

# A Parent's Guide to Visitation



## *How to Establish and Enforce Parenting Time*

COLORADO DEPARTMENT OF HUMAN SERVICES  
**Division of Child Support Enforcement**





## Note:

This guide was designed for non-custodial parents who have an order to pay child support but do not have a parenting time order that allows them to visit their children. **Although Federal law does not allow the child support program to help establish such an order,** the child support program knows that in most cases children benefit from having a relationship with *both* their parents. This guide will help parents answer basic questions about getting a *parenting time order* and find other court and community resources. Although designed for non-custodial parents, custodial parents can also benefit from this handbook.

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# What Do You Do When You Get a Child Support Order?

You have just received an order to pay child support from your county office of child support enforcement or from a judge or magistrate in court. The other parent, however, has custody of the child, and does not allow you to visit or to take the child to your home.

You want to be a part of your child's life, and you don't think it's fair that you have to pay child support but never get to see your child.

What do you do?

This booklet will answer some of your questions and direct you to resources that can help you. The most detailed resource available, aside from hiring an attorney, is a book called "**Connecting With Your Kids.**" It contains more information about the topics covered briefly in this booklet, as well as many others that aren't included here. See **Section C** of Other Parenting Time Resources on page 26 of this booklet.

## Some Common Child Support Terms

As you read this booklet, you'll see some unfamiliar terms. Some are defined in this section.

*Access and visitation*—this term is often used by the child support enforcement office to describe a court action to get *parenting time*.

*Custodial parent*—is the person who has primary physical care of the child, either because of a court order or because legal custody has not been ordered by a court but the child lives with that parent.

*Decision-making ability*—is the ability to make decisions for the child in one or more areas. Decision-making can be assigned to one parent or to both parents acting together. It can also be split between the two parents, so that, for example, one parent might make all decisions about schooling and the other parent about religious education.

### NOTE: When used in this booklet:

- the term "the child" means both individual children and multiple children for whom a parent may be responsible;
- the term "the judge" may mean either a judge or a magistrate. Either judicial officer may be assigned to hear your case.

**Non-custodial parent**—is the parent who does not have primary physical care of the child.

**Legal custody**—means the responsibility for making major decisions about the child’s life.

**Obligee**—is the person to whom child support is paid for the child’s benefit. The obligee is often also the *custodial parent*, but not always.

**Obligor**—is the person who has a duty to pay child support. The obligor is often the *non-custodial parent*, but again, not always.

**Physical custody**—means that the child spends most of their time with that parent. Physical custody can be *sole* (the child spends less than 93 overnights per year with the other, non-custodial, parent), or *shared* (the child spends more than 93 overnights per year with each parent). If there are two or more children, custody may be *split*, so that one child spends most of their time with one parent, and another spends most of their time with the other parent.

**Parental responsibilities**—are the sum of all the duties and responsibilities that parents have to their child. They include *decision-making ability* and *parenting time*.

**Parenting time**—means the actual time a child spends with one parent or the other. Parenting time used to be called “visitation.”

**Pro se**—means “for yourself.” A parent who hires an attorney to represent him in a court action brings the action through the attorney. A person who brings a court action by him or herself is said to bring the action “*pro se*.” A *pro se* party means a party to the action who is representing himself.

## Parenting Time vs. Child Support

Are parenting time and child support linked together? Let’s look at two examples.

**Example 1:** Mom and Dad are divorced. The court orders that Mom has physical care of the child, that Dad pays child support, and that the child spend every other weekend plus two months during the summer with Dad (his parenting time). After awhile, Dad stops paying child support. Mom asks, “Since Dad’s not paying his child support, can I refuse to let him take the child on weekends and summer vacation?”



*The answer is “no.” Dad’s right to the parenting time ordered by the court exists independently of whether or not he is paying child support. Mom can go back to court or open a child support case to enforce the child support order.*

**Example 2:** Mom and Dad never married. After they separate, their child stays with Dad. Dad gets a child support order from his County Office of Child Support Enforcement. Mom gets a court order for weekly parenting time from the court. Dad refuses to let the child go with Mom. Mom asks “Since he’s not letting me see my child, can I stop paying child support?”

*Again, the answer is “no.” Dad’s right to receive child support exists whether or not he lets Mom see the child. But if he doesn’t, Mom can bring a court action to enforce the parenting time order.*

This booklet deals mostly with parenting time issues. To learn more about child support and child support enforcement, request a copy of “A Father’s Guide to Child Support” from any county office of child support enforcement. The booklet is also available online at [www.childsupport.state.co.us](http://www.childsupport.state.co.us) under Publications.

## In the Beginning

If you are ending a marriage, all the issues concerning child support and parental responsibilities will be dealt with at the same time as part of the divorce proceeding. This booklet is meant mainly for people who are not married to each other but who have one or more children together.

For these parents, the child support issues are likely to be dealt with separately from those concerning parental responsibilities. Often, the parent who is caring for the child is the first to seek help. They can get child support in one of two ways:

1. By applying to a county office of child support enforcement.
2. By filing a child support case with the District Court where they live.

Either process can yield a child support order. Before or after that happens, the other parent may have tried to set up regular parenting time with the child but been unsuccessful. Often a parent who attends a child support negotiation conference at the county child support office will say that they are interested in establishing parenting time also.

The county office of child support enforcement does not have the legal authority to determine parenting time matters—only a court can do that. So the establishment of the child support order will go forward, and the parent will be told that he must file a court case to determine parenting time.

If this happens to you, what do you do first?

