imposing a civil fine or jail sentence, or posting a bond or security to insure future compliance. In addition, the Court may require that parenting time for the aggrieved parent or child be made-up and any other orders to meet the best interests of the child.

- The Judge or Magistrate will review all documents filed and enter an Order regarding your motion concerning parenting time based on the pleadings filed with the Court.
- or
- The Court may order the parties to seek mediation and report the results of the mediation back to the Court within 63 days of the Order.
- or
- The Court may set the case for a hearing at which time both parties will have the opportunity to appear and address the Court.

West's Colorado Revised Statutes Annotated  
Title 14. Domestic Matters  
Dissolution of Marriage--Parental Responsibilities  
Article 10. Uniform Dissolution of Marriage Act (Refs & Annos)

C.R.S.A. § 14-10-129.5

§ 14-10-129.5. Disputes concerning parenting time

Effective: July 1, 2012

Currentness

(1) Within thirty-five days after the filing of a verified motion by either parent or upon the court's own motion alleging that a parent is not complying with a parenting time order or schedule and setting forth the possible sanctions that may be imposed by the court, the court shall determine from the verified motion, and response to the motion, if any, whether there has been or is likely to be substantial or continuing noncompliance with the parenting time order or schedule and either:

(a) Deny the motion, if there is an inadequate allegation; or

(b) Set the matter for hearing with notice to the parents of the time and place of the hearing as expeditiously as possible; or

(c) Require the parties to seek mediation and report back to the court on the results of the mediation within sixty-three days. Mediation services shall be provided in accordance with section 13-22-305, C.R.S. At the end of the mediation period, the court may approve an agreement reached by the parents or shall set the matter for hearing.

(2) After the hearing, if a court finds that a parent has not complied with the parenting time order or schedule and has violated the court order, the court, in the best interests of the child, shall issue an order that may include but not be limited to one or more of the following orders:

(a) An order imposing additional terms and conditions that are consistent with the court's previous order; except that the court shall separate the issues of child support and parenting time and shall not condition child support upon parenting time;

(b) An order modifying the previous order to meet the best interests of the child;

(b.3) An order requiring either parent or both parents to attend a parental education program as described in section 14-10-123.7, at the expense of the noncomplying parent;

(b.7) An order requiring the parties to participate in family counseling pursuant to section 13-22-313, C.R.S., at the expense of the noncomplying parent;

§ 14-10-129.5. Disputes concerning parenting time, CO ST § 14-10-129.5

(c) An order requiring the violator to post bond or security to insure future compliance;

(d) An order requiring that makeup parenting time be provided for the aggrieved parent or child under the following conditions:

(I) That such parenting time is of the same type and duration of parenting time as that which was denied, including but not limited to parenting time during weekends, on holidays, and on weekdays and during the summer;

(II) That such parenting time is made up within six months after the noncompliance occurs, unless the period of time or holiday can not be made up within six months in which case the parenting time shall be made up within one year after the noncompliance occurs;

(III) That such parenting time takes place at the time and in the manner chosen by the aggrieved parent if it is in the best interests of the child;

(e) An order finding the parent who did not comply with the parenting time schedule in contempt of court and imposing a fine or jail sentence;

(e.5) An order imposing on the noncomplying parent a civil fine not to exceed one hundred dollars per incident of denied parenting time;

(f) An order scheduling a hearing for modification of the existing order concerning custody or the allocation of parental responsibilities with respect to a motion filed pursuant to section 14-10-131;

(g) Deleted by Laws 1997, H.B.97-1164, § 1, eff. Aug. 6, 1997.

(h) Any other order that may promote the best interests of the child or children involved.

(3) Any civil fines collected as a result of an order entered pursuant to paragraph (e.5) of subsection (2) of this section shall be transmitted to the state treasurer, who shall credit the same to the dispute resolution fund created in section 13-22-310, C.R.S.

