

Connecting *With* Your Kids

Important Information on
Parenting Time in Colorado



**Connecting With Your Kids:
Important Information on Parenting Time
in Colorado**

Jane A. Irvine M.A.

PLEASE READ

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INTRODUCTION

There is a great deal of evidence that the children of separation and divorce and never married parents are losing contact with one parent and are suffering emotionally and developmentally as a result. These parents need help and support finding their way through the forms and procedures which will secure them a relationship with their children. This book is intended to help those parents who wish to be involved with their children and who, for any number of reasons, do not live with their children and the other parent.

The first chapter deals with the law. In any case about parental responsibility (custody) or parenting time (visitation), the court looks to the same overall legal rules in reaching its conclusions. These rules apply whether the setting is a divorce, a parental responsibility (custody) case, or a paternity case. So the beginning is the law.

A key factor in any case about connecting with your kids is the creation of a parenting plan. Chapter Two deals with some of the issues that need to be considered in creating a plan that will work.

Chapters Three and Four deal with problem areas that are common when parents have difficulty connecting with their kids, such as introducing a new partner, arranging the children's moves from home to home, and communication.

Chapter Five examines the variety of options and interventions available to help you connect with your kids.

Chapter Six includes directions on how to complete court forms included in APPENDIX III – *Court Forms*. It also explains some of the procedures you will need to follow in taking your case through the court system and gives tips to help you with this process.

The bibliography listed following Chapter Six includes many of the books referred to in this document, plus many more that you may find helpful. Numerous resources that are available to you and your family are also listed in this section.

This book is based on the belief that children need both parents in order to develop a healthy self-esteem and to interact with others normally. This book also recognizes that it is

possible for both parents to contribute, although in different ways, to the growth of their children.

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The purpose of this chapter is to give a simple outline of the laws which the courts must follow in making decisions about parenting time (visitation), parental responsibility (custody), and parenting time in paternity cases. At the end of the chapter there is a section on establishing paternity if you are a non-married father.

In a case that comes to a hearing, the court has to make decisions in compliance with the law. Some information is crucial in helping the court make decisions and some evidence may not be important at all. While many cases to connect parents with their kids are decided by the court, many more are settled in court. However, in every case the court is the final decision-maker if all else fails. In order to succeed, you need to understand what the court needs to know. The text of the various statutes that are referred to can be found in the Statutory Reference in the back of the book (see APPENDIX I). The Colorado Statutes listed in APPENDIX I were current through the First Regular Session of the Sixty-Fourth General Assembly (2003.) For the most current list of Colorado Statutes visit **www.courts.state.co.us**. And click link to “*Self Help Center*” and then go to “*Search Rules & Statutes.*”

Note: Colorado Revised Statutes are made available for public use by the Committee on Legal Services of the Colorado General Assembly through a contractual arrangement with the LexisNexis Group. The statutes are copyrighted by the state of Colorado (please see §2-5-115, C.R.S.).

SOME LEGAL TERMINOLOGY

The words "custody" and "visitation" were the main concepts for many years. Some years ago the term visitation was changed to parenting time. In 1998, the legislature removed the term "custody" and replaced it with the concept of parental responsibilities, which include decision-making ability and parenting time. This change took effect on February 1, 1999. Under the old legislation, legal custody could be sole or joint and physical residential custody could be sole or shared. Under the new law, parents have parental responsibilities and their decision-making abilities can be sole or joint. The statute reference that describes sole/joint custody can be found in APPENDIX I. The revision of the law that came into force on February 1, 1999 can also be found in APPENDIX I. Both the old and new legislation state the court shall determine the allocation of parental responsibility (or custody) in accordance with the *best interests of the child*.

- ◆ *Legal custody* means the responsibility for making major decisions for the children's welfare.
- ◆ *Physical custody* means that the children spend most of the time with that parent.
- ◆ *Parental responsibilities* are the sum of all the duties and responsibilities parents have to their children, including decision-making ability and parenting time.
- ◆ *Decision-making ability* is the responsibility to make decisions in a specific area for the children.
- ◆ *Parenting time* means the actual time the children spend with one or the other parent.
- ◆ *Colorado Revised Statutes (C.R.S). 14-10-124 (See APPENDIX I)*

DETERMINATION OF PARENTING TIME

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

1. The wishes of the parents;
2. The wishes of the child;
3. The child's interactions and relationships with the parents, brothers, sisters and others important to the child;
4. The child's adjustment to home, school, and community;
5. The mental and physical health of all individuals involved;
6. The ability of the parents to encourage the sharing of love, affection, and contact between the child and the other parent;
7. Whether the past pattern of parental involvement with the child reflects a system of values, time commitment, and mutual support;
8. The physical distance between the parents;

9. Whether one of the parents has been a perpetrator of child abuse, child neglect, or spouse abuse;
10. The ability of each parent to place the needs of the child ahead of his/her own needs.

ALLOCATION OF DECISION-MAKING RESPONSIBILITY

In determining the best interests of the child to allocate decision-making responsibilities, in addition to the factors relevant for parenting time (see above), the court shall consider the following factors:

1. The ability of the parents to cooperate and to make decisions jointly;
2. The past pattern of parental involvement with the child and whether it indicates an ability as mutual decision-makers to provide a positive and nourishing relationship with the child;
3. Whether an allocation of mutual decision-making will promote more frequent or continuing contact between the child and each parent;
4. Whether one of the parents has been a perpetrator of child abuse, child neglect, or spouse abuse.

JOINT DECISION-MAKING CRITERIA

Before the court can order joint decision-making there must be credible (that is, "believable") evidence of the parents' ability to cooperate and to make decisions jointly. This means that the judge needs to understand how decisions have been made in the past, how the parents discuss problems or issues, and what the parents do to reach agreement. A good illustration would be a change in child-care. How have the parents dealt with this before and what level of contribution to different ideas and solutions did each parent have? The judge will need to understand why one parent is saying that joint decision-making will not work now, even if it has before. The judge will also need to decide the validity of that parent's objection to joint decision-making.

The criteria require credible evidence of the parents' ability to encourage the sharing of love, affection, and contact between the children and the other parent. This ability is important, whatever the decision-making arrangement. The judge will need to assess how well the parents can communicate with and support each other, and their ability to put the children's needs above their own feelings.

It is also important to know whether the past pattern of parental involvement reflects similar values, with both parents committing time and mutual support. This indicates that the parents can, as joint decision-makers, provide a positive and nurturing relationship with the children.

Another factor in any joint decision-making is the distance between the parents' homes. If joint decision-making is to be ordered, then it has to be possible. Therefore, it is more unusual to have joint decision-making ordered when one parent lives in Colorado and the other in Florida, than if the parents live two blocks apart. It is also important to ensure that whatever parenting arrangement is made, it is an arrangement that will promote regular or continuing contact between the children and each of the parents. The judge has to look at each arrangement in these terms.

An order for joint decision-making (or joint legal custody) does not mean equal parenting time, nor does it mean that there is no child support. Parenting time and decision-making allocation are negotiated independently of each other.

Parenting time is decided based upon what the parents can do and what is best for the child. For instance, work commitments often limit the amount of time one parent may be able to share with the children, as does the distance between the homes. If the homes are 20 miles apart and there is no easy access to a car, then the parenting time will be affected.

Child support is calculated based on the amount of overnights the child spends in each parent's home. The amount of the payment between the parents is based on time, that is the number of overnights in each home per year, as well as the parents' relative incomes. The allocation of decision-making responsibilities (or sole/joint custody) does not dictate the amount of parenting time or child support.

- ◆ *Child Support* is both parents' financial responsibility. Both parents are required to financially support their children.

In order to ask the court for joint decision-making ability, both parties should submit separate plans for the court to review or an agreed upon plan if possible. A plan helps the court understand how each parent sees the future.

- ◆ *See Chapter Two for help in preparing a parenting plan.*

JOINT CUSTODY

"Joint custody" means joint legal custody. In cases filed before February 1, 1999, the courts would order either joint legal custody or sole legal custody. Joint legal custody means the parents must make all major decisions together regarding the health, education, and general welfare of the children. If one parent asks the court to order joint custody, but both parents do not agree, the judge may or may not agree to joint custody.

SOLE CUSTODY

If one parent has sole custody, that parent makes all the major decisions relating to the child. The sole decision-making parent does not have the right to decide the amount of parenting time the other parent shall have or to deny the other parent parenting time. An order changing sole custody cannot be made more frequently than every two years:

- (a) Unless both parents agree; or
- (b) Unless the child has moved in with other parent, with both parents' consent; or
- (c) Unless the child is in danger.

PARENTAL RESPONSIBILITY

The traditional joint custody orders, where all major decisions affecting the children have to be made jointly, or sole custody orders, where only one person makes decisions, can be limiting for the parents. Making joint decisions on all or any aspects of their children's lives can be very difficult, but the alternative is that one parent loses the custodial responsibility. Therefore, the legislature passed an amendment to the custody laws to reduce the impact of divorce and separation on how the children are parented. The new law allows more natural parenting arrangements that reflect how the adults dealt with parenting before the separation.

The new law came into effect on February 1, 1999. After that date, instead of filing for sole or joint custody, parents requested the allocation of parental responsibilities and parenting time.

The court considers *parental responsibility* and the allocation of decision-making ability. The judge needs to know if there are any areas where joint decision-making would be best for the child, and if not, in what areas each parent should make sole decisions.

The new law, like the old one, relies on the best interests of the child to allocate parental responsibility. The court has to give paramount consideration to the physical, mental and emotional condition and needs of the children. The recent alterations to the statutes recognize the growing understanding of professionals concerning the impact of parental separation on children.

ACCESS TO INFORMATION ABOUT THE CHILDREN

Quite often, one of the problems between separated parents is the transfer of information about the children. The law says that access to information about minor children, including but not limited to medical, dental, and school records, shall not be denied to either parent. This means that either parent can directly seek information from schools, doctors and dentists. It is only necessary to show that you are a parent of the child. To prove you are a parent you can give a copy of the birth certificate, parental responsibility order, or custody order. In extreme situations and after a hearing, the court can order information to be withheld from a parent.

CREDIBLE EVIDENCE AND CREDIBILITY

These are the most important concepts for a judge. For any person's evidence to be credible, it has to be believable. This means the story the person tells, the things that they do and how other people describe them, all have the same threads of consistency. For instance, a parent is accused by the other of inappropriately using alcohol and he/she denies it. The accused parent shows a clean driving record, regular attendance at work without hangovers, no unexplained absences from work, and blood or urine tests are negative. Additionally, friends say they see the accused parent using alcohol only after the children are in bed. These show a pattern of appropriate use of alcohol and the accusation loses credibility.

Or one parent may say that the children do not enjoy parenting time with the other. The other parent might respond by visiting the children at a center that is staffed with workers who will keep track of how the children and parent act together. Everyone sees the world through different eyes, but to show credibility to a court there must be a pattern of truth, both in your behavior and how others view your behavior.

- ◆ *Supervised Parenting Time* - a parent's court ordered time with the children must be supervised by a mutually agreed upon person or commercial provider.

OTHER FACTORS THE COURT CONSIDERS IN DECIDING PARENTAL RESPONSIBILITY AND PARENTING TIME ISSUES

Parenting Time and Custody Evaluations

If the parents cannot agree on how to allocate decision-making, parenting time or joint or sole custody, one of the ways to find an independent assessment of what might work is to ask for an independent evaluation. These are expensive and involve a qualified evaluator performing psychological assessments of each parent's abilities and character. The evaluator also meets with the parents and children together, listens to them, and watches how they interact. The evaluator then considers the best interests of the child and makes a recommendation to the court. The court does not have to follow an evaluator's recommendation, but the judge often finds the independent observation on how the family interacts very helpful.

Child Abuse

The court also must look at whether either parent has been guilty of child abuse. An allegation of child abuse must be supported by credible evidence. If the court finds that one parent has committed child abuse or neglect, then it is not in the best interests of the child to award joint decision-making (or joint custody) if the other parent objects. If a Guardian ad Litem (GAL), or Representative of the Child, is appointed to represent the best interests of the child and objects to joint decision-making or joint custody, then again it may not be in the best interest of the child to override the GAL's recommendation.

- ◆ *Child abuse* is any act or failure to act by a parent that harms a child physically or emotionally.
- ◆ A *Guardian ad Litem* is an attorney with experience in family cases appointed by the court to represent the child's interests in juvenile court cases. This person is called the "Representative of the Child" in divorce cases – (See Chapter Five.)

Spousal Abuse

The court also has to look at whether one of the parents has been abusive to the other parent. You must tell the court about the existence of **ANY restraining orders** to prevent domestic abuse between the parents, which have been filed in any court within the last 90 days. This must be done before you file your parental responsibility or custody proceeding. You must describe the abuse that occurred and include the case number and the name of the court issuing any orders as a result.