## First Steps

You may wish to read over this booklet first, so that you understand the major steps in the process of establishing and enforcing a parenting time order. When your court date is near, you may want to review the appropriate sections to refresh your memory about the particular part of the process that you're working on. Materials from the reference section will also help to fill in the details for each step.

Your case will be heard in the District Court where your child lives. To find the name and address of that court, go to [www.courts.state.co.us](http://www.courts.state.co.us), the home page for the Colorado Judicial Branch. On the left side of this page, place your cursor on the second entry, *Trial and Appellate Courts*. From the box that opens, click once on *District Trial Courts*. Select the appropriate district by finding the county in which your child lives and click on that district.



Although each district has different information on its site, a good place to start is with the *Clerk*. Selecting that option will give you the name and a phone number for the Clerk of Court, with whom you'll be filing your case.

Starting a court case involves five steps.

1. assemble the court forms;
2. fill out the forms;
3. file the forms with the court and pay the filing fee;
4. obtain a hearing date from the Clerk of Court; and
5. serve the forms on the other party.

Each of these steps is discussed in more detail in the “*Instructions for Allocation of Parental Responsibility*,” which is included in the Other Parenting Time Resources section starting on page 12.

## Family Court Facilitators

Before we go any further, it’s time to introduce you to a very important person at the courthouse, the *family court facilitator*. This person’s role will differ from district to district, but in general, they can help you choose the right forms to file and fill them out correctly. They can also answer general questions about the process your case will follow in that particular court. **Please note: this person cannot give legal advice about your case.** But they can often tell you what other resources are available in your district to get those questions answered. The Clerk of Court can give you the name and phone number of the facilitator in your district.

In some districts you will see the family court facilitator again later in your case. They may hold status conferences with you and the other party before your court date to make sure that the case is ready for the judge to hear.

## How to File Your Case

You will complete three steps to start your case:

1. fill out the initial forms;
2. file your case with the court; and
3. serve the petition, summons and other documents on the other party (usually your child’s other parent).

The courts hear several types of cases related to parents and children. If your goal is to spend time with your child on a regular basis, you will file a Petition for Allocation of Parental Responsibility and other documents. Different districts have different requirements; either a court clerk or the family court facilitator in the appropriate district can tell you what the court requires.

Many courts have a pre-assembled packet with all the documents you need, which you can get from the Clerk’s office for a small fee. You can also download all the forms free from the judicial website, [www.courts.state.co.us](http://www.courts.state.co.us).

To find the forms from the home page, put your cursor on the *Self Help Center* on the left side of the page. From the box that opens, click on *Forms/Self Help*. This will take you to the Self Help Center page, where you'll see the section called *Family Law*. Under Family Law is *All Domestic Forms*. When you click on that, it opens the Domestic Cases page. Click on the box that says *File New Case*. Several packets are available on this page. Because parenting time is part of parental responsibilities, select the box that says *Allocation of Parental Responsibility*. See Appendix E on page 27 of this book for pictures of the web pages.

When you open the Allocation of Parental Responsibilities page, you'll see a list of all the forms you may need for your case. Again, contact the district court where your child lives to find out which ones you need to file the case. The first document, *Instructions for Petition for Allocation of Parental Responsibilities*, is the place to start. Read this document to find out how to select the forms, fill them out, and file them with the court. The Instructions will also tell you about filing fees and how to serve the other parent with a copy of the papers you file. A copy of the Instructions can be found in Appendix A starting on page 12 of this booklet.

**TIP:** if a child support order has already been established, either by a court or by a county office of child support enforcement, and neither party seeks to modify child support, child support will not be an issue. Be sure to file a certified copy of your child support order with your case. You will NOT need to fill out the Affidavit with Respect to Financial Affairs or a Child Support Worksheet.

Read this document to find out how to select the forms, fill them out, and file them with the court. The Instructions will also tell you about filing fees and how to serve the other parent with a copy of the papers you file. A copy of the Instructions can be found in Appendix A starting on page 12 of this booklet.

It takes time and patience to fill out these forms, but your case cannot go forward without the information they contain. Just take it one step at a time.

**TIP:** you can download or print a copy of the book, "Connecting with Your Kids," (see page 26 of this booklet) from this page. Select the box on the left side of the page that says *Parenting Time in Colorado Booklet*. The book is 247 pages long, so you may want to read the Table of Contents and print only those sections you need.

## What Happens Before the Court Hearing?

Once your case is filed with the court and you have had the proper documents served on the other party, you and the other party will work with the court to prepare for the case to be heard by a judicial officer, either a judge or a magistrate. Some or all of these things may happen in your case:

1. The other party files a Response to your Petition for Allocation of Parental responsibility if he or she disagrees with information in the Petition. You will receive a copy of the Response if one is filed.
2. The judge will issue a Case Management Order that describes how the case will proceed through the court, and states the responsibilities of each party.
3. If no child support order already exists, each party will complete and file an Affidavit with Respect to Financial Affairs.
4. You and the other party will be asked to agree on a Parenting Plan. The Parenting Plan covers most aspects of parenting a child jointly but separately, including decision-making, parenting time, medical and insurance matters, and education. Negotiating on the Parenting Plan is probably the most important work you will do during your case.

If you cannot agree on all the terms, the court will make the decision for you. Generally parents know their own circumstances and those of their child better than anyone else, and you will be encouraged to make most of the decisions on your own. It's easy to disagree when you're talking with the other party about parenting issues, but each of you should remember that if you cannot come to an agreement, the judge will make the decision for you, and it may be a decision that neither one of you will like!