(4) In addition to any other order entered pursuant to subsection (2) of this section, the court shall order a parent who has failed to provide court-ordered parenting time or to exercise court-ordered parenting time to pay to the aggrieved party, attorney's fees, court costs, and expenses that are associated with an action brought pursuant to this section. In the event the parent responding to an action brought pursuant to this section is found not to be in violation of the parenting time order or schedule, the court may order the petitioning parent to pay the court costs, attorney fees, and expenses incurred by such responding parent. Nothing in this section shall preclude a party's right to a separate and independent legal action in tort.

**§ 14-10-129.5. Disputes concerning parenting time, CO ST § 14-10-129.5**

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**Credits**

Added by Laws 1987, H.B.1122, § 1, eff. July 1, 1983. Amended by Laws 1993, S.B.93-25, § 12, eff. July 1, 1993; Laws 1997, H.B.97-1164, § 1, eff. Aug. 6, 1997; Laws 1998, Ch. 310, § 16, eff. Feb. 1, 1999; Laws 2012, Ch. 208, § 34, eff. July 1, 2012.

C. R. S. A. § 14-10-129.5, CO ST § 14-10-129.5

Current through Laws effective May 10, 2017 of the First Regular Session of the 71st General Assembly (2017).

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End of Document

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<input type="checkbox"/> District Court <input type="checkbox"/> Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent: Attorney or Party Without Attorney (Name and Address): _____ <hr/> Phone Number: _____      E-mail: _____ FAX Number: _____      Atty. Reg. #: _____	▲ <b>COURT USE ONLY</b> ▲
Case Number: _____ <hr/> <div style="display: flex; justify-content: space-between;"> <span>Division _____</span> <span>Courtroom _____</span> </div>	
<b>VERIFIED ENTRY OF SUPPORT JUDGMENT</b>	

The Oblgee, \_\_\_\_\_, submits this Verified Entry of Support Judgment pursuant to §14-10-122, C.R.S.:

1. The Obligor, \_\_\_\_\_, is currently ordered to pay \$ \_\_\_\_\_ per month, commencing \_\_\_\_\_ (date). All previous modifications are as follows:
  - \$ \_\_\_\_\_ per month, commencing \_\_\_\_\_
  - \$ \_\_\_\_\_ per month, commencing \_\_\_\_\_
  - \$ \_\_\_\_\_ per month, commencing \_\_\_\_\_
  
2. During the period of \_\_\_\_\_ (date) through \_\_\_\_\_ (date), the Obligor should have paid \$ \_\_\_\_\_.
  
3. Through \_\_\_\_\_ (date), the Obligor paid the sum of \$ \_\_\_\_\_, leaving an arrearage due and owing to the Oblgee in the amount of \$ \_\_\_\_\_. Pursuant to §5-12-102, C.R.S. and §14-14-106, C.R.S., the Obligor owes accrued interest in the sum of \$ \_\_\_\_\_ for this time period, for a total due of \$ \_\_\_\_\_ to the Oblgee.
  
4. Interest shall continue to accrue at the statutory rate.
  
5. As evidence of payment, a copy of the Family Support Registry record is attached, pursuant to §14-14-111.5(3)(b)(III), C.R.S.

WHEREFORE, the Obligees submits to the Court that the sum of \$ \_\_\_\_\_ should be entered as a consolidated judgment against the Obligor \_\_\_\_\_, and in favor of the Obligees \_\_\_\_\_.

Date: \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
Obligee or Attorney for Obligees

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

I, \_\_\_\_\_, being first duly sworn, state that I have read the foregoing Verified Entry of Support Judgment, and the statements contained therein are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Obligee

Subscribed and affirmed, or sworn to before me in the County of \_\_\_\_\_, State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Clerk

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date) a true and accurate copy of the VERIFIED ENTRY OF SUPPORT JUDGMENT was served on the other party by:

- Hand Delivery,  E-Filed, or  Faxed to this number \_\_\_\_\_ or
- by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Your Signature)



<input type="checkbox"/> District Court <input type="checkbox"/> Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent:	<div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;">           ▲      <b>COURT USE ONLY</b>      ▲         </div> Case Number:  <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black;"> <span>Division</span> <span>Courtroom</span> </div>
<b>ORDER</b>	

This matter comes before this Court upon the Motion or Stipulated Motion of the  Petitioner  Co-Petitioner/Respondent  Both. The Court has considered the Motion or Stipulated Motion, any response filed, the court file and, being fully advised, makes the following findings and orders:

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Date: \_\_\_\_\_  Judge  Magistrate

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date), I delivered a copy of this Order to the following:

Petitioner and/or  Petitioner's Attorney:  Hand-Delivered,  E-filed, or  Mailed to: \_\_\_\_\_

Co-Petitioner/Respondent and/or  Co-Petitioner's/Respondent's Attorney:  Hand-Delivered,  E-filed, or  Mailed to: \_\_\_\_\_

Other \_\_\_\_\_:  Hand-Delivered,  E-filed, or  Mailed to: \_\_\_\_\_

Clerk Signature: \_\_\_\_\_

Supreme Court  
 Court of Appeals  
 Denver Juvenile Court  
 Denver Probate Court  
 County Court  
 District Court \_\_\_\_\_ County, Colorado  
 Court Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Plaintiff/Petitioner: \_\_\_\_\_  
 v.  
 Defendant/Respondent: \_\_\_\_\_  
 \_\_\_\_\_  
 Attorney or Party Without Attorney: (Name & Address)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Atty. Reg. #: \_\_\_\_\_

**▲ COURT USE ONLY ▲**

Case Number: \_\_\_\_\_  
 Courtroom: \_\_\_\_\_

**MOTION TO:  FILE WITHOUT PAYMENT OF FILING FEE  WAIVE OTHER COSTS OWED TO THE STATE AND SUPPORTING FINANCIAL AFFIDAVIT**

I, \_\_\_\_\_ respectfully move the Court for an order to waive the following filing fee(s): \_\_\_\_\_ and as grounds state that I am without funds, have no adequate funds available, and have a meritorious claim.

complaint  
 petition  
 answer  
 response  
 motion to modify  
 other: \_\_\_\_\_

**All items must be fully completed. Print or type neatly. If an item does not apply, please write "N/A"**

Name of Applicant		
Last Name	First Name	MI
Street Address (Include Apt. # if applicable)		
City		State      Zip Code
<input type="checkbox"/> Own <input type="checkbox"/> Rent   Home Phone #: _____		
Social Security #	Driver's Lic. # & State	Date of Birth
Most Recent Employer: _____		
Work Address: _____		
Work Phone #: (    ) _____		
Dates Employed: _____		
Hours/Week: _____ Pay Rate: \$ _____		
<input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annual <input type="checkbox"/> Other: _____		
Name of Other Responsible Party (Spouse, Partner, Parent, Other Persons in Household)		
Last Name	First Name	MI
Street Address (Include Apt. # if applicable)		
City		State      Zip Code
<input type="checkbox"/> Own <input type="checkbox"/> Rent   Home Phone #: _____		
Social Security #	Driver's Lic. # & State	Date of Birth
Most Recent Employer: _____		
Work Address: _____		
Work Phone #: (    ) _____		
Dates Employed: _____		

Hours/Week: \_\_\_\_\_ Pay Rate: \$ \_\_\_\_\_  Weekly  Bi-weekly  Monthly  Annual  Other: \_\_\_\_\_