- ◆ *A restraining order* is a court order telling someone they are not allowed to do something, such as not being allowed to have contact with the other parent or children.
- ◆ *C.R.S. 14-10-123.6 (See APPENDIX I)*

Any allegation of spousal abuse must be supported by credible evidence. If the court decides that one parent has been abusive to the other parent, then it is not in the best interests of the child to award joint decision-making (or joint custody) over the objection of the abused parent (or the objection of the representative of the child if appointed.) However, the court may find that the parents are able to make shared decisions about their children without physical confrontation and in a place and manner which is not a danger to the abused spouse or the child. For instance, they may use a mediator or other third party, meet in a public place, or write to each other instead of talking.

If there has been spousal abuse, it is likely the parents will not be able to transfer the children from home to home without assistance. Telephone calls may have to be restricted and communication about the children will have to be done in a way that prevents a further outburst. Therefore, the court needs to know the situation in order to prevent further opportunities for abuse to occur.

However, when the court is making decisions about the children, it shall not take into account any behavior that either parent is accused of that does not affect the children or that parent's ability to be involved with the children appropriately. So an allegation that one parent was rude to co-workers in the workplace would not be relevant. Spousal abuse is relevant because to a certain extent the parents need to be involved with each other. A court finding that there has been spousal abuse affects how a parenting plan is prepared and how the children are to be exchanged. But, it would not prevent either parent from seeing the child. This would only happen if the children are involved in the violence, or the reasons behind the violence meant that the person could not parent appropriately.

Grandparent Visitation

Grandparents have their own rights to visitation in some cases. If grandparents want their own visitation they would file a motion very much as a parent would file for parenting time as explained in Chapter Six. The grandparent would need to set out why a separate order is in the child's best interests and their proposal as to how a grandparent visitation arrangement would work. A grandparent should also think about transportation and caretaking problems.

- ◆ *C.R.S. 19-1-117 (See APPENDIX I)*

PARENTING TIME

The Right to Parenting Time

In any case where there is a parental responsibility or custody order, the parents of a child are entitled to reasonable parenting time. Reasonable parenting time consists of amounts and patterns of time that work for the child and the parent. There is no set amount of time that is reasonable, but the court is aware of the general guidelines explained in Chapter Two. It is unusual for a parent to be given no parenting time at all, unless the court terminates that parent's rights, or the parent has been convicted of a crime listed in *C.R.S. 14-10-129 (3)(b)*.

- ◆ *The law on parenting time is stated at C.R.S. 14-10-129 (see APPENDIX I.)*

Establishing Parenting Time

In order to receive parenting time you must have:

1. Been married and commenced divorce or legal separation proceedings,
 2. Established paternity,
 3. Obtained a custody order, or
 4. Qualify under *C.R.S. 19-1-117* as a grandparent.
- ◆ *Paternity* – father signed the birth certificate as the legal father of the child or had paternity established by the court or child support agency.

An existing order in divorce, custody, paternity or grandparent proceedings will define the parental responsibility and should clarify parenting time.

- ◆ *See Chapter Two for The Amount of Time A Child Can Manage.*
- ◆ *See Chapters Three and Four for some of the identified problems and some solutions that are regularly used.*

Vague Orders for Parenting Time

The parenting time order may only refer to one parent having reasonable parenting time or visitation. If this is the case, the next step is to try to discuss the problems with the other parent and prepare a more detailed arrangement or plan. If this is unsuccessful, you need to file a motion to modify parenting time as you are asking the court to change the legal description of your parenting time in the court papers.

Modifying Parenting Time

If a motion to modify parenting time is filed and the existing order is vague, the court will usually order mediation. The court may also order mediation even if the agreement is detailed to see if, with help, an arrangement can be made that will work. Very often with parenting time problems, the real concerns of each parent can be expressed during mediation and different arrangements made that suit the parties better. In any modification of parenting time, the court will rely upon the best interests of the child in reaching decisions about parenting time and how it should take place.

Any changes to parenting time may impact child support. If you have a hearing to modify your parenting time, you need to bring a form called the financial affidavit to the court.

- ◆ *Mediation* is a process of working with a neutral third party professional (mediator) that helps the parties reach an agreement on issues. The mediator assists in the process, but cannot force either party to come to agreement. For more information on mediation see Chapter Five.
- ◆ *A financial affidavit* is a sworn statement submitted by both parties listing incomes, expenses, assets and debts.

Other Reasons to Modify Parenting Time

As the children grow up, parent's and children's needs change, and you and the other parent may agree to change the parenting time arrangement. If you agree to do so, it is important to write down the new arrangement and ask the court to modify the existing order. The court may make or modify an order granting or denying parenting time whenever such order or modification would serve the best interests of the children. However, there are some limits on how often a major modification can be made. For example, if the modification changes the person with whom the children spend the majority of the time, this extent of modification can only occur once every two years.

Enforcing Parenting Time

If your parenting time order is clear but you are consistently denied parenting time, then you can file a motion to enforce your parenting time.

At a hearing to enforce parenting time, the court can do any of the following:

- (a) Add new rules and conditions, which are consistent with the court's previous order. In doing so, the court will essentially be setting out how the previous order is made to work. The court has to keep the issues of child support and parenting time separate and is not allowed to condition child support upon parenting time, or vice versa;

- (b) Reconsider the best interests of the child and if this produces a change in parenting time, change the order;
- (c) Require the person not complying with the parenting time to pay money to be held by the court in the event a further breach of the order occurs. The money or part of it would be released to the parent denied time;
- (d) Require that makeup parenting time be provided for the wronged parent or children under the following conditions:
 - (i) That such parenting time is of the same type and length of parenting time as that denied, including parenting time during weekends, holidays, weekdays and during the summer;
 - (ii) That such parenting time is made up within six months after the noncompliance occurs if possible, but not later than one year;
 - (iii) That such parenting time is at the time and in the manner chosen by the wronged parent if it is in the best interests of the children;
- (e) Find the parent who did not comply with the parenting time schedule in contempt of court and impose a fine or jail sentence;
- (f) Schedule a hearing for modification of parental responsibilities if a motion for custody has been filed (see Chapter Six); or
- (g) Make any other order that may promote the best interests of the children involved.

The court can also order the non-complying parent to pay actual expenses, including attorney fees, court costs, and expenses incurred by the wronged parent because of the non-complying parent's failure to provide or exercise court-ordered parenting time. This might include child care expenses incurred because the other parent was not available when expected.
- (h) The court can order meditation so both parents can talk and find out what is getting in the way of following the parenting time agreement see Chapter Five.)

Objections to Parenting Time

A parent can file a notice with the court objecting to the other parent having parenting time, including cases where there has been domestic violence that endangers the children or murder, enticement, sexual assault, or incest.

- ◆ *C.R.S. 14-10-129 (See APPENDIX I)*

If an objection to parenting time is made because a parent has been convicted of a crime, the objecting parent has to give notice to the other parent of their objection. The other parent then has twenty days from notice to respond to the court. If there is no response within

twenty days, the parenting time rights of the other parent will be suspended until further order of the court.

If there is a response and the other parent wishes to continue with parenting time, the law requires a hearing to be held within thirty days of the response. The court may hold any parent who responds, objects and is unsuccessful, responsible for the costs associated with any hearing, including reasonable attorney fees.

In deciding a case where there is a serious criminal allegation, the court will be considering the criminal record of the parent as well as any actions that parent has taken to harass the other parent and the children. The court will also consider any mitigating actions by the parent accused of improper behavior. This would include seeking therapy, anger management classes, and parent education. The court will also consider whether the actions of either parent have been substantially frivolous, groundless, or vexatious. It is up to the parent accused of improper behavior to prove that his or her having parenting time is in the best interests of the child and that parenting time can be undertaken safely.

- ◆ *Mitigate* is to relieve, alleviate or lessen.
- ◆ *Frivolous, groundless and vexatious* means without reason or cause, to annoy, or unimportant.

When a Crisis Requires an Immediate Change in Parenting Time

Sometimes something will happen that throws a family into crisis: a mental breakdown, an instance of neglect, or a child making allegations against a parent. If such a crisis happens, either parent may file a motion to limit parenting time or contact with the other parent. The motion must allege that the child is in imminent physical or emotional danger due to the parenting time or contact by the parent. An emergency motion of this kind shall be heard and ruled upon by the court within seven days after the day the motion has been filed.

- ◆ *Imminent* means actually about to happen.

If parenting time is due to take place while the parents are waiting for the hearing date, the parenting time shall be supervised by an unrelated third party deemed suitable by the court. To save time and argument, it would be sensible to use the supervision services approved by the courts (*See the resources section at the back of the book.*)

Motions of this type are very tense and painful. If the court finds that a parent has made such a motion frivolously, vexatiously, or without proper grounds, the court has the power

to require the parent who filed the motion to pay the reasonable and necessary attorney fees and costs of the other parent. Clearly, motions of this type are to be discouraged unless absolutely necessary.

FROM SEPARATE PARENTING TO CO-PARENTING

There are several ways to make cooperative parenting work. For instance, the parents may agree up front that they are going to have a set method of discussing problems and making decisions, and then follow that process. Or they can agree that if they have problems they will use a mediator, an arbitrator, a mediator/arbitrator, or a parenting coordinator.

The parents can establish a set way of transferring information. Direct communication between the parents is best, but writing down information and sending it back and forth by mail, e-mail or fax is also successful. It is important not to pass verbal or written messages through the children except messages directly about the children (i.e. they have achieved something special while with you or have not been well).

- ◆ *Mediator* - The mediator will help both of you understand the issues about which you disagree and help you work out solutions.
- ◆ *Mediator/Arbitrator* - The mediator/arbitration uses the mediation process, but has authority from you through an initial agreement to engage in a process that gives the mediator/arbitrator authority to decide what should happen if you are unable to agree.
- ◆ *Parenting Coordinator* – parenting coordinator is a mediator or med/arb who deals with parenting and child support issues. In addition, a parenting coordinator can teach you parenting and communication skills and may recommend or refer you to classes and books. Once a parenting coordinator has reached a decision for the parents it is filed with the court for review.
- ◆ *Arbitrator* - If parents agree to arbitration an arbitrator can be appointed by the court or can be selected by agreement. The arbitrator will give each person the opportunity to tell their side of the story and make their requests for what they would like the arbitrator to do. The arbitrator may ask each of you many questions and may also question others. Once the needed information is collected the arbitrator makes a decision, writes the decision, files it with the court, and forwards a copy to you.
- ◆ *See Chapter Five for more information.*

Some parents use A Children's Book to transfer relevant communication, especially once the children are old enough to have their own friends, schools and social commitments. A

Children's Book contains all information about the child: the names of doctors, dentists, etc. with all the phone numbers; the annual school timetable; details of sports and after school commitments with names and phone numbers; lists of the friends with parents names and phone numbers; and other matters of ongoing concern. A Children's Book travels from parent to parent with the child.

- ◆ *A Children's Book, by McKnight and Erickson, is available from the Tattered Cover Bookstore.*

The Colorado statutes that set out the law are available at most public libraries and are available on-line through **LexisNexis Group** accessed through www.courts.state.co.us "self Help Center." To look up the statute, you need to know the citation name and number. If seeking the information through the library, librarians will be able to find the whole law for you either in a book or on the Internet. For example, *C.R.S. 14-10-116* can be found in Title 14 (Domestic Matter) of the Colorado Revised Statutes.

PATERNITY

A paternity case is a case about the possibility of a biological relationship between a man and a child. When the parents are not married, a mother and father can voluntarily put the father's name on the birth certificate to establish that he is the legal father of the child.

Paternity issues arise when a woman alleges a man is the father of her child in order to make a claim for financial support, or when a man claims to be the father of a child in order to claim or obtain parental responsibility or parenting time.

- ◆ *C.R.S. 19-4-130 (See APPENDIX I)*

How to Prove Paternity

Scientific evidence is used to prove whether a man is the biological father of a child. The available genetic tests are described below and one or more is used in almost all cases. Circumstantial evidence is used only if the genetic evidence is contradictory or highly inconclusive.

DNA testing is an examination of the parental genes and a comparison of them with those of the child. Scientists say parenthood can be clearly identified using DNA testing. It requires testing both parents and the child. DNA testing is used in Colorado whenever paternity is an issue. The results of a genetic test are admissible in court. If test results show that there is

a 97% or higher probability of paternity, then the alleged father is presumed to be the father. This can only be overturned by clear and convincing evidence to the contrary. And, in fact this is extremely hard to do. The only way would be to have a different genetic test that excluded the father or to conclusively prove the alleged father did not have physical access to the mother.