5. If you're having trouble agreeing on the Parenting Plan or if the level of conflict between you makes it hard even to talk, the court may order that both parties attend *mediation* to try to reach an agreement. Mediation is a special process where you both work with a trained mediator to discuss and resolve parenting issues.

The mediator cannot make any decisions for you, but is specially trained to help you talk more easily and make decisions that both of you can support. Look in the Resources section at the back of this booklet for more information on mediation. Most people find that going to mediation is the most helpful thing they can do to make successful agreements on how they will parent their child.

You will find more information on mediation, including how to access court mediation services or private mediators in each district, in **Section B of Other Parenting Resources**, on page 24 of this booklet.

6. At least one *status conference* will be set to monitor the progress of the case. The status conference may be with the judge who will hear your case, or it may be with a family court facilitator. The purpose of the status conference is to make sure that the case is ready for hearing, that all documents have been properly filled out, and to identify where the parties have been able to agree on parenting issues and where they are asking the court to make the decision.
7. Both parties will often be required to take parenting classes before the court will hear the case. The clerk of court or the family court facilitator can tell you where to find an approved class in your area.

## How to Prepare for the Court Hearing

The Colorado courts publish a brochure, *Representing Yourself in Court*, which you can get at the courthouse or at <http://www.courts.state.co.us/exec/pubed/brochures/prosesheet.pdf>. This brochure will give you some important information and tips about how to prepare and what to expect at the hearing, including these:

- **Being organized will help.** What do you want? Why should you get what you want? Make notes so you can tell the court the answers to these questions as quickly and clearly as possible. The court has limited time to hear any case and must follow a strict schedule. If you do not make your points in the allotted time, you will not get another chance. Practice your presentation with friends and family.
- **Be prepared.** Visit the courthouse and courtroom ahead of time, if possible, so that you are comfortable with the location and setup. Observe a similar type of case to learn what goes on and to get some tips on how to do and say things.
- **Get your documents and evidence prepared and copied.** Subpoena your witnesses, if necessary, and arrange for them to be at the right place at the right time. Make notes of questions you will want to ask the witnesses.
- **Arrive early with everything you need.** Give yourself enough time for traffic and unexpected events. If you are not there on time, your case may be dismissed, you might lose, or it may be months before you have another chance to tell the court what you want. Keep your paperwork in order and have your copies with you when you come to court.



- **Know your case number.** Be sure to have your case number available always; you will be asked for it every time you contact the court. Court staff will not be able to give you the help you need if you do not have your case number.

### A WORD ABOUT CHILDREN

Please do not bring children to the courthouse unless the court has ordered them to be present. Children do not belong in the courtroom—they can see and hear things that are hurtful, confusing and inappropriate for them. *A courthouse is a dangerous and boring place for children.*

If you have no other option, call ahead to find out if the courthouse has a child care facility or a family waiting area. If they have a facility, your child will be cared for free of charge while you are in court. Only a few courts have child care facilities, but several have family waiting areas. An adult who is not part of the court proceeding must be with a child in the family waiting area at all times, so ask a family member or friend ahead of time if you need help with your child.

## What Happens at the Court Hearing

When you arrive for the court hearing, find the courtroom assigned to your case. A list of the day's cases will be posted at the courtroom entrance. If your case is toward the beginning of the list, have a seat in the courtroom and wait for your case to be called. If your case is further down the list, you may wait in the hallway if you prefer until your case is closer to being heard.

When the judge calls your case, both parties will go to the front of the courtroom. A separate table is provided for each party. The judge will ask you, as the Petitioner (the person who filed the case), to present your case first. Here's where all your preparation will pay off.

Present the facts of your case as clearly and logically as you can, including what you want and why the court should grant your petition. If you have any witnesses, you will call them to testify at this time. The other party (or their attorney) will be given the opportunity to cross-examine you and each witness you call. The judge may ask you questions also. If you don't have information that the judge requests, say so and offer to get that information to him or her as soon as possible. Tell the judge when you have finished presenting your case.

When you have finished, the judge will invite the other person, who is called the Respondent, to present their case. If they have witnesses, you'll be given a chance to ask them questions after they testify for the Respondent. Sometimes the judge will give each person another brief chance to introduce new evidence or to *rebut* (present evidence against) what the other person has said.

It is to your advantage to behave calmly and rationally at all times. Your feelings may be very different, but the court has to make its decision based on the evidence presented, so try to stay focused on the facts. Do not try to "score" on the other person: this isn't the place and it can backfire badly. **Most important, remember that under Colorado law the judge will decide what to order based on *the best interests of the child*, not the best interests of either one of the parents.**

The judge may tell you what the order is at the end of the case, or he or she may decide to think over the evidence before ruling on the case. Either way, both parties will receive a written copy of the order after it is signed by the judge.



## Some Tips on Enforcing a Court Order

In most cases, after an order is issued the parents will work cooperatively to make sure that it is carried out. If there are details not covered in the parenting plan they will decide on those. For example, if the parenting plan doesn't say where the child will be picked up or dropped off but the child will stay with you from the end of school on Friday until Sunday evening, you might arrange to pick them up directly from school on Friday and drop them off at the other parent's home on Sunday.

But sometimes, the other parent does not carry out all or part of the judge's order. They may refuse to let you visit the child at all, or they may make it very difficult for you to exercise your parenting time—for example, being hours late in dropping the child off, or canceling repeatedly because the child "doesn't feel well." Of course, sometimes the child will genuinely be ill, but if a pattern of non-cooperation exists and you cannot resolve this issue with the other parent, what should you do?