**Marital Status:**  Single  Married  Partner in a Civil Union  Divorced/Civil Union Dissolved  Separated  
 Widowed

**Number in Household:** (including yourself) \_\_\_\_\_

**Identify Members:**

Name _____	Age _____	Relationship _____
Name _____	Age _____	Relationship _____

Gross Monthly Income (See Information on page 3)		Monthly Expenses (See Information on Page 3)	
Self (wages, salary, commission)	\$ _____	Rent or Mortgage	\$ _____
Spouse/Partner, Other Household Members	\$ _____	Groceries	\$ _____
Parents (if same household)	\$ _____	Utilities	\$ _____
Unemployment Benefits	\$ _____	Clothing	\$ _____
Social Security/Retirement Funds	\$ _____	Maintenance/Alimony and/or Child Support	\$ _____
Maintenance/Alimony	\$ _____	Medical/Dental	\$ _____
Other Income (identify)	\$ _____	Other Expenses (identify)	\$ _____
Other Income (identify)	\$ _____	Other Expenses (identify)	\$ _____
	\$ _____		\$ _____
<b>Total Income</b>		<b>Total Expenses</b>	
<b>Cash on Hand</b> (Cash you are carrying or which is stored at home, etc.)	\$ _____	<b>Credit Cards:</b> (Show type and balance owed)	
		Type: _____ Balance \$ _____	
		Type: _____ Balance \$ _____	
Checking Account Balance	\$ _____	Name/Address of Bank: _____	
Savings Account Balance	\$ _____	Name/Address of Bank: _____	
<b>Stocks, Bonds, or other Investments Held Balance</b>	\$ _____	Type of Investment _____ Name/Location of Company/Corporation _____	
<b>Vehicles Owned</b> (Autos, boats, recreational vehicles, etc.) - Estimate Value	\$ _____	Year _____ Model _____ License Plate _____	
		Year _____ Model _____ License Plate _____	
<b>House(s) or other Property</b> Estimate Value	\$ _____	Amount owed \$ _____ Year Purchased _____	

IF ADDITIONAL SPACE IS NEEDED TO PROVIDE COMPLETE INFORMATION, ATTACH A SEPARATE PAGE.

I swear under penalty of perjury that all information provided is true and complete. In addition, if requested I will provide three (3) months of bank statements and pay stubs or other comparable proof of income status. I authorize the Court to make any necessary contacts to verify the information.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# MOTION TO FILE WITHOUT PAYMENT SUPPORTING FINANCIAL AFFIDAVIT, AND SUPPORTING DOCUMENTATION REQUESTED

## General Information

It is important that you accurately complete all sections of this form as appropriate based on your personal circumstances. If a section does not apply, please write N/A.

**A. Gross Monthly Income.** Includes income from all members of the household who contribute monetarily to the common support of the household.

♦ **Income categories to include:**

Wages, including tips, salaries, commissions, payments received as an independent contractor for labor or services, bonuses, dividends, severance pay, pensions, retirement benefits, royalties, interest/investment earnings, trust income, annuities, capital gains, unemployment benefits, Social Security Disability (SSD), Social Security Supplemental Income (SSI), Workman's Compensation Benefits, and alimony.

**Note:** Income from roommates should not be considered if such income is not commingled in accounts or otherwise combined with the applicant's income in a fashion which would allow the applicant proprietary rights to the roommate's income.

♦ **Income categories do not include:**

TANF payments, food stamps, subsidized housing assistance, veteran's benefits earned from a disability, child support payments, or other public assistance programs.

**B. Liquid Assets.** Includes cash on hand or in accounts, stocks bonds, certificates of deposit, equity, and personal property or investments which could readily be converted into cash without jeopardizing the applicant's ability to maintain home and employment.

**Expenses.** Nonessential items such as cable television, club memberships, entertainment, dining out, alcohol, cigarettes, etc., shall not be included. Allowable expense categories are listed on JDF 205.

**If you are applying to have your filing fee waived you may be asked to supply:**

- Copies of the previous three months bank statements, including checking and savings. **DO NOT provide originals.**
- Copies of the previous three months pay stubs and/or proof of income must be included. **DO NOT provide originals.**

<input type="checkbox"/> District Court <input type="checkbox"/> Juvenile Court _____ County, Colorado Court Address: _____ In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent: Attorney or Party Without Attorney (Name and Address):  Phone Number: _____      E-mail: _____ FAX Number: _____      Atty. Reg. #: _____	▲ <b>COURT USE ONLY</b> ▲
Case Number: _____  Division      Courtroom	<b>RESPONSE TO MOTION FOR:</b> _____

I am the  Petitioner  Co-Petitioner/Respondent in this action. I am requesting that:

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**My reasons are:**

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Date: \_\_\_\_\_

Petitioner or  Co-Petitioner/Respondent

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
(Area Code) Telephone Number (home and work)

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### CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ (date) the original was filed with the Court and a true and accurate copy of this **RESPONSE TO MOTION FOR** was served on the other party by:

Hand Delivery,  E-filed,  Faxed to this number: \_\_\_\_\_, or  by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Your signature