- ◆ *Genes are a part of cells which are found in all living things. Genes are passed from parents to children and determine how the children look and grow.*

The DNA samples are usually taken from the mouth of mother, the child and the alleged father by cotton swabs. Samples from the mouth are used because they are highly reliable, and are not contaminated by bacteria, tobacco, lipstick or mother's milk. Moreover, they do not need immediate refrigeration or shipping.

DNA testing can be used where a parent is absent but extended family remain. They can also be used where one parent is deceased. For instance, if the mother is deceased, DNA samples from the child and the father may be enough to show paternity. If the alleged father is not available, samples from his parents can be used and be conclusive.

These tests pose a potential problem if the father's parents are not his biological parents. If more distant relatives need to be tested, it is a good idea to call the laboratory and ask for ideas on the best way to proceed.

Blood group tests cannot establish a parent relationship because of the large number of people in any blood group. But, these tests can rule out a father.

Example: A group AB child cannot have a group O parent, but can have an A, B, or AB parent. So, if a child is a group AB, a group O male cannot be the father. If the alleged father is a group A, B, or AB, it does not prove he is the father, only that he could be.

Other Evidence

If the genetic testing is inconclusive, the alleged father's paternity can be established by using other evidence. This evidence will need to show whether the mother and the father were together at the time the child was conceived. While in some cases there is agreement about this, sometimes it is one person's word against the other's about very private behavior for which third party evidence can be difficult and vague. However, evidence that the alleged father was infertile or out of the country would be persuasive.

If the Mother is Married

If the mother is married, her husband is presumed to be the legal father of a child born or conceived during the marriage. Usually, it is only the husband or the wife that can challenge this. However, under some circumstances, a third party alleging he is the actual father of a child when the mother is married, may have a legal basis on which to establish a relationship with the child.

THE CHILD'S RIGHT TO FINANCIAL SUPPORT

In paternity cases, (as in parental responsibility and divorce cases) a child whose parents are not married has a right to financial support from his/her father and mother. When the biological father is identified, the paternity brings with it the ability to have parenting time, the joy of being a parent, and the obligation to pay child support and provide education and medical care.

Child support is payable until a child is 19. There are variations, but this is by far the most common guide. Occasionally, parents claim that a child has emancipated early, or a payer claims other reasons for not continuing to pay child support. Generally speaking, it is very hard to stop child support payments. The court will try to protect any child from losing the benefit of child support. If a child is *disabled*, child support will continue into the child's adult life.

Child support is calculated in Colorado by a formula based on the parents' gross incomes and the number of overnights the children spend in each parent's home. There are two worksheets, A and B. You use worksheet A when the child is scheduled to spend less than 93 nights in one parent's home. You change from worksheet A to worksheet B when the number of overnights for one parent is between 93 and 182 overnights each year. The adjustment is to ensure a fair share of the day-to-day expenses.

- ◆ *Colorado Child Support Guidelines* - In January 2003, Colorado Child Support Guidelines were updated for the first time in 10 years. There are four main changes:
 - 1) The guidelines schedule was updated to reflect more recent economic data
 - 2) Adjustments were made to preserve the economic independence of low income obligors
 - 3) The upper income level of the guidelines were raised from \$15,000 to \$20,000 per month and;
 - 4) The definition of extraordinary medical expenses was altered

- ◆ *Child Support Worksheets* - With changes in the guidelines, there have also been changes in the forms and worksheets for 2003. The Worksheets A & B are available in manual (PDF and WORD) or electronic formats (Excel). If you have Microsoft Excel, this format will

automatically calculate the child support payment according to the guidelines. If you do not have Excel, you will have to use the manual worksheets. *Guidelines and worksheets are available on the Internet @ www.courts.state.co.us/chs/court/forms/selfhelpcenter.htm. The direct link is <http://www.courts.state.co.us/chs/court/forms/domestic/childsupportguidelines.htm>.*

- ◆ See APPENDIX III for Worksheets A and B.
- ◆ For a full guide to child support please contact the Office of Child Support Enforcement – www.childsupport.state.co.us. Click on publications and go to [Father's Guide to Child Support](#).

2

CHAPTER TWO: CREATING A PARENTING PLAN THAT WORKS FOR THE CHILDREN, YOU AND THE OTHER PARENT

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A PARENTING PLAN

The parents' decision-making process and parenting time is set out in a parenting plan. If the parents cannot agree upon a plan or the court does not approve the plan, the parents have submitted, the court will establish its own parenting plan for the parents to follow. The court will use these guides:

- (a) The location of both parents and the periods of time during which each parent will have parenting time with the child;
- (b) The children's education, after school classes or care, etc.;
- (c) The children's religious training, if any;
- (d) The children's health care;
- (e) Finances to provide for the children's needs;
- (f) Holidays and vacations; and
- (g) Any other factors affecting the physical or emotional health and well-being of the child.

Because the judge will look at these guides, it is sensible to make sure that any plan proposed by the parent considers them, too. It is better to file a plan yourself than to have the court impose a plan that may not work as well as your own ideas.

Your “**parenting plan**” is the written statement of your arrangements concerning your children. It can be simple or complex. If you feel you have a good relationship with the other parent, you may feel that you do not need a parenting plan, or at least not a detailed one. Even so, it is a good idea to have a thorough discussion with the other parent just to make sure that you really agree about matters you think you agree on. A parenting plan will be your guide if your relationship becomes less cooperative in the future.

If you are having problems talking, it may be because one of you is angry, upset, unsure or may simply not want to talk to the other any more than necessary. If this is the case, it makes sense to have a fairly detailed plan. If you have longstanding differences and are often disagreeing, the more detailed the plan, the better. If you cannot work together, you should each create a plan. If you can work together, you should try to create one for both of you. There is a form at the end of this chapter that concentrates on the kinds of questions the judge will need to answer when deciding a workable plan for the children.

GOALS FOR A PARENTING PLAN

Day to Day Needs

As their parents separate, or at a time of change, children become very concerned about how their basic needs are to be met. Where will the next meal come from, where will they sleep, and how will they get to school?

It is extremely important for the children that these issues are answered as quickly as possible. They need to visit any new, separate home and have transportation to school explained. They need to know that they will be fed and given the opportunity to get homework done. So taking care of these day-to-day needs is important. It makes the children feel safe. Plans for transportation, who is responsible for getting the children to school and their other commitments, and even whether you are expected to provide meals during short visits, are all matters that can be detailed in a parenting plan.

Older children need to know that you will respect their social lives and their sport or leisure commitments. These things form the structure of children's independent lives. How these obligations are to be met should be clear and, if necessary, detailed in your plan.

Special Needs

If the children have any special needs, for instance allergies that can be aggravated by the environment or asthma, both of your homes need to respect this and be safe for the child. If the children need special drugs or treatment, they need to know that each parent is fully able to help them. If either of you is inexperienced with the special need, you must take steps to be taught what to do. There are support professionals who provide long- and short-term services for special needs families. A parent exercising parenting time should not be fearful for a special needs child. Your parenting plan should set out your child's special needs and you should commit to update each other in writing when there is any change in those needs.

Time to Know Each Parent

A child needs the love of both parents. Parental love from both parents helps children develop emotionally, as they learn to love and trust in response. Without two consistent parents, the children can have problems developing trust, and consequently have difficulty

forming other successful relationships. The courage to form relationships is substantially based on the ability to trust.

Two parents help children understand that there is more than one way of looking at the world, because two parents do just that – see and feel things differently. As children look to parents for guidance, they see two people they love having two different and valid viewpoints: it is okay to love baseball; it is also okay not to love baseball. This is extremely important for children to learn, as it helps them start to be able to form their own point of view. It can help to put in writing an acknowledgement that your children need both parents in your parenting plan.

- ◆ *Mom's House, Dad's House – Ricci (See Reading Resources at the back of the book.)*
- ◆ *Children of Divorce – Barris and Garrity (See Reading Resources)*

Developing Self-esteem

Self-esteem is a child's ability to love and be secure within him or herself. Children learn it from both their parents. If you and the other parent have a poor relationship or do not treat each other with respect, your child knows it all too well. You send your child the message that part of them is unlovable and not worthy of respect. This damages self-esteem and hinders the child's development.

It follows then that if one parent says unkind or critical things in front of the child, it will hurt the child. It damages the child and slows or prevents the development of self-esteem. Include a promise in your parenting plan to always speak well of the other parent to the children.

Consistent Discipline

Children need secure behavioral boundaries and consistent discipline. This means that they need to know what is and what is not acceptable behavior, and that unacceptable behavior needs to be consistently discouraged. This can be very hard when you and the other parent do not live together. Almost all parents discipline differently and for different reasons. Generally, research shows that children can understand that things are done differently in their two homes; however, each home needs to support the other.

If your child complains to you about the other parent, your first reaction should be to tell the child to talk to the other parent about the problem. Do not interfere between the other parent and the child. If you do interfere, you run the risk that the children will manipulate both of you. For instance, if a child is grounded or not allowed TV for a number of days and that overlaps into your parenting time, you probably need to continue the discipline. If you have a problem with this, you need to discuss this issue with the other parent away from the children.

Your parenting plan should set out how you are going to consistently discourage unacceptable behavior and how you are going to deal with any problems around discipline. It can also describe how discipline can be supported by each of you.

- ◆ *Toddler Taming - Green (See Reading Resources at the back of the book.)*
- ◆ *The Baby and Child Book – Leach (See Reading Resources)*

Safe Transitions

Children need to move from your home to the other home safely without hearing angry remarks or being made aware that one or both parents resent the time the children spend with the other.

Transitions can be made damaging in many ways. For instance, a parent can be angry or upset just before the children leave, or make the children change clothes either before or after parenting time, or not allow them to take toys and possessions with them. These behaviors over time are extremely damaging to children.

Part of managing successful transitions is allowing the children to feel secure about the other parent. They need to know where you both live. Children also need to know what you do for work, activities, and hobbies and that while they are away you are happy and busy.

If children know you are unhappy about them seeing and spending time with the other parent, they will try to protect and appease you. The children will tell you what you need to hear to feel better – even to the point of saying that they do not wish to see their other parent.

This can cause many problems. First, you may believe and report this to the other parent . Parenting time may be disturbed as you restrict it, thinking you are doing what the children want. The children then suffer guilt. You may quarrel with the other parent as you each tell the other contradictory things about the children.

You must remember that unless there is a very high level of abuse or violence, children DO want to see their other parent. Research shows that where children are having problems with transitions by resisting seeing a parent or fussing at the time of an exchange, it is usually the adults that are creating the problem.

When the children get the message “I don’t want you to love/like being with the other parent” the children become torn and deeply aware of split loyalties. When they get the message “If you love me you can’t love him/her,” they may be afraid that if they love the other parent you will reject them. Creating such deep fears makes your children unstable and they become less able to function in school and socially.

If transitions are a problem, your plan can allow for it. One common way is to deliver the children to and collect them from school. This reduces the impact of the change of homes. School is one of the few safe places the children have from which to go to the other parent. Other methods are to use a known and supportive relative or friend to do the transfer or to have a professional supervisor for your transitions.

- ◆ *See Chapter Five, Counseling and Therapy*

Questioning the Children

Separated parents are often tempted to question the children about the other parent. If you are not getting along well, you may want to find out bad things about the other parent by questioning the children. This is hard for children and creates conflicts in their loyalties. They are hurt and may say things that are not true. They will try to answer your need but this damages their own integrity.

Your parenting plan can set out how you are going to communicate information and what information is relevant.

The Extended Family

Your parenting plan needs to explain how the children are to keep in touch with their extended families on both sides. For example, grandparents' birthdays may be scheduled in the parenting plan. Usually, grandparents have visitation during the parenting time allotted for their son or daughter. Grandparents can always ask for their own visitation, even if their son or daughter does not have parenting time (i.e. restraining order, in jail, lack of interest, etc.).

Things to Avoid

*Research shows disputes most commonly center around:

- 1) Unclear plans;
- 2) Fights during drop off and pick up times;
- 3) Unsupportive co-parenting;
- 4) Failure to share information;
- 5) Failure to communicate directly.

**Source: Evaluation of the Child Access Demonstration Projects Final Wave II Report – Center for Policy Research and Policy Studies, Inc.*

CHILDREN'S DEVELOPMENTAL STAGES

In order to create a plan that will work for the children, you must consider their age and developmental abilities. The courts are aware of the generally accepted developmental guidelines and will apply them in considering any suggestion put forward. However, these guidelines are generalizations and your children may be an exception for any number of reasons. Be prepared to explain why the guidelines should or should not be followed. The judge is only looking for what is best for your child.

- ◆ *The Divorce Book for Parents – Lansky*

The generally accepted developmental guidelines are based upon an understanding of the developmental stages of all children. Each stage has milestones to help you assess how your child is doing. Children of different ages have different emotional and psychological needs. If the children are undergoing stress as a result of separation, divorce or problematic parenting time, they will show types of behavioral problems, some of which are

age specific. The children's ages generally indicate what amount of parenting time they can cope with, and what amount is best to encourage a healthy parent-child relationship.