If you are paying child support, one thing you should NOT do is stop paying until the other parent cooperates. You may be tempted, but it can work against you in the long run. If you later have to ask a judge to enforce your parenting time order, the issues will be clearer if you are doing everything you are ordered to do. See page 2 of this booklet for an explanation of the relationship between child support and parenting time.

The first thing you should do is look at your Parenting Plan. In most cases, it will have information about what the parties agreed to do, or were ordered to do, if things go wrong. Often, the Parenting Plan will direct you back to mediation to try to resolve the problem yourselves. But if mediation fails or is not an option, you can file a Verified Motion to Enforce Parenting Time.

To find the instructions and forms to enforce the order, go to the judicial branch website, [www.courts.state.co.us](http://www.courts.state.co.us). From the home page, put the cursor on the Self Help Center, and select Forms/Self Help from the box that pops up. On the Self Help Center page, find Family Law, and click on All Domestic Forms. Click on the box that says Enforce Existing Order, and when the new page comes up, select the box that says Enforce Parenting Time. Read the Instructions first, and follow the directions given to fill out and file the Verified Motion to Enforce Parenting Time.

## OTHER PARENTING TIME RESOURCES

Getting an order for parenting time will probably take several months. This booklet covers the main steps in the process, but you will find much more detailed information in the resources on the following pages.

### Section A. Instructions for Allocation of Parental Responsibilities

(Decision-Making and 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. When you file your case, the Court may provide you with a Case Management Order and other information about the procedures to be followed. Please review that information carefully.

If reviewing the instructions online, please view the relevant statutes, §14-10-124, C.R.S. By accessing the statute, you will be leaving the Colorado Judicial Branch's website at [www.courts.state.co.us](http://www.courts.state.co.us).



## GENERAL INFORMATION

- This information provides a guide to the forms necessary to have the Court allocate parental responsibilities if you are the parent of the child or if you are a non-parent.
- A Petition may be filed by a person other than a parent who has the physical care of the child for a period of six months or more if such action is commenced within six months of the termination of such physical care.
- A Petition may be filed by a person other than a parent for the child in the county where the child is permanent resident or where the child is found, but only if the child is not in the physical care of one of the child's parents.
- The child must reside in Colorado for a minimum of six months prior to the filing date or since birth if under six months of age.
- Your case should be filed in the county where the child resides.
- If paternity of the child is an issue, review the Paternity Instructions (JDF 1500). Paternity must be determined prior to decisions regarding allocation of parental responsibilities.
- If you are married to the child's other parent, review the Dissolution or Legal Separation instructions with Children.
- If the parties agree on all the issues, they should file the case together as Petitioner and Co-Petitioner. If the parties do not agree on all the issues, the person filing the case is the Petitioner and the other party is named as the Respondent.
- The Court may require parenting education classes. Check with the Clerk's office to get a list of parenting classes in your area.
- If either party believes that the other party is threatening, molesting, injuring, or contacting any other party that is resulting in physical or emotional harm, then a separate request for a temporary protection order to prevent domestic abuse should be filed. Forms are available in the clerk's office.
- If there are matters or issues that you and your spouse cannot resolve, mediation or other forms of alternative dispute resolution may be an option. For more information, call the State Office of Dispute Resolution at (303) 837-3672 or check with your local Court to obtain information on local mediators.
- If after the Petition is filed you change your mind about the case, you must notify the Court immediately and file a Stipulated Motion to Dismiss (JDF 1305).

- 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/chs/court/ada/coordinators.htm>.

## COMMON TERMS

**Petitioner:** The person filing the Petition with the Court.

**Co-Petitioner:** The person filing the Petition with the Court together with the Petitioner.

**Respondent:** The person served a Petition for Allocation of Parental Responsibilities who must respond to the allegations of the Petition in order to have his/her desires considered.

**Parental Responsibilities:** This term includes both parenting time and decision-making responsibilities regarding the children. (The term "Custody" is no longer used.)

**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.

**Hearing Date:** The date that the Petitioner and Respondent must appear in Court.

**Mediation:** A confidential process whereby a trained neutral third party assists disputing parties to reach their own solution.

**Alternative Dispute Resolution:** A process that allows parties to resolve their dispute without litigating the matter in Court.

**Special Advocate:** A court-appointed individual who will evaluate independently the issues for the best interest of the child and report his/her findings to the 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 may also contact the Family Court Facilitator at your local courthouse, if one is available in your Judicial District.

## FEES

The filing fee is \$176.00. If you are unable to pay the filing fee, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit to the Court. Once you submit the completed JDF 205 form, the Court will decide whether you need to pay the filing fee. Some Courts require mediation or parenting classes and may require these fees to be paid upon the filing of the case.

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

■ Response	\$70.00
■ Service Fees	Varies (not payable through or to the Court)
■ Certification Fee	\$10.00
■ 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
■ Special Advocate or Legal Representative for the Child	Varies

## FORMS

To access a form online go to [www.courts.state.co.us](http://www.courts.state.co.us) and click on the “Self Help Center.” The packet/forms are available in PDF, WORD or EXCEL by selecting Domestic—New Case—Allocation of Parental Responsibilities. You may complete a form online 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 1000:** Domestic Relations Case Information Sheet

**JDF 1104:** Certificate of Compliance with C.R.C.P. 16.2(e)

**JDF 1111:** Affidavit with Respect to Financial Affairs—Form 35.2

**JDF 1117:** Support Order

**JDF 1120:** Notice of Domestic Relations Initial Status Conference

**JDF 1121:** Notice for Domestic Relations Status Conference

**JDF 1123:** Notice to Set Hearing

**JDF 1124:** Notice of Hearing

JDF 1125: Mandatory Disclosure—Form 35.1

JDF 1126: Court Authorization for Financial Disclosure

JDF 1413: Petition for Allocation of Parental Responsibilities

JDF 1414: Summons to Respond to Petition for Allocation of Parental Resp.

JDF 1420: Response to Petition for Allocation of Parental Responsibilities

JDF 1421: Parenting Plan/Child Support Obligation Agreement

JDF 1422: Order for Allocation of Parental Responsibilities

JDF 1820E: Child Support Worksheet A

JDF 1820M: Child Support Worksheet A—Manual

JDF 1821E: Child Support Worksheet B

JDF 1821M: Child Support Worksheet B—Manual

JDF 1822: Instructions for Completing Worksheets A & B—Manual

## STEPS TO FILING YOUR CASE

### STEP 1: Complete Initial Forms.

Selecting these instructions indicates that you are planning on filing a case for the Court to determine allocation of parental responsibilities. You are filing jointly as Petitioner and Co-Petitioner or you are filing as Petitioner and naming the other party as “Respondent” if he/she did not sign the Petition filed in this case. The caption 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: _____ In re the 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
NAME OF FORM	

### **Domestic Relations Case Information Sheet (JDF 1000):**

- Please complete all sections of this form.

### **Petition for Allocation of Parental Responsibilities (JDF 1413):**

- Please complete all sections of this form.
- This form must be signed in the presence of a Court Clerk or Notary Public either by both parties if filing together or by the party filing the form.

### **Summons to Respond to Petition for Allocation of Parental Responsibilities (JDF 1414):**

- Only complete the Summons if you named the other party as the Respondent on the Petition and the other party did not sign the Petition.
- Complete all sections in the caption.

### **STEP 2: You are Ready to File Your Case with the Court.**

Provide the Court with the Petition, Case Information Sheet, and Summons, if applicable. If the Petition has not been signed in the presence of a Notary Public, you will sign the Petition and other documents requiring signature verification before the Clerk at this time. If you and the other party are filing as Petitioner and Co-Petitioner, the Clerk or Notary Public must witness and verify both signatures.

- Pay the filing fee of \$176.00.
- When you file your Petition, the Court may set an Initial Status Conference at the time of your filing and/or provide you with information on how and when to obtain future status conferences or hearing dates. Keep this information, as you may need it later.
- Review the Court's Case Management Order and other information to determine what you need to do next. *Please read the information to inform you about the various procedures and timelines.*

### **STEP 3: Serve the Petition, Summons, and other documents provided by the Court, i.e. Case Management Order *only* if both parties did not file as Petitioner/Co-Petitioner.**

It is important that you have the other party served as quickly as possible.

- Once you have filed your Petition, the Court will provide you with a signed summons to serve the other party (the Respondent).
- The Court may require you to provide a copy of the Case Management Order and other information to the other party.
- If you received a date for an Initial Status Conference, you must provide notice to all parties. This conference shall take place no later than 40 days from the filing of the Petition.
- Service options:

#### **Waiver and Acceptance of Service:**

- This is the easiest way to serve the other party. However, the other party must be willing to accept the Petition in order to use this method.
- Have the other party complete the Original Waiver and Acceptance of Service form on the back of the Summons.
- Make sure the other party signs and dates the Waiver and Acceptance of Service before a Court Clerk or Notary Public.
- File the signed original with the Court.

#### **Personal Service:**

- Select the Sheriff's Department, a private process server, or someone you know over the age of 18 who is not involved in this case and who knows the rules of service to serve the Respondent.
- Provide the process server with the Petition, Summons and Notice of Domestic Relations Initial Status Conference.
- The process server will need to return the completed return of service to the Court for filing, or return it to you to bring and file with the Court.

#### **Service by Mail or Publication:**

- Service by mail or publication shall be allowed *only* upon approval by the Court. If this process is necessary, complete forms JDF 1301 and 1302 and then file them with the Court.





## RESPONDENT FILES A RESPONSE

The Respondent may file a response to the Petition. The filing fee is \$70.00. The purpose of the response is for the Respondent to state in writing if he/she agrees or disagrees with the information identified in the Petition, and mail a copy to the other party. All fees paid are non-refundable.

- The Response form is JDF 1420.
- The Respondent must file the original copy with the Court and mail a copy to the Petitioner.

## COMPLETE ADDITIONAL FORMS BEFORE YOUR INITIAL STATUS CONFERENCE OR AS IDENTIFIED IN THE CASE MANAGEMENT ORDER

The forms that you may need to finalize your case are identified on the next few pages. It is up to you to make sure you file your paperwork on time, by the date set by the Court. Take your time and make sure you have all current and necessary information to complete the forms accurately, as these forms provide valuable information to the Court upon which to order decision-making responsibility, parenting time, child support, etc.

### **Mandatory Disclosure—Form 35.1 (JDF 1125):**

This form identifies the documents that each party must provide to one another within 40 days after service of the Petition.

- The documents identified in the Mandatory Disclosure form *do not* need to be filed with the Court, *unless ordered by the Court except for the Financial Affidavit and Child Support Worksheets.*

- If a party does not timely provide the Mandatory Disclosures to the other party, the Court may impose sanctions.

### **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 40 days* after the Petition was signed by the other party, the other party signed the Waiver and Acceptance of Service, or the other party was served with the Petition and Summons.