The quality of your relationship with your children is most important. A lesser amount of time that is really enjoyable is better than more time, if the amount of time is more than you or the children can cope with. Quality time leads to a better relationship in the long run.

Meaningful Milestones

If your child is 0-12 months

By 12 months old, a child should be walking or attempting to walk. They should be beginning to explore the environment. The child should be developing the pincer movement, by using thumb and forefinger to pick up sometimes quite small things. A child of 12 months should respond to his or her own name, say a few recognizable words, and should babble with eye contact. The 12 month old child can use a cup and is self-feeding with varying levels of skill. The child has a grasp of routine and knows the people around him or her.

12 - 36 months

In the next two years, the child's skills develop - walking, squatting and pushing and pulling wheeled toys. The pincer movement improves and the child begins to draw scribbles. A happy chatter to him/herself when playing with 6 - 20 proper words is usual, and the child begins to show a dominant handedness. The child at this stage will point to objects and should be able to pile three blocks and feed him/herself.

By 3 years, mobility is increased with walking and running up and down the stairs efficiently. The child can jump with two feet together and pedal a small bike. Language is now much more developed and the child uses pronouns, knows colors, knows his or her full name, asks questions, recites songs and poems, and can be understood by people outside the family. Dressing and dressing up combine with imaginative play. By now, the child has a sense of his or her own world and has a strong attachment to caretakers. Since this age brings the beginnings of outward exploration, the child needs reassurance. By age 3, a child understands and notices a great deal and needs a simple but clear explanation as to where the other parent is.

Pre-school to 5

During this time the child is improving fine motor skills – the ability to hold a pencil to draw, scribble, and paint. He/she can draw a house and will draw a person with arms, legs and usually fingers. His/her speech is good and there is a great deal of questioning. There will also be some arguments. The child loves stories, eats with skill, and undertakes personal care- dressing, washing and brushing hair. The child starts to recognize numbers and letters and some children may be reading. At this age there is interactive play with other children and the child is beginning to think of others as people separate from themselves. The child can hold a mental image and can remember details clearly. If there is a separation from a parent, the child will need reassurance and love, and permission to love both adults.

6-8 years

As the child is now in regular school, his/her school performance becomes a guide. A child should continue to achieve at grade level and be pretty consistent in work quality and performance.

At this stage the child is developing an ego and an awareness of others. He/she is learning to care for others. With this comes the responsibility of feeling guilt too. Parenting timetables are important as the child has a sense of time and is beginning to have his/her own friends and schedules.

9 -12 years

By this time, a child is forming his or her own community and this should be disturbed only if absolutely necessary. With increased self-awareness, the child will begin to self evaluate, to discuss problems and to learn other points of view. The child is able to accept a level of household responsibility and will need to know what is expected of him/her.

13 through the teens

The child is stepping into his/her identity and will feel and think independently. During this time, a child is defining his/her own purpose and values. He/she is learning intimacy, trust and honesty. As adolescence advances, the child explores his/her sexuality and interpersonal relationships.

The Child's Emotional and Psychological Development

0-3 years

The physical presence and comfort of caregivers is very necessary. Attachments form with those who provide stimulation and a child this age can form attachments to a number of caregivers. The attachment is related to the physical care and stimulation provided.

Pre-school to 5

A child this age is beginning to understand his/her environment and needs direct explanations of change. Caregivers must give comfort when there is distress about change. They must combine this with insistence that any separation or problems with parenting are not the child's problem - the child is not the cause.

6-8 years

A child of this age needs to know who is in control and how day-to-day needs will be met. Structure and consistency are very important.

9-12 years

A child needs support and encouragement. Also needed is the opportunity to talk about feelings without blame or guilt.

13 through the teens

As the child moves to personal independence he/she needs flexibility and a full recognition that he/she has his/her own life and responsibilities. School is important as is the development of a strong social life.

Behavioral Problems To Watch For

0-12 months

A baby that is distressed tends to withdraw, having no babble nor any interest in the environment. He/she does not achieve the mobility milestones, such as standing using furniture, using the finger pincer and beginning to explore. A child of this age that is traumatized by change or loss of a primary caregiver will regress, cry excessively, have sleep disturbance, day-to-day crankiness, and problems with temper.

12 months to 3 years

If developmental milestones are missed, poor language development and poor body language leads to an inability to communicate. Play is repetitive with little imagination as confidence is not developing. The problems of loss and change are clearly identified by regression (behaving like a younger child), toileting issues, poor sleep, temper tantrums, apathy, withdrawal, and exaggerated separation anxiety.

Pre-school to 5

As this child is now a more complex person, there is a full range of loss symptoms: anxiety, fear, and guilt. The child will be concerned over the provision of basic needs - food and a home. Increased aggression will be displayed, especially with peers. A distressed child will have nightmares, withdraw, and regress in language use and personal care. A child will randomly seek physical contact with adults, appearing affectionate to strangers. The loss will be filled by fantasy, denial of the loss, and yearning for the missing parent.

Ages 6-8

A child in this stage is vulnerable to loyalty conflicts. At the same time the child is learning that people can be good and bad. Such a child is likely to tell each parent he/she wants to live with them, and it is true. The child may be so upset that he/she may try to actively bring parents back together. A child will express concerns about how physical things such as food, clothing, and money will be provided. If the child is being damaged by problems between the parents, he/she will show sadness, despair, fear, depression, aggression, and anxiety. He/she will yearn for the lost parent, fantasize about them, have tantrums, be moody, and suffer setbacks in school.

Ages 9-12

As the child develops, he/she can be judgmental and this may lead to problems with alignment. He/she is capable of intense anger, blaming and rejection as children at this age are very vulnerable to loss and insecurity. The signs that indicate the child is suffering loss are shame, loneliness, psychosomatic symptoms. The child becomes torn, vulnerable, and suffers setbacks at school.

- ◆ *Alignment* is when a child sides with one parent and adopts their point of view.

13 through the teens

Exposure to parental sexuality causes distress and conflict with the child's own emergent sexuality. He/she suffers anger at the loss of security at a time when they need it in order to safely move away. The teenager may display chronic fatigue. He/she will worry about their own relationships and their ability to form long-term partnerships. The adolescent may blame parents and/or pretend they are okay, but falter at school and among their peers, often being very lonely. In the worst case, he/she will withdraw and display an inability to cope.

THE AMOUNT OF PARENTING TIME A CHILD CAN MANAGE

In order to minimize the impact of a basic change in the family structure upon a child, the parenting plan needs to respond to the developmental needs of the child. It also needs to balance the number of transitions with the time away from each parent. The following guides are offered to help lessen the grief a child suffers upon the loss of a parent.

0-12 months

The parenting time for the parent who is not the major caregiver needs to be in predictable patterns, and if possible occur in the same location. Keep in mind that the child bonds with adults who supply their needs, not just for physical care but for stimulation. The parenting time should consist of frequent, short visits.

12 months to 3 years

One – three hours per visit works well at this age and parenting time should be as frequent as possible. If it is not possible to spend time frequently (two or three times a week), spend more time each visit, but there must be reliability. By age 3, parenting time can include overnights.

Pre-school to 5

The parenting time needs to be routine. It can safely include overnights, weekends, and sometimes even a week. If a child of this age shows transition problems, he/she is usually reacting to problems between the parents.

6-8 years

Regular, frequent parenting time allows for the child's own friendships and after school activities. Overnights and weekends are fine. The discipline boundaries are important and so is communication between the parents.

9-12 years

Regular, predictable parenting should not interfere with school and peer relationships. Parents need to have more flexibility as the child is now building his/her own world.

13 through the teens

An adolescent needs both parents, and very importantly needs the parents not to act like teens. Protect the child from having awareness of the parent's sexuality. The child needs praise and recognition of his/her accomplishments. The discipline boundaries need to remain firm. At this stage a child can be involved in the planning of parenting time, but should not make decisions. They need both homes, both parents and their own relationships.

PREPARING YOUR PARENTING PLAN

Things to Consider as You Decide Your Parenting Plan

- Decide how much time you can reliably spend parenting. This depends on your work hours, whether work hours vary, and what evening time is free. Having reviewed the time you and the other parent have, look at the child's school and activities. When possible, combine parent availability with the child's routine. A great deal of parenting time in a two-parent home is spent taking the child to activities and supporting them. Ensure that the plan has the ability to adapt to changes in schedules.
- Establish what each parent is to do. Transitions often need to be decided in detail, stating who is to do what travelling, who pays for fuel, who collects and who returns the children. The parents must be on time for transitions.
- Take into account your existing relationship with the children and do not damage quality time for quantity. The amount of parenting time can be increased but quality grows with good parenting.
- Take into account the age, sex, and interests of the child. If there are several children of differing ages and sex, remember that what works for one may not work for all. Also, each child will benefit from individual time with each of you. Do not let favoritism show.
- Think about the basic logistics of where you each live and how this will effect what can be done.

- Know school times, vacation days, religious commitments, and other activities when a plan is being prepared.
 - Allocate who pays any extra costs associated with parenting time.
 - Set out how and when new partners will be introduced to the children. It is important that the children do not become aware of a string of minor relationships. An established and happy relationship with a new adult can be beneficial to the children.
- ◆ *See Chapter Three – The New Partner*
- To minimize conflict, agree on a method of dealing with problems between the two of you. This can include a dispute resolution process or the assistance of a short-term parenting coordinator.
 - Include the extended family on both sides and make arrangements that ensure relationships are maintained.
 - Designate birthdays, Christmas or Hanukah, and all holidays. Generally, children prefer not to change parents in the middle of a special day, unless the changeover is very skillful or around school times.
 - Arrange how information is to be shared. Wherever possible, ensure that information reaches each parent directly from the source. School information, church newsletters, and church information can be sent to both homes. Sports routines and information sent directly from the coach minimizes the opportunity for misunderstanding and conflict.
 - It helps to arrange a time or method to exchange information in advance. The Children's Book is useful for this purpose if you find talking difficult.
- ◆ *The Children's Book is by Erickson and McKnight and sets out a method of communicating information about each child – doctors, dentists, insurance, friends, sports schedules and so on. If you cannot afford to buy the book you can make one of your own.*
- If your relationship has difficulties, exchange any changes to the parenting plan in writing, so that it is clear to both parents what is going to happen.

To Make A Plan Work

However good the plan, after its creation each parent needs to:

- Support each other on discipline issues, even if discipline is done differently.
- Encourage the child to discuss problems about the other parent with that parent.

- Discuss childrearing problems - do not immediately blame the other parent for problems.
- Encourage the child- self-esteem is vital.
- Permit the child to freely contact the other parent while the child is with you.
- Show appreciation if the other parent does something helpful.
- Share it if something great happens that is connected with the child.
- Never belittle the other parent in front of the child.

If how you talk to each other is the real problem, communication classes may help you learn how not to aggravate the other parent while talking about things that involve the children. New ways of explaining how and what you think can reduce anger and therefore conflict. These skills are often useful in every day life, too.

THE IMPACT OF PARENTING TIME ON CHILD SUPPORT

Child support is calculated once a parenting plan has been established. If one parent has the children for 92 or less overnights a year, worksheet A is used. If there are more than 92 overnights a year, worksheet B is used. The number of overnights is what defines which form should be used.

- ◆ See APPENDIX III for Child Support Worksheets A and B.

How child support is to be reviewed should be included in the parenting plan. Often a review is to be completed when orders are filed with the court. Child support can change when parenting time changes. In cases where there has been a level of conflict or mistrust, the parents fear a change in child support is the real reason for change in parenting time. In some cases, this may be so. However, the court determines the child's best interests in deciding parenting time and uses the child support formula when deciding child support.

There are a number of ways to adapt the child support guidelines to your family needs, especially in the areas of extraordinary expenses, work-related childcare and provision for health insurance. For additional information on child support, contact Office of Child Support, 303-866-4300, www.childsupport.state.co.us.

- ◆ *Child Support Worksheets* - The Worksheets A & B are available in manual (PDF and WORD) or electronic formats (Excel). If you have Microsoft Excel, this format will automatically calculate the child support payment according to the guidelines. *Guidelines*

and worksheets are available on the Internet @
<http://www.courts.state.co.us/chs/court/forms/domestic/childsupportguidelines.htm>.

Sample Plans

Plan One:

The following schedule provides solutions for situations where serious allegations have been made or you have not seen the children for some time.