- 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

### **Affidavit with Respect to Financial Affairs— Form 35.2 (JDF 1111):**

An Affidavit is your sworn statement to the Court that all the information on the document is true to the best

**Note:** if a child support order has already been established and neither party wants to modify child support, you should be able to provide a certified copy of the child support order instead of the Affidavit with Respect to Financial Affairs and the Child Support Worksheet. Check with the Clerk of Court to be sure.

of your knowledge. This document must be filed within 40 days of service on the Respondent or 40 days after filing as Co-Petitioners. You must provide true and complete information to the Court about your assets and income. You can be assessed a fine or jailed for providing false information. In addition, your case can later be reopened due to fraud.

- The Affidavit must contain current personal and financial information to determine whether the Child Support is fair to each party. Failure of a party to file an Affidavit with Respect to Financial Affairs may result in a refusal by the Court to enter a Final Order or the Court may impose sanctions against the party who does not file the required paperwork.

- Each party **must** complete their own Affidavit and all sections **must** be completed.
- The form must be signed in the presence of a Court Clerk or Notary Public to witness your signature.
- Complete a Certificate of Service (JDF 1313), indicating that you have provided the other party with a copy of your completed Affidavit with Respect to Financial Affairs. Include the date and method of service and the name and address of the person to whom you sent a copy of your financial affidavit. Your signature does not need to be notarized on the Certificate of Service.

**Parenting education classes may be required by the Court. This information should be in the Case Management Order or other information provided by the Court at the time the Petition is filed.**

### **Parenting Plan/Child Support Obligation Agreement (JDF 1421):**

- Please complete all sections of this form and make sure all issues are addressed. If you have any unique situations, identify them in section 16—“Other.”
- If there are issues that you and the other party do not agree on, please indicate the section number of the disputed issues on page 1 of the form.
- Each party should re-read this form to be sure that it accurately represents what you and the other party have agreed to regarding the children or what you and the other party do not agree to.
- This form must be signed in the presence of a Court Clerk or Notary Public.

### **Child Support Worksheets A or B:**

- Select the appropriate worksheet based on decisions made in your Parenting Plan. Each worksheet is available in an EXCEL “E” format, in which your child support will be automatically calculated based on your response to each question. Each worksheet is also available in a MANUAL “M” format, which requires you to obtain the Child Support Guidelines to manually calculate your child support. If you wish to use the Manual Worksheets, please review Instructions for Completing Worksheets A & B Manually (JDF 1822)
- Use the information from each of your Affidavits with Respect to Financial Affairs to complete the appropriate worksheet.

- 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 party they are considered to have a primary home with that party.
- 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 party, they are considered to have two homes (one at your residence and one at the other parties residence).
- Split Care: If each party has primary physical care of at least one of the children because that child or children reside with that party the majority of the time, you have a split physical care situation. Each party should complete a separate worksheet for the child or children subject to their respective physical care arrangements.
- Complete a Certificate of Service (JDF 1313) indicating that you have provided the other party with a copy of your completed Child Support Worksheet.

#### **Support Order (JDF 1117):**

- Complete the caption and the sections about the parties and children.
- The Magistrate or Judge will complete the remaining sections of the Support Order and give you and the other party a signed copy.

#### **Order for Allocation of Parental Responsibilities (JDF 1422):**

- Complete the caption and the sections about the parties and children
- The Magistrate or Judge will complete the remaining sections of the Order and give you and the other party a signed copy.

#### **APPOINTMENT OF A LEGAL REPRESENTATIVE FOR THE CHILD OR A SPECIAL ADVOCATE**

If you feel that any child needs a legal representative, you may ask the Court to appoint a representative for the child or special advocate. The Court will enter an order for costs, fees and disbursements against any or all of the parties. When a responsible party is indigent, the state will pay the representative of the child, or special advocate at the appropriate rates. Forms are available on the website. Complete the appropriate motion and order and file with the Court. You or the other party may be responsible for paying for the representative of the child, or special advocate.

## SETTING STATUS CONFERENCE OR HEARING DATES

Please review the Instructions to Set a Hearing and to Complete a Notice of Hearing or Status Conference—JDF 1122. It is important to notify the other party of the future status conference or hearing by completing the appropriate forms and sending the other party a copy.

- If the Court has provided you with specific information on how to schedule a status conference or hearing in a Case Management Order you received at the time of filing, follow those procedures.
- If the Court provided you with a date for a status conference when you filed your petition or at an initial status conference and both parties were not present, follow step 3 only in the Instructions—JDF 1122.

## DETERMINE THE COURT'S PROCEDURE FOR TEMPORARY ORDERS

Temporary Orders are optional for parties. When you meet with the Family Court Facilitator, Magistrate, or Judge during an Initial Status Conference you should discuss this issue, or you may request the Court to make temporary decisions about allocation of parental responsibilities and child support by requesting a Temporary Orders Hearing. A Motion for Temporary Orders (JDF 1106) can not be filed without prior approval of the Court pursuant to Colorado Rule of Civil Procedure 16.2(c)(4)(B).

## COURT HEARING

The Judge or Magistrate will review all documents filed and enter an Order to grant allocation of parental responsibilities, parenting time, child support, and other issues, if any.

- A short hearing is required if both parties are not represented by an attorney. You may want to check with the Court to determine if both parties are required to appear.
- You will receive a copy of the Order for Allocation of Parental Responsibilities and Support Order following the hearing.
- If your address has changed since you initially filed your case, please provide this information to the Court in writing.

## Section B. Mediation

Mediation can be an effective alternative approach to resolving the issues that arise in allocation of parental responsibilities cases. Mediation provides a less adversarial method for both parents to work out plans for parental responsibility, parenting time, and other hard-to-solve matters. Mediation is almost always less expensive than court litigation.