Weekly parenting time, supervised by a third party (such as an access agency, a church member, or extended family member) for a minimum of two hours and usually at least twice per week. This occurs for 8 weeks;

After successful completion of the above, parenting time to expand to weekly, supervised by a third party (such as an access agency, a church member, or extended family member) for a minimum of four hours and will also occur for 8 weeks;

After successful completion of the above, the parenting time will expand to unsupervised parenting time for two hours, usually at least twice per week and for 8 weeks;

After successful completion of the above, parenting time will expand to 4 hours of unsupervised time on a weekly basis for 8 weeks;

Parenting time periods will then expand to 6 hours on either a Saturday or Sunday, from 12:00 noon until 6:00 pm for 8 weeks;

Parenting time periods will then expand to alternating weekends from Saturday at 12noon until Sunday at 6:00 pm for 8 such periods.

Plan Two:

Although every family is different, there are commonly used ideas around parenting time. For this plan to work there needs to be:

- a) an existing relationship between the children and parents;

- b) the parents need to be able to find a way to cope with transitions;
 - c) the children should be at least 5 years old;
 - d) the parents need to live relatively close together. If the distance is greater but not immense, the mid-week can be deleted.
1. Alternating weekends from Friday at 6:00 pm until Sunday at 6:00 pm;
 2. One evening during the week from after school/work until 8:30pm; this can be extended to an overnight, with the children being delivered to school the next morning;
 3. Alternating holidays being: New Year's Eve and Day from December 31 at 6:00 pm until January 2 at 6:00pm; Easter Sunday from 9:00 am until 8:00 pm; or see #7 below; Memorial Day weekend from Friday at 6:00 pm until Monday at 8:00 pm; Independence Day from July 3 at 6:00 pm until July 5 at 8:00 pm; Labor Day weekend from Friday at 6:00 pm until Monday at 8:00 pm; Halloween from after school until 9:00 pm or if on a weekend, from 10:00 am until 9:00 pm; Thanksgiving from Wednesday at 6:00 pm until Friday at 6:00 pm; Christmas Eve Day from 10:00 am until 10:00 pm; Christmas Day from 10:00 pm on Christmas Eve Day until December 26 at 8:00 pm;
 4. Father's Day and Mother's Day with the respective parent;
 5. Father's Birthday and Mother's Birthday with the respective parent;
 6. Children's Birthdays to alternate yearly;
 7. One-half of the Christmas vacation period, alternating the weeks so that Christmas Day alternates, and one-half of the Easter and/or Spring vacation;
 8. A minimum of three one-week summer vacation weeks, to be taken in one week increments; or some other division of the time depending on the age of the children;
 9. Any other times that the parents may be able to agree upon.

Plan Three:

For parents who:

- have an existing relationship between the children and parents,
- have children at least 5 years old,
- live relatively close together,

but are likely to have conflicts around transitions or other problems, Plan Two can be tightened as follows:

1. Alternating weekends from either Friday at 5:00 pm or after work until Sunday at 7:30 pm or Monday morning with the child being returned to school, residential parent's home or to an established child care facility;
2. During the summer, if non-residential parent is off of work on Friday, time of pick-up will be Thursday at 5:00 pm;
3. If non-residential parent is off work on Monday, time of drop-off will be either Monday evening or Tuesday morning;
4. During the school year, if child is off of school on Friday, then #2 is utilized;
5. During the school year, if child is off of school on Monday, then #3 is utilized;
6. On all weekends or evening times, non-residential parent is to ensure child participates in the child's scheduled, organized activities.
7. Alternating holidays are:
 - a) New Year's Eve and Day from December 31 at 5:00 pm or after work until January 2 at 7:30 pm;
 - b) Easter Sunday from 9:00 am (or earlier, if church attendance is necessary) until 7:00pm;
 - c) Memorial Day weekend from Friday night after school or 5:00 pm until Monday night at 9:00 pm or Tuesday morning when child is to be returned to either school, home or established child care facility;
 - d) Independence Day from July 3 after work or 5:00 pm until July 5 at 9:00pm;
 - e) Labor Day weekend from Friday at 5:00 pm or after work until Monday at 9:00 pm or Tuesday morning when child is returned to school, home or established child care provider;
 - f) Halloween, if on a weekday, from after school/work until 9:00 pm or if on a weekend from 9:00 am to 9:00 pm;
 - g) Thanksgiving from Wednesday at 5:00 pm or after work until Friday 5:00 pm;
 - h) Christmas Eve Day from 10:00 am until 10:00 pm (or later if Midnight Church service is attended);
 - i) Christmas Day from 10:00 pm on December 24 until 5:00 pm on December 25.
8. Father's Day and Mother's Day with the respective parent from 9:00 am until 9:00 pm;
9. Father's Birthday and Mother's Birthday with the respective parent from after school/work, if on a weekday until 8:00 pm or 9:00 am to 9:00 pm if on a weekend;

10. Children's Birthdays to alternate on a yearly basis, from after school/work until 8:00 pm or if on a weekend, from 9:00 am to 9:00 pm;
11. Grandparents' Birthdays and other family members are to be adhered to with mutual respect expected;
12. Family reunions to be allowed once every two years if not on a parent's regularly scheduled weekend;
13. Summer vacation periods for the non-residential parent to be either a minimum of three one-week periods up to one-half of the summer with notification in writing to the other parent no later than May 1 of each year;
14. The residential parent shall also be entitled to a minimum of three one-week periods;
15. If there is a conflict over weeks, the non-residential parent shall have the choice of the first week, the residential parent having the second week's choice and continuing until all weeks are taken.

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CHAPTER THREE: PROBLEMS THAT MAKE SEPARATE PARENTING DIFFICULT: PART ONE

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DOMESTIC ABUSE ADULT TO ADULT

A history of domestic abuse between you and the other parent can make working out parenting time difficult. Domestic abuse ranges from verbal abuse: shouting, yelling, or name calling; to violence: hitting, slapping, or punching; to emotional abuse: behavior that makes you feel afraid, unsure, or unimportant.

The abuse may have happened throughout your relationship or may have occurred at the time the relationship broke up. Either way, you will want to know that you are safe when you meet the children. If the other parent is afraid of you, he or she will want to know the same thing. There are a number of steps you can take to make the situation safe.

Safeguards in the Parenting Plan

There are organizations that will oversee the drop-off and collection of children (See Resources List.) You can arrange your exchange so that you go to an office, wait while the children are delivered, take them with you, return them later and wait while they are picked up. This can be written into your parenting plan and provides one of the safest methods to exchange the children where you or the other parent feels afraid.

You can use a relative who is prepared to help instead of a professional supervisor or you can do the exchange in a public place. Some parents use restaurants or even the local police station. The type of resource you use depends upon the nature and extent of the abuse between you.

Restraining Orders

In addition to having safeguards in the parenting plan, you or the other parent may feel the need for a restraining order. To apply to the court for a restraining order, you need to complete the necessary forms. You need to detail in writing the threat of harm that makes you afraid and your reason for believing the threatened harm may or will actually happen. You do this by showing the court that threats have resulted in violence before and you have a genuine fear of the person based on threats or harm you have suffered in the recent past. Or you can show that there is continuing harassment and describe the impact of that harassment on you and the children. Any violence or incident more than 6 months old, may be too far in past to be used to begin a new case. But, if there has been abuse in the past,

you may want to be sure that your parenting plan includes safeguards, such as supervised exchanges or transitions through the school whenever possible.

If there have been incidents in the last 6 months, you need to list the dates they occurred, then describe the threat that is immediate and the cause of your request for protection from the court. If there have been any criminal proceedings, you must say so on your motion for a restraining order and give as much detail as you can. You need to tell the court specifically what you want it to do. For example, you could order the other parent not to call you at home or work, not to come within 100 yards of you or your home or both, and so on. The aim of the restraining order is to prevent the abuse from occurring, so appropriate restraints should be created to facilitate this.

A restraining order has to be personally served to the other parent so that you can prove exactly when the order was brought to their attention. You cannot serve it. You need to use a professional process server, the sheriff, or an independent adult and be able to give proof of service to the court.

If the order is violated you have the right to return to court and ask the court to enforce the order. The court has various means of doing so by a fine, probation, or a jail term.

- ◆ See Chapter Six – Service of Process

***Ex Parte* Restraining Orders**

If you believe you are in immediate danger you may ask for an *ex parte* temporary restraining order. This means that you ask the court for an immediate order without hearing the other parent's point of view. For the court to act in this way you have to show good reason why the court should act without hearing the other parent's point of view.

An *ex parte* restraining order may not include arrangements for the other parent to see the children, but a permanent restraining order will. You need to have your ideas for parenting time clear as the incidence of violence between the adults is not a reason to completely prevent parenting time.

Threats or Violence That Involve the Children

If the children are the subjects of threats or violence, they will be included in your complaint and protection for them will be included in the terms of the restraining order. As you have to tell the court specifically what orders you are seeking, consider that the parenting time and exchanges of the children between you and the other parent should be professionally supervised. If the children have experienced violence, they may need therapy.

Treatment

There are anger classes, domestic violence classes, empowerment classes and a wide variety of parenting classes to help parents trying to deal with this kind of problem.* The latest studies show that a poor quality adult-to-adult relationship is a primary cause of parenting time difficulties and problems over the payment of child support. Therefore, it will benefit you to consider and examine the causes of the violence between the two of you and work to resolve them when possible, so that your parenting can be less difficult.

- ◆ *See Resource List at the back of the book.*
- ◆ *See Chapter Five – Therapy and Counseling*

FEARS FOR THE CHILDREN'S SAFETY

The fear that children are not safe with the other parent is one of the most common reasons some families face continuing problems with parenting. Either parent can be afraid that the children are not safe with the other parent. If you are the father, and the children spend most of their time with their mother, you may be afraid. You may fear that the mother has a substance abuse problem, is overstressed, makes offensive remarks about you in front of the children and so on. Or the parent who has the children most of the time may be afraid that you are not providing a safe environment, take the children to bars, have a substance abuse problem, try to turn the children away from that parent, or will not support discipline.

Physical Safety

When you have a fear for the children's safety when they are with the other parent you need to look at your fear. Is it really justified? Often fear exists because there is a lack of information. It is important to ask yourself what will be needed to alleviate your fear. Is the

fear just yours or is it a result of something the children are doing or saying? If it is the latter, what can you do to make the situation right? It may help if you are committed to being supportive of the children seeing and being involved with the other parent. All too often the expression of any fear around the children is seen as a tactic to get more parenting time, reduce or increase child support, or to try to control the other parent.

If what you really want is more parenting time or more information, it is better to be honest and ask. Raising concerns about safety that are not true will antagonize the other parent. It may have a long term effect both on your relationship with the other parent and on your relationship with the children.

If you are afraid that the children are not safe, express the fear to yourself. Are you afraid that the children's home is not safe? For example: There are no stair gates in a home with a young child crawling or just walking. Or there is a pet when one of the children has asthma. Or medicines are not kept of reach. Then ask yourself - what needs to be done? If you can help offer to do so. Discuss the situation with the other parent. You can use a mediator to help with communication. You could ask someone else to help if this doesn't work, such as someone at church or school. Seek answers to the problem before you attack the other parent.

If an allegation that the children are at risk is made against you, the first helpful question to ask is whether it's true. Keep in mind that you may not be purposely doing anything wrong. If the complaint is about your home, agree to an independent inspection and ask for a letter or report on your home. Or ask a friend with children to take a look at your home. Sometimes dangers are not obvious. Do not reject valid and helpful criticism - *act on it!*

Make your home a safe place for your children to be. Make sure you do not take the children to unsafe places. Taking the children to bars is a problem. Drinking alcohol while parenting is a problem. If the criticism is deserved it is easier to change than to fight.

If the allegation is untrue, it is often made because the other parent is afraid. Lack of information is usually behind it. There is a delicate balance between giving information and having the other parent control what you do in your parenting time. So keep in mind that if you have told the other parent what you and the children are doing, the other parent will be

less tempted to ask the children. A short summary of activities may be enough: For example – *went to softball, Jack won, cooked supper, played games...*

If the complaint is intended to hurt you and not based on fact, you must deal with the allegation itself. Therefore, you need to collect the evidence that shows that you are not putting the children at risk and they are safe with you. In this way, an independent viewing of your home should deal with an accusation that your home is unsafe, but it will not deal with the untrue allegations.

While this may seem hard, there is no point in going to a court and saying that the allegation is just not true. The judge has an overwhelming duty to keep the children safe. If you present valid evidence then the judge can help address a false allegation. This is not easy, but it can be, and regularly is attempted.

Emotional Safety

For you to be an emotionally safe parent, the children need to feel emotionally safe with you. You need to be consistent, predictable, reliable, loving, and supportive of the other parent. There are some very straightforward guidelines to follow to achieve this:

- Structure the time you spend with the children.
- Plan what you will do and set routines to ensure you help them to meet their commitments for school or after school activities.
- Encourage the children to feel free to contact the other parent while with you and communicate with the other parent any events of importance that occur during your parenting time.
- Support the other parent by encouraging the children to discuss concerns with that parent. Do not take sides.
- Be active by having friends, hobbies, and activities. You being involved gives the children a structure to become part of when they are with you.