Mediation provides parents with an opportunity to express their needs and wishes in a confidential setting. The goal of mediation is to reach an agreement that both parents had a voice in determining. The mediator assists in the process, but cannot force either party to agree to something they can't live with.

Although mediators in Colorado are not formally licensed, most have been through extensive training, including many who specialize in family mediation. Be sure to ask about a mediator's qualifications before you enter the mediation process.



You may seek a private mediator on your own. Try the Yellow Pages under "Mediation," or call your local Bar Association for references. You may contact the Colorado Council of Mediators and Mediation Organizations which provides callers with referrals to mediators statewide by calling 1-800-864-4317 or by visiting their website at [www.coloradomediation.org](http://www.coloradomediation.org).

You may also use the services of the Office of Dispute Resolution (ODR) of the Colorado court system. The Office of Dispute Resolution has mediators in almost every area of the state. You can contact the ODR mediation program in your area at the following telephone numbers:

**Arapahoe County:** (303) 649-6275

**Aspen, Glenwood Springs, Meeker, Rifle:** (970) 947-3855

**Breckenridge, Eagle, Georgetown, Leadville:** (970) 389-5333 or 926-8666 or 748-8673

**Canon City, Salida, Fairplay:** (719) 269-0111

**Colorado Springs:** (719) 448-7777

**Cortez:** (970) 565-8699 or 565-3722, x128

**Delta, Gunnison, Montrose:** (970) 252-4308

**Denver Metro:** (303) 837-3672

**Durango:** (970) 247-0483 or 565-8699

**Ft. Collins:** (970) 219-5380

**Ft. Morgan, Sterling:** (970) 542-9656

**Grand Junction:** (970) 874-7779

**Greeley:** (970) 351-7300, x4381

**Pueblo:** (719) 583-7046 or 583-7049,

**Steamboat Springs, Hot Sulphur Springs, Craig:** (970) 879-7637 #5  
**(Grand County)** (303) 722-5012

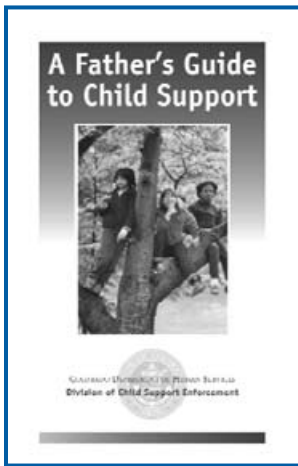
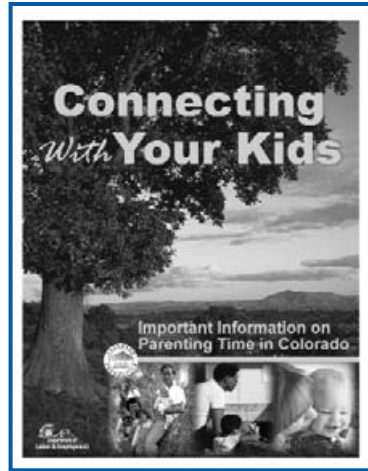
**Trinidad:** (719) 846-1188

**Walsenburg:** (719) 738-1848

For more information about the Office of Dispute Resolution visit the website at <http://www.courts.state.co.us/chs/court/mediation/odrindex.htm>.

## Section C. “Connecting With Your Kids”

A 247-page book published by the Colorado Foundation for Families and Children that covers all aspects of parenting time in detail. The book can be downloaded, and any portion of it printed from <http://www.courts.state.co.us/chs/court/forms/domestic/ParentingTimeBook.pdf>.



## Section D. “A Father’s Guide to Child Support”

This booklet explains the basics of child support establishment and enforcement. Download a copy from the website of the Division of Child Support Enforcement, [www.childsupport.state.co.us](http://www.childsupport.state.co.us). Click on *Publications* under the Quick Links section of the home page.



# Section E. Finding Court Forms at [www.courts.state.co.us](http://www.courts.state.co.us)

## STEP 1:

Colorado State Judicial Branch

[Site Index](#) | [District Map](#) | [Self Help](#) | [Research](#) | [Jury Duty](#) | [Opinions](#) | [Contact](#) | [FAQ](#)

Welcome to the Colorado State Judicial Branch

The Colorado Judicial Branch joins the Legislative and Executive branches to form the government for the State of Colorado. The Judicial Branch is charged with two responsibilities: resolving disputes and supervising offenders on probation.

The Branch includes the Colorado Supreme Court, Colorado Court of Appeals, and district and county courts, served by 262 justices and judges in 22 judicial districts across the state (excluding 17 Denver county court judges). Municipal courts are not part of the state system. There are also seven water courts, one in each of the major river basins.

For more information about us, see "About Our Courts."

The stone column, at left, is one of two that flank the Colorado Supreme Court bench in the old Supreme Court chambers at the State Capitol. The one stone and stone marble was brought in via wagon and train from Beulah and Martin, when the State Capitol was constructed in the early 1860s. The Supreme Court moved across the street from the State Capitol to its new chambers in 1977.

**Colorado Supreme Court**  
2 E. 14th Ave., Denver 80202

**Office of the State Court Administrator**  
1201 Pennsylvania, Suite 300  
Denver 80203  
303.867.2111

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**Today in Our Courts**

- Recent Trial Court Opinions and Cases of Interest
- State Tax Refund Offset Request
- Judicial Vacancies
- Annual Statistical Reports
- Colorado Courts Programs, Projects and Reports
- 2007 Judicial Branch Budget Request
- Victim Restitution Information
- Proposed Rule Changes
- Pro. Bone Legal Services Recognition Program
- ADA Information
- Access to Justice Commission (Colorado Bar Association)

AMIGO.NET  
Hearing Services Provided by AMIGO.NET

## STEP 2:

Colorado State Judicial Branch - Self-Help Center

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### Self-Help Center

Welcome to the Colorado Courts Self-Help Center. This site is intended to assist you to learn about Colorado Rules & Laws, case filing requirements, available services in Colorado & general information to assist you in representing yourself in court matters.