There are also some easy but important *don'ts* related to your children feeling emotionally safe with you. First and foremost, don't be late for visits. Your children look forward to seeing you and will be hurt if you are late. It also puts the other parent in a difficult position of trying to explain why you are late. Don't blame the other parent if a problem arises. Don't forget promises to the children. Don't be afraid to discipline. Children need discipline and

boundaries even if rules and expectations are different in each home. Don't involve the children in any anger you may have toward the other parent.

Children will recognize the following as emotionally dangerous. Doing any of the following things is unlikely to help your relationship with the other parent and will be frowned on by the court or other professionals.

- Do you try to make the children see the other parent from your point of view?
- Do you criticize the other parent - even indirectly?
- Have you ever shown the children court papers for any reason?
- Do you ask the children about the other parent's life and/or loves?
- Do you send messages to the other parent through the children?
- Have you ever discussed or argued about parent-to-parent issues in front of the children, for example when you transfer the children?

If you do these things, you need to recognize them as harmful. They hurt the children by making them take sides. These actions usually represent unresolved anger or grief following the ending of the adult relationship. To help you deal with anger and grief you can take educational classes and anger or grief therapy. Family therapy can help you and the children learn new communication skills and rebuild trust.

Children who are suffering from emotionally unsafe parenting will show it by certain obvious behaviors and their reactions vary with age. A professional supervisor will be able to say after observation if your relationship appears emotionally safe and will report this information to the court. Such a person can be a witness in court and can be a great help. Also, transitions can be supervised. The supervisor will be able to report on your own and the other parent's behavior, as well as observations of the children's reactions to both of you.

- ◆ *See Chapter Two – Behavioral Problems To Watch For*

If the other parent insists on being late for transfer (pick-up or drop off), shows the children court papers, sends messages through the children, or is very aggressive at transfer, you will need to ask the court system to help educate that parent as to the harm the children will suffer. You will also need to restructure or rearrange your parenting time to reduce the opportunity for destructive behavior by the other parent.

If you are afraid the other parent makes belittling remarks about you to the children ask for:

- Parenting classes,
- Therapy to assist him/her to give permission for the children to love you, and/or
- Joint therapy or supervised times to illustrate to the other parent the inappropriate behavior.

In many cases, problems with involving the children in your relationship with the other parent settle as each of you become used to the change that separation involves. In some cases this can take a very long time and will not occur without professional help.

DRUG AND ALCOHOL ABUSE

If the other parent alleges that you abuse drugs or alcohol and it is not true, it is necessary to build a case to show that you do not do so. Denying it is not enough - remember the court will be cautious because the children's safety may be at stake. You will need an employer's reference, if possible, confirming your attendance at work, the quality of your work, and whether you have had any problems at work over drug or alcohol use.

Random blood and urine tests and breathalyzers will show whether you are using drugs or alcohol. Some supervised parenting time will be helpful, and agreeing to it will mean that your relationship with the children is not interrupted. If it is necessary to accept supervised parenting time, you should do so on the basis that your parenting time is reviewed very quickly once other evidence is available. A general medical report will give indications as to your overall health. Proof of a clean driving record helps, but is not conclusive on its own.

If you have had a drug or alcohol problem but are dealing with it, all the above evidence will be necessary plus evidence of what you are doing to deal with it. If you are attending Alcoholics Anonymous (AA), then your sponsor should give a confidential report. If AA is not for you, and it does not suit everyone, then you must obtain a report from your drug or alcohol counselor.

If you are abusing drugs or alcohol, get help. Your children need you to be well and available to them. During the time it takes you to get help, use the support of supervised parenting. It is important that the children be safe.

If you believe the other parent is not well and abusing drugs and or alcohol, then you need to ask the parent to do all of the things described above. Support supervised parenting as well as you can. You may also seek counseling for the children to help them understand what is going on and to learn to cope.

PARENTING SKILLS

Fear that a parent's skills are inadequate is usually expressed early in a co-parenting relationship and is often expressed when children are young or a child has some form of disability. You can always learn about physical care by taking classes. You can read and learn age-appropriate behaviors from many books. If a child has some disability then you need to educate yourself on the disability, its short and long-term effects, and what they need to be comfortable and confident. If the disability impacts the child's mobility, you need to take this into account in planning parenting and in making sure that you use appropriate places for your parenting time.

- ◆ *The Baby And Child – Penelope Leach (See Reading Resources)*
- ◆ *Toddler Taming – Green (See Reading Resources)*

An area where parenting skills become a source of problems is when you and the other parent discipline very differently. This is one area where discussion is going to be your main recourse. You and the other parent may learn a great deal about different methods of discipline and a great deal about your children. Remember that parents parent differently and do so whether they live in the same home or not. If you cannot discuss this with each other, you should consider mediation or another method of dispute resolution for help.

- ◆ *See Chapter Five – Methods of Dispute Resolution.*

THE NEW PARTNER

Things to Consider if You Have a New Partner

Think very carefully before you decide to introduce a new partner to the children. Is your relationship stable enough for you to introduce your new partner to the children? It can help to look at the question from another angle. The children will be disrupted if you introduce them to multiple partners. Children will often start to form a bond with your new partner. It could be damaging to your child to see the new partner(s) leave, especially when they have already experienced one parent leaving the home.

Knowledge that you are involved with a new friend will have an emotional effect on your children. It will not have the same effect on each child because each child brings to their reaction their age, insecurity or security, sexual bias and expectation. Therefore, consider carefully how to introduce your partner to the children and where to make the introduction. Also, consider whether you tell them first and tell them a little about your friend before the actual meeting. If this is your decision, think about using photographs so the children can see what your friend looks like. For older children the issue of your potential sexual relationship may be an issue. It is important to be considerate and discreet, both in what you say and how you behave in front of the children.

It is very important that you involve the other parent. The parent will need to know that there is someone significant in your life when you decide to tell the children. It is important that the other parent should not learn this information second hand. You should be prepared to say who he/she is and how and when you intend to introduce him/her to the children. It may be hard to discuss, but the effect of not doing so will be harder to deal with. You need to decide how you are going to describe your new relationship and how you will explain to the children what the relationship means to you.

If the New Partner is Known to the Children

Special care is needed when the children already know the new partner. Children see people as representing the roles they play in their lives. They think of people as descriptions – Sam's mother/father, Mike's sister/brother, Mom's/Dad's friend. If your new partner is now taking on a new role in the children's lives you need to consider if trust

boundaries are being violated. The most difficult role change for children is when the person has been fairly close to them, either as a friend of the other parent or as a care provider. The closeness of the relationship will mean that trust is questioned. If you are dealing with such a sensitive role change, you should get some ideas from parenting professionals. If there are already therapists or other professionals involved with the family use them as a resource; if not, try some of the resources on the list in the back of the book.

The New Partners Effect on Parenting Time

You must explain how the new relationship will affect your time with the children. Studies show that a new partner or a remarriage may reduce the amount of time available for parenting and your children will certainly fear this. Remember that including your friend in time with very young children can work, because the extra adult means there is more attention for the children. But for older children, who can be judgmental and feel or fear rejection because you have someone new to love, this may result in anger and jealousy. Be sure you spend individual time with older children and that you emphasize that your love remains constant.

The Other Parent has a New Partner

If the children's other parent has a new partner, remind yourself that a helpful third party can greatly ease your situation by keeping issues in proportion and providing another point of view. The new partner also provides a reason to need your involvement in child care so that the couple can have some personal time.

You will, however, face problems if you show an unhealthy interest in the new adult-to-adult relationship. While it does affect you, the relationship itself is not your concern and just as the other parent cannot tell you what to do in your parenting time, you cannot interfere in theirs. However, if you have reason to believe that the new partner is involved in criminal activities, or abusing, or not disciplining your children, that does warrant investigation.

Once you know of an important new relationship, it makes sense to discuss the impact on your parenting time. Parenting time may change simply because of the availability of another adult. Early, thoughtful discussion may prevent misunderstandings and long-term harm to the children.

Sometimes, the new partner may increase tensions rather than being a help. If this continues beyond the first months you may have a different problem. The “Unholy Alliance” is the description given to a co-parenting situation where a new partner makes things worse by aligning completely with the other parent and joining him/her in resisting you and your children’s need to spend time together. If the new partner increases or creates problems, ask for a Representative of the Child or Special Advocate to help pinpoint the issues that are really the problem and make recommendations on how to move the whole family forward for the children’s sake. An analysis by such a professional may find that the new partner has unresolved problems around loss, or children, and needs guidance. Or the problems may be internal to the new relationship. Remember that step-parenting classes can be very helpful.

- ◆ *See Chapter Three – Alienation*
- ◆ *See Chapter Four – Denial of Parenting Time*

The Impact on Child Support

There is no effect on child support when either parent acquires a new partner, however wealthy the new partner may be. But emotionally there can be, and this needs to be addressed.

If the new partner is yours and is earning a regular income, and you are paying child support, then the other parent is less likely to understand any irregularity in payments. This is even if your employment situation has not changed and your own income remains irregular. Because disputes around child support can be very damaging to your relationship, recognize this and take action quickly to prevent bad feelings, either by paying exactly on time, or by explaining how you are paid to clarify any irregularity.

If the new partner is living with your children, and is earning a regular income, especially if there has been a reduction in your parenting time, you may feel less inclined to pay child support. This is not responsible parenting. The best way to address the concern is to ensure that your parenting time is the highest quality and scheduled to fit with the needs not only of you and the children, but the other parent, too. And enjoy your children.

ALIENATION

Alienation is the term used when one parent deliberately or unconsciously tries to damage the children's love and respect for the other parent. It is a complex problem and only becomes apparent over time.

Alienation is very dangerous for children because it destroys their self-esteem. It often reflects on the alienating parent. An alienating parent is not an emotionally safe person for the children to be with. More than just making harmful remarks, alienation is a deliberate and structured attack on the other parent with the long-term aim of ending the children's relationship with the other parent.

Some of the effects of alienation are:

- The children's relationship with the alienating parent is disturbed.
- The children become socially isolated and moody.
- Teenagers will emancipate early.
- The children show social and emotional effects.
- Therapy may not be effective because the alienating parent controls the therapy and gives the therapist misinformation.

The difficulties of alienation require that you get professional help. Children who are suffering alienation or emotionally unsafe parenting will show behavioral problems, including poor social skills, withdrawal, and a failure to achieve at school. Check the schools for any acting out in class, a drop in grades, or anti-social incidents with other children. Check with coaches, friends' parents, and other who are close to the children for any signs of moodiness or depression in the children. Ask the court for a psychiatric evaluation of your children, yourself, and the other parent. **If you believe or know the other parent is alienating you, you need to protect the children. Ask for a Representative of the Child or Special Advocate. If you are alienating the other parent - STOP IT! You are doing immense harm to your children.**

- ◆ *See Chapter Two – Behavioral Problems To Watch For*

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CHAPTER FOUR: PROBLEMS THAT MAKE SEPARATE PARENTING DIFFICULT: PART TWO

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MOVING HOMES

When parents live in separate homes there are occasions when of the parents move. Sometimes a move may have no effect on parenting time and sometimes it may improve the situation as a parent moves closer. However, the moves that cause problems for separate parents are those that take one of the parents some distance away. That includes a move within the state, but far enough away to require that the parenting plan be modified, or a move out of state. This affects the remaining parent's ability to have regular ongoing contact with the children and will impact which courts can hear any future motions, and may be problematic.

Moves Within the State

If moves occur within the state and the move means that the parenting plan needs to change, this is an ideal time to try mediation. A discussion with the other parent on how quality parenting time will continue may be very helpful. If this is not successful, then you need to file a motion to modify parenting time. Be sure that you have thought through the implications of the move and have solid and supported ideas to put forward on how parenting time is to continue.

Long Distance Parenting

If the move means that you do not see the children weekly or bi-weekly, consider some of the recommended ways to parent long distance. Children's relationships are mostly founded on shared experience. Therefore, your aim is to create opportunities for you and the children to share experiences.

- Contact by telephone – decide and write down in the parenting plan how calls are to be paid, who initiates them and at what times. Work out what are good and bad times – mealtimes are usually bad for instance. Be sure that calls are made at the correct times. In addition, teach the children to call you by reversing the charges and make sure they have work and home contact numbers if possible.
- If available, maintain regular contact through email. This method of communication is very popular among school-age children. Most libraries now have internet access.
- Watch a TV show together over the phone or Internet using instant messaging. Or send books or email newspaper articles to talk about, or a CD – children need shared experiences.

- Keep a list of things you talked about last time and notes of what the children tell you they are doing week by week. Your conversations then progress forward and are part of the child's life. Make notes of things in your life to talk about so that the children can understand how you spend your days.
 - Send faxes. This is a great way to keep a sense of immediate contact and availability.
 - Send mail. Remember, kids enjoy receiving letters, pictures, cards and photographs.
 - Encourage the children to keep in touch with you by giving the children self-addressed cards and envelopes, as well as contact numbers.
 - Respond to any contact by the children. They will not keep in touch with you if you do not keep in touch with them. Communication is a two-way street.
- ◆ *101 Ways to Be a Long Distance Super Dad – or Mom, Too – Neumen (See Reading Resources at the back of the book.)*

Moves Out of State

If the move is out of state, then you may find the prospect of the distance and the cost of travel for parenting time very frightening. The ideas for keeping in touch over long distances that are set out above are all good ones.

You may be upset that the other parent is allowed to move away when the effect is to reduce your actual time with the children. Detailed case law on this subject is complex and you should consider seeking legal advice on this, since the entire concept of how relocations are decided has changed in the past few years. Changes to the statute (*C.R.S. 14-10-129*) by the Legislature now has the Court look at a number of factors, including:

- Whether the new residence will substantially change the geographical ties between the child and the parent who does not move;
- What factors about the move concern the best interests of the child; and
- A number of other factors listed in the statute that involve such considerations as whether spouse abuse has occurred, the reasons why one parent wants to move and the other doesn't want that to happen, whether the child will be near extended family in the new location, and the anticipated impact of the move on the child.

If you wish to argue for a new parenting arrangement because of a move, you need to rely on:

1. The history of your relationship with the children, for instance, how often you see them, the quality of your time – what you do, your involvement in activities and so on. Think about the suggestions for long distance parenting and which might work for you. Build them into the new parenting plan as well as you can.
 2. If there are allegations of violence or abuse you need to face and deal with these. Just denying them is not going to give the court the information it needs.
- ◆ *See Chapter Three – Domestic Abuse.*
3. Any steps you take must be based on what is best for the children, not just what you want. If it is hard for you to work out differences, seek the help of some of the alternative people mentioned in Chapter Five.

The Effect on Jurisdiction

There are two statutes that affect **jurisdiction**: the **UCCJEA** (state) and **PKPA** (federal). Both of these laws state that the child's home state is preferred for the hearing of any legal cases. This is because the home state is most likely where there is the most information about the child. If there is an existing custody order, only the original state that made that custody order can amend custody or parenting time, unless that state itself elects to transfer jurisdiction, (e.g. the child moves home state) or all the parties, that is both parents and the child, have left the state.

- ◆ *UCCJEA is the Uniform Child Custody Jurisdiction Enforcement Act.*
- ◆ *PKPA is the Parental Kidnapping Prevention Act.*
- ◆ *Jurisdiction means the legal and actual areas covered by a court.*

For child support, the state where the child lives has first jurisdiction. The effect is that someone who does not live in a state may be subject to the state where the child lives for child support provision. The original state that makes child support orders maintains jurisdiction until everyone has left the state, then jurisdiction moves to the state where the payor lives. The main thing to remember is that if the child and one parent leave the state, the jurisdiction for child support will follow the paying parent.

- ◆ *Payor is the person who pays.*
- ◆ *Payee is the person who receives the payment.*

ABDUCTIONS

If your children are abducted, you should seek help to deal with the trauma. If there is an abduction, the state the child was abducted from has jurisdiction to make orders. Therefore, if the child can be traced, the court will probably order the child to be returned, so that there can be a full and proper hearing as to whether the other parent and the child should move away. This hearing will mean that the other parent will have to say where they are going to live, what schools the children will attend, describe work prospects and whether there are relatives and friends in the area and show that the move is in the children's best interests.

- ◆ *Abducted* means kidnapped.

Tracing the children after they have been abducted is extremely difficult. You can use the Federal Parent Locator System (FPLS). In order to do so you need to apply to your local Child Support Enforcement Agency. You ask for an *Application for Locate Only Services*. When applying you will probably be asked to show evidence of your parental relationship and a right to custody and/or a right to parenting time. The FPLS is a national computerized network initially created to trace parents who owe child support and then extended to locate individuals involved in parental kidnapping or child custody cases. A court hearing is required before use of the FPLS is permitted.

Or you can hire a private investigator. One of the main sources of information that an investigator will use is the extended family – it is hard to really disappear if there is any other family members. Most people will contact the extended family at some point and this may help you find the children.

One of the most frustrating things is that you continue to pay child support, but are denied even knowledge of where your children are and how they are doing. You may try to find out where your children are through the Child Support Agencies either directly or by filing a motion for the release of information or summons (subpoena) to acquire information from child support officers. Many courts will not permit this as the whereabouts of a payee is confidential, but some have. If you wish to examine this route you should contact a Fathers Rights or Support group as they may be able to help. Remember that where there has been violence, harassment, or child abuse there are going to be concerns by the authorities to protect the victim of violence.

If the child is removed from the United States, the custody law in effect is known as The Hague Convention. This is an agreement reached by a large number of countries on how to proceed if a child is abducted. Your local state offices will assist you in recovering the child if he/she can be traced and has been taken to a Convention country. The primary purpose of The Hague Convention is that the child should be returned to the home country so there can be a proper hearing as to whether a move to a foreign country is in the child's best interests.

To Prevent an Abduction

- ◆ If you have reason to fear that the other parent intends to abduct your children you can apply for an *ex parte* restraining order to prevent them going until there has been a full hearing. In the *ex parte* motion you need to give statements of fact that reveal a true emergency and explain why a court order is necessary to prevent an abduction. You need to list specific recent events and specific threats that make you reasonably fear that the threat of an abduction is real. The statements you give the court must not be old threats or vague allegations. To obtain an *ex parte* order you must show that the reason for *ex parte* order – the other parent is trying to permanently leave the state, and the threat to hide the children from you is immediate and serious.

If the other parent seriously wishes to move away, and you have a hearing, remember that the legal issues will be complex and that you need to seek legal advice.

CHRONIC CHILD SUPPORT DISPUTES

The payment of child support and your ability to see your children regularly are legally separate issues, but they are often not emotionally separate issues.

Causes of Parenting Problems and the Link With Child Support

Studies show in cases where parenting time is regular and encouraged by both parents, there tends to be a high incidence of regular payment of child support. But the studies also show that there are other factors that link the relationship between child support payment and parenting time. Fathers often report difficulty in dealing with their altered relationship and an inability to cope with the change to living alone and away from their children. This can deteriorate into depression and increasing feelings of helplessness and loss. These

problems may be associated with financial instability as the father's ability to work and to be prompt has an impact on his employment situation. Any combination of these may result in irregular parenting and irregular payment of child support.

Many fathers report that the mother's resistance to them having parenting time is the reason for parenting time being unsuccessful or not taking place. However, many mothers say they want more involvement by the father with the children, but then express concerns with punctuality, safety, the making of negative remarks, and unsupported discipline as the reasons for problems with parenting time.

It also appears that parents whose time with their children is of good quality, however often, seem to manage common problems and also have a better record of regular child support payment. Generally,

- a) If you are paying child support and a payment is to be missed or delayed for any reason, inform the other parent. Cash flow is sensitive. Explain the reason and back it up if the other parent does not believe you.
- b) If your circumstances change, try to change the child support; it does no good to consistently underpay and it aggravates your relationship.
- c) Evidence shows that more than 25% of parents do not agree as to the amount of child support and whether there is an order. Check to make sure you and the other parent both know what the child support payment is and that you agree as to the amount and dates of payment.
- d) Mediation is an excellent tool for child support issues. A mediator can compute the child support calculation for you. While child support is calculated on a statewide formula, there is room for variation and interpretation, especially when you are looking at extraordinary expenses. Medical expenses will always be considered extraordinary expenses, while sports and educational expenses will depend on the judge's ruling. Be aware that the courts do not ordinarily include sports and extra curricular activities in child support, and only in limited circumstances will the court include education expenses.
- e) If you are in dispute about child support payment, your first steps are to agree what the payment is, when it is payable, if there are arrears and if there are, how they are to be paid. You can use a mediator to help you. Once this has been done, see if there are now parenting issues to be addressed.

Note: *Colorado Child Support Guidelines - In January 2003, Colorado Child Support Guidelines were updated for the first time in 10 years. There are four main changes:*

1. *The guidelines schedule was updated to reflect more recent economic data*
 2. *Adjustments were made to preserve the economic independence of low income obligors*
 3. *The upper income level of the guidelines were raised from \$15,000 to \$20,000 per month and;*
 4. *The definition of extraordinary medical expenses was altered*
- *Child Support Worksheets - With changes in the guidelines, there also have been changes in the forms and worksheets for 2003. The Worksheets A & B are available in manual (PDF and WORD) or electronic formats (Excel). If you have Microsoft Excel, this format will automatically calculate the child support payment according to the guidelines. If you do not have Microsoft Excel, you will have to use the manual worksheets. Guidelines and worksheets are available on the Internet @ www.courts.state.co.us/chs/court/forms/selfhelpcenter.htm. The direct link is <http://www.courts.state.co.us/chs/court/forms/domestic/childsupportguidelines.htm>.*

Once you agree on what the payment is, then you can address the parenting problems.

- Can the problems be discussed and solved by creating a parenting plan that works better?
- Is there a negative impact on the children and how can you reduce this?
- Are there any alternative dispute processes or people that might help?

Many problems can become manageable if you break them down into the separate parts. A continuing problem with child support is often a sign of a more complex problem. Step-by-step you move to identifying the problem. Each step you take to deal with the problems is made for your children – they need the problems solved.

SEXUAL OR PHYSICAL ABUSE

If allegations of sexual abuse, physical abuse or neglect are made and confirmed, you will be dealing with the Department of Human Services (often called Social Services) and a totally different kind of case than a case about parenting time, even though some of the personnel are the same. If Social Services become involved, there will be a prosecution for neglect or a Dependency and Neglect (D&N) action. The effect of a D&N action is to give parental responsibility to Social Services, and their involvement is aimed at securing a safe long-term home for the children.

The Personnel in a Dependency & Neglect Action

- **Assistant County Attorney** - these lawyers represent the Department of Social Services and are responsible for conducting the case.
- **Caseworker** - these are the employees of Social Services responsible for crisis intake and the handling of ongoing cases. Their primary objective is to achieve a safe and secure home for an abused or neglected child, with the biological family if possible.
- **Guardian ad Litem** - this legal role has been mentioned. The GAL represents the child's best interests. The GAL conducts an investigation and makes recommendations to the court. The GAL has a duty to tell the court the child's own wishes, but their recommendations need not be the same as the child's.
- **Court Appointed Special Advocate (CASA)** - the CASA may be assisting the GAL in the investigation. The CASA spends more time with the child, supervises visiting between siblings, parents and children, encourages the parents to help them follow court orders and can help with the teaching of parenting skills.
- **Attorneys for the Parents** - the child's parents may have counsel appointed for them if they qualify, or they may hire their own counsel. This lawyer will explain the strength of Social Services case, assist parents in creating options that allow them to keep the child and explain the legal effect of anything the caseworker may be proposing.
- **Judge or Magistrate** - these court officials decide the facts of the case and the child's best interests. To do so they listen to evidence brought by the caseworker, the GAL, the CASA, the parents and any other witnesses.
- **Respondent** - the respondents are the parents, step-parents, guardians, or legal custodians.
- **Special Respondent or Intervenor** – is someone who either voluntarily or by court order becomes involved in the case because of their relationship with the child and the possibilities they offer for providing short or long-term care for the children.

The Process

- **Detention Hearing** – this is the legal beginning of a D&N action. Social Services has received and confirmed information that a child is at risk and applies to the court for removal or protective orders and authority to bring D&N proceedings. At the end of this hearing, the children will either return home or be taken to a placement outside the home.