The forms included on this site conform to [Rule 10](#), (Form and Quality of Pleadings, Motions and Other Documents). When you file your papers with the court, make sure that you print your documents on plain white paper and print on one side of the page only.

#### Forms & Instructions:

- Family Law**  
All Domestic Family (Dissolution/Legal Separation, Responsibility of Support, Responsibility, Retention, etc.), Adoption, Guardianship, Confidential Intermediary, Conservatorship
- Criminal/Juvenile**  
Search Warrants of Arrest, Arrestments, DWI/Intoxilymancy, Suspensions, Sex Offender Registration, Judicial Review of Probation, Notification Requirements, Confidential Informant Reports, Search Warrants - Petition for Postconviction Relief Pursuant to Crim. P. 35(c) (2)(F), Search Warrants, Theft
- Probate**  
Probate (Estate, Mental Health, Guardianship (Adult / Minor), Conservatorship)
- Appeals**  
County Court Civil and Small Claims Appeals, Court of Appeals Forms, Courts, Court, Criminal Appeals, Grand Jury and Petition Cases
- Protection Orders**  
Protection, Restraining Order Forms & Instructions, Safety Plans, Orders & Services for Victims of Domestic Violence
- Civil**  
Adult Name Change, Minor Name Change, Money Demand, Customs (FDU), Garnishments, Foreclosure Judgment, Foreclosure, Contract, Contracting
- District Civil/Water**  
District Civil - Water - Rule 10.1-Simplified Procedure - Property Tax Appeals
- Small Claims**  
Small Claims Rules, Forms & Instructions, Handbook
- General/Misc.**  
Motions, Notifications, Motion to Waive Filing Fee, Subpoenas, State Tax Refund Offset, Transmittal Invoices, etc.

Legal Advice vs. Procedural Information  
Representing Yourself in Court  
Procedure  
Flexible Caption  
Using/Viewing Forms  
Map of State Courts  
Court Fees (viewed 7/8/06)  
Search Rules & Statutes  
Court Record Searches  
Mediation  
Court Rule Changes  
Colorado Legal Services  
Colorado Bar Association  
Brochures & Handbooks  
Common Legal Terms

Are you having problems with any of the forms? [Click here](#) for more information.

**Search for forms:**  
Search Forms Area

**Self-Help Survey**  
[Click Here to Take the Survey!!!](#)

This survey is your opportunity to provide feedback to the Judicial Branch to help make this site better for you. If you would like to provide other comments to us, please use the "Contact Us" button. **Please note -** by law, we cannot provide legal advice. Should you need additional assistance or forms that are not provided

### STEP 3:

Colorado State Judicial Branch -  
http://www.courts.state.co.us/chs/court/forms/domestic/domestic.html

## Colorado Judicial Branch

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### Domestic Cases

(Dissolution of Marriage, Legal Separation, Allocation of Parental Responsibilities, Paternity, Child Support, etc.)

This page will help you learn how to file a new case, modify an existing order, and how to enforce an existing court order. Select one of the four options below to obtain instructions and forms to assist you in filing your papers.

**Note:**

- You must have an existing Colorado Domestic Relations (DR) or Juvenile (JV or JF) case, before you can file your motion to modify/enforce.
- If you have an out-of-state case, you may be able to Register/File your foreign decree - new case. Review the Instructions first to determine if this process will work for you.

[File new case](#)   [Modify existing order](#)   [Enforce existing order](#)   [Child support worksheets only](#)

Additional information, forms, assistance, etc. are also available below. This additional information will assist you to better understand the court process.

[How to set a hearing or status conference](#)   [Rule 16.2 revised 3/08](#)   [List of all Domestic Forms](#)

[Frequently Asked Questions](#)   [Additional Resources & Services](#)   [General Domestic forms](#)

**Self-Help Survey**  
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**Click Here to Take the Survey!!!**

### STEP 4:

Colorado State Judicial Branch -  
http://www.courts.state.co.us/chs/court/forms/domestic/newcase.htm

## Colorado Judicial Branch

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### Packets to File a New Case

To better assist court customers, packets have been developed that include instructions and a list of forms that you may need to file a new case. Since each case is unique, you will need to review the instructions and determine which forms apply to your situation. **Please make sure that you read the instructions first, before completing any forms.** Family Court Facilitators are also available in most courts where you plan to file your case. Family Court Facilitators are available to guide you through the process, answer any procedural questions you may have, and to ensure that you file your documents timely with the Court. If you need legal advice, you should contact an attorney.

Select the packet you need to file a new case.

[Dissolution/Legal Separation WITH Children of this Marriage](#)   [Dissolution/Legal Separation - NO Children of this Marriage](#)   [Allocation of Parental Responsibilities](#)

[Establishing Paternity](#)   [Disclaiming Paternity](#)   [Underage Marriage](#)

[Invalidity of Marriage](#)   [Grandparent Visitation](#)   [Registering a Foreign Decree](#)

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CHILD SUPPORT ENFORCEMENT  
THROUGH GRANT FUNDS FROM THE  
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CHILD SUPPORT ENFORCEMENT

MARCH 2006