- **Initial Hearing** – this is mainly an explanation of the process. The court advises parents of their rights and appoints attorneys and GAL. The parents can make an admission or denial of the allegation of abuse or neglect. If an admission is made the court will make relevant orders.
- **Pre -Trial Conference** - this is an informal assessment of the case, the information available and the likely course of the process. Admissions can be made at this stage.
- **Adjudicatory Hearing** – this is the trial where the county attorney has to prove the allegations made against the parent in the petition. The result will either be that the case against the parent is proved or the case is dismissed. If the case is dismissed, the action is over. If it is not, then there is a dispositional hearing.
- **Dispositional Hearing** - is where the treatment plan is ordered. It is important that the treatment plan be achievable as well as cover all the concerns of Social Services. The treatment plan is usually created following discussions with both of the parents. Using a mediator at this stage can be helpful. The treatment plan is designed to help the parent become able to care for the children and have the children return home.
- ◆ *The treatment plan is series of steps, classes, or requirements that the parents must meet with the aim of teaching new skills or behaviors, learning new coping mechanisms, or treating an illness such as alcoholism*
- **Review Hearings** – are to review progress and are usually done by the filing of reports and agreements and may be by telephone, or court appearance, or there may be no actual hearing at all.
- **Motions Hearings** - any party may file motions with specific requests of the court at any time. For instance, if you are seeking parenting time and this cannot be agreed upon, you would file a motion for parenting time and there would be a hearing.
- **Permanency Planning** - the purpose is to provide stable, permanent homes for the children. It is usually involves a series of meetings.
- **Termination Hearing** – if after a dispositional hearing the treatment plan fails, or if the parent abandons the children, the case will qualify for a termination hearing. Social services will seek to terminate the parents' rights and by doing so free the children for adoption.
- **Relinquishment** – this is where the parents ask the court to terminate their parental rights. This can happen for a variety of reasons. One example would be that the parents are very young and simply cannot look after the children and have come to

understand this, or a single parent reaches the same conclusion. For a relinquishment to occur, the parent must have undergone a high degree of personal heart searching and have good reasons, as the court will only act in the child's best interests. Nowadays, there are mediators specifically qualified to help a parent discuss and arrange relinquishment and sometimes agreements can be reached to retain minimal contact with the children.

- Adoption, Guardianship or Custody - these orders all follow either a relinquishment or a termination of parental rights and essentially create the child's new legal family.

If the Other Parent Becomes the Subject of a D&N Case – Can You Have the Children?

If your family becomes involved in a D&N case, obtain legal advice. Generally, if the allegations against the other parent are true, you need to work with the professional personnel to create the treatment plan and to make sure you are able to fulfill your part of it. If you do so, you will continue to have a relationship with your child. If you have parenting time in place, continue it supervised if supervision is requested by the caseworker. If you do not have parenting time, seek it. You may need to file a motion for supervised parenting time.

If the children are not in your care, and if the caseworker is seeking an alternate placement, ask yourself, can you parent the children safely? If you can, or you can with help from other family members, ask the caseworker to listen to your plan or consider mediating a future relationship with the professionals. If you wish the children to live with you, you will have to follow a treatment plan and work with the associated professionals. It may be hard and feel intrusive as everyone is going to need to be convinced that your plan will work. If it is possible and represents a solution for the children, the caseworker should consider your suggestions.

- ◆ *Intrusive* means meddlesome, nosy, annoying, or rude.

If You Have Been Accused of Abuse And Neglect and You Are Denying the Allegation

If you have been accused of abusing your children and you are innocent, you are likely to be very angry and your personal life may have been damaged. *It is very important that you do not blame the children.*

If the information as to the abuse is given by the children, they will be interviewed. A great deal of research has shown that the interviewing of children is a delicate matter and should only be undertaken by someone qualified. Leading questions and multiple interviews can produce a distortion of the truth. Again, if your children have been subjected to a great deal of questioning, you should seek expert legal advice.

Where physical abuse is alleged, there will have been a medical examination and you are entitled to see the reports. If there is no medical evidence, then the quality of the interviews of the children is going to be very important and again you should seek legal advice.

Children sometimes do give evidence in court under restrictions. Generally, this is not thought to be in the child's best interests and it is here that a CASA can repeat what a child has said. While a child is unlikely to disclose abuse to a CASA, a child may talk about his or her feelings to a CASA: feelings for a parent, feelings about siblings, and future wishes. A CASA can give evidence as to the nature of the child's relationships with you and the other parent.

Other witnesses who can tell the court about your relationship with the children are the parenting time supervisor, the therapist or child's therapist, day care providers, teachers and character witnesses. This can be an extremely difficult time and you may find support from local groups that represent parents who have been in the same position.

ALLEGATIONS

Generally it is accepted that any allegation made about you by the other parent is either 1) true, 2) untrue but the other parent is afraid that it may be true, or 3) made maliciously. Before you conclude that an allegation is malicious, it is helpful to look and see if it is at all true. Has something happened to make the other parent afraid? Is there something you can do without becoming angry and making accusations, to correct the situation? A court is going to be cautious for the safety of the children.

However difficult, you have to face an allegation and deal with it. To convince a court you will need evidence, such as people and reports to show the allegation is untrue or has been

corrected or dealt with constructively. The people described earlier in the chapter can give this evidence.

TYPES OF EVIDENCE

The types of evidence that you can use are:

- Reports – parenting time/decision-making/custody evaluation
- GAL or special advocate's report
- Medical evidence including blood or urine or breathalyzer test results
- Therapist's evidence
- Psychiatric evaluations of you and the child
- Any other professional involved with the child

In addition, you can obtain, if the others have not:

- Employer references
- Teachers reports and school reports

Information, communication and facing problems are the alternatives to having a court hearing. They are in the best interests of the children.

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CHAPTER FIVE: PROBLEM SOLVING OPTIONS

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The evidence that children are harmed by litigation between their parents is now very strong. As a consequence, the people who assist families with longstanding or painful problems try many forms of alternative dispute resolution in their efforts to help. Alternative dispute resolution was named to indicate that there are alternatives to having a trial in court. Now there are several forms of dispute resolution commonly used in family situations. Each process or person is an alternative to the other. Some now refer to this process as “appropriate dispute resolution”. The name only means that you and others are looking at every possible way to help your family.

This chapter will look at different forms of dispute resolution processes – and the different kinds of people who offer alternatives to families with parenting disputes.

- ◆ *Children of Divorce - Baris and Garrity (See Reading Resources at the back of the book.)*
- ◆ *Getting to Yes: Negotiation Agreement Without Giving In – Fisher, Ury, and Patton (See Reading Resources)*

ALTERNATIVE PROCESSES

Mediation

Mediation involves you and the other parent using a neutral third person – the mediator. The mediator will help both of you understand issues you disagree about and help you work out solutions. The goal of mediation is to reach an agreement that both parents had a voice in determining. It is intended to help each of you agree on solutions so that parenting time will be better for you and the children.

While working with you to help you communicate and look at possible solutions, the mediator is not a judge and is not going to tell you one is right and one is wrong. The mediator is there to help you clarify what your concerns really are and how to address these concerns. The mediator assists in the process but cannot force either party to come to agreement.

Mediators in family matters should have experience in family concerns and can give legal information. However, the mediator is not your attorney and does not give legal advice. Colorado provides that mediation is generally confidential. Therefore, what you and the other parent say to each other and the mediator is usually private. You cannot refer to it in

a court hearing and generally you may not call the mediator as a witness. This privacy is to encourage both of you to be honest and open.

The mediator will use various skills to assist you in identifying your issues. Once the issues are identified, the mediator will work with you to create an agenda. The mediation will help you discuss the items on the agenda, looking at options to meet your children's needs and your needs as parents. Some of the methods used by the mediator are *caucus* – having separate sessions with each of you, *brainstorming* – creating as many ideas as possible to help identify possible solutions, and *reframing* – restating what you say in a way that is clear and without blame. *Reframing* also includes changing how someone thinks about his/her own or someone else's attitudes, behaviors, issues, or interest.

If you reach an agreement, the mediator will write up your agreement. The mediator should always remind you to seek legal advice. If you seek legal advice this does not necessarily mean that the lawyer needs to represent you for the whole case. You can consult an attorney just to advise you through the mediation process. If you can consult an attorney before you sign the agreement, the attorney can give you legal advice on your legal rights and on the implications of any agreement you reach. The mediator may refer you to books that will help you. Many of the books referred to by Mediators are listed in the Resource section located in the back of the book.

When you are ready to sign your agreement, you should do so before a notary public. You then send it to the court together with any of the other necessary papers.

Common problems discussed in mediation are:

- Conflicts over discipline
- Transfer of information
- Poor personal communication
- How to deal with transition
- Child support
- Modifying parenting times and agreements
- Relationship boundaries

Mediation is usually much quicker than the court process and may be less expensive. It can help parents make decisions about parenting even if they have encountered problems in communication or agreeing in the past. Mediation works better if it begins early in the parenting time planning process.

- ◆ See sample agreements to mediate in APPENDIX II.

Mediation/Arbitration (Also referred to as Med/Arb)

Mediation/Arbitration start with the mediation process, but the mediator/arbitrator has authority from you to make decisions if you are unable to agree. In this way he/she may act like a judge and may tell you what to do. Your agreement with the mediator/arbitrator will set out exactly how the process is to work and at what point he/she becomes your decision-maker.

If the process moves into arbitration the mediator becomes an arbitrator. This point is reached if you are unable to resolve the issue(s) in mediation. You will then be asked to present your point of view to the arbitrator. You may call witnesses at the arbitration and in some cases present evidence. The Arbitrator may have the authority to contact people to obtain additional information. The arbitrator will then make a decision, send you the decision in writing, and file a copy of the arbitration decision with the court.

Parenting coordination is a type of mediation/arbitration process, which focuses only on parenting issues. A parenting coordinator is a mediator or mediator/arbitrator who deals with parenting and child support. In addition, a parenting coordinator can teach you parenting and communication skills and may recommend or refer you to classes and books. If the parties reach an agreement through mediation with the parenting coordinators it is filed with the court for review. If approved it becomes a court order. If the parties do not agree, the parenting coordinator can make recommendation to the courts.

Arbitration

Arbitration is a process in which you each presents the facts of your dispute to an independent arbitrator for decisions. An arbitrator can be appointed by the court or can be selected by agreement. The arbitrator will give each person the opportunity to tell their side of the story and make their requests for what they would like to happen. The arbitrator may ask each of you many questions and may question other witnesses, too. After facts and information are reviewed, then the arbitrator makes a decision, writes the decision, files it

with the court, and forwards a copy to you. The court will review the arbitration decision and if approved the decision becomes a court order.

Mediators, mediators/arbitrators, parenting coordinators, or arbitrators all provide a process that is speedier than a full court hearing and usually less expensive. These processes can also provide an ongoing method of resolving disputes for parents who have a high level of conflict or face changes over the years as the children grow up.

How to Select a Mediator, Mediator/Arbitrator, or Arbitrator

Talk to the person you are considering for any of these roles. Ask them about their experience and qualifications and how they actually perform their role.

Some of the questions you can ask are:

- How long have you been doing mediation/arbitration?
- How many family mediations/arbitrations have you done?
- Are you a member of any professional organizations?
- What is your background and experience in family matters?
- How much do you charge and how do you expect to be paid?
- Please explain your process.
- How quickly could you arrange an appointment?
- Do you have any firm ideas about what parenting time arrangements should look like?

ALTERNATIVE PEOPLE

You may be in what is termed a *high conflict* case. That is a case where there is continuing court involvement or continuing incidents of verbal or physical aggression. In these cases the allegations commonly are:

- a) Interference by the new partner
- b) Fears for the children's safety
- c) Alienation
- d) Allegations of drug or alcohol abuse
- e) Allegations of physical or emotional abuse
- f) Denial of parenting time without just cause
- g) Chronic disputes around child support
- h) Belief that the children should not see the other parent much or at all

Once your case is this complex and painful, the process of continuing to find solutions is going to feel and be highly intrusive. Usually, the people who are intrusive are also there to help you. It is important to understand their function and how they can support your need to maintain a healthy relationship with your children.

Guardian Ad Litem (GAL) or Legal Representative of the Child

The GAL is an attorney who represents the best interests of the child in a juvenile action. The GAL generally advises the court of the children's wishes in Dependency & Neglect cases and makes recommendations for the children. (See Chapter Four for more information on Dependency & Neglect cases.) In addition, the GAL has to investigate the situation and seek solutions with the family, therapists, and other professionals. Often the GAL will assist parents in discussing the issues and options. The GAL will file a report, making recommendations, which will have a great deal of impact on the court. A judge does not ignore what a GAL advises. The GAL will discuss the case with the judge in court but does not usually give evidence as a witness or be subject to cross-examination. In Dependency & Neglect cases, the court generally appoints a GAL.

- ◆ *CRS 14-10-116 (2) (a)*
- ◆ In juvenile actions, the court uses a Guardian ad Litem. In a divorce case the court would generally appoint a Legal Representative of the Child instead of a GAL.

Special Advocate

A special advocate may or may not be an attorney, but will certainly have a high level of experience in family matters. The special advocate acts as the court's investigator and reporter. The order appointing a special advocate states what the court expects the special advocate to do. This will vary from case to case. He/she will conduct an investigation and will report to the court in writing and in person. The special advocate is a witness of what they have seen and other people have said to them. He/she may also be cross-examined. The special advocate is able to bring a wide variety of information to the court and can be an invaluable resource to you. The special advocate will make recommendations to the court and again these will be taken seriously. The judges tend to regard special advocates as the ears and eyes of the court. The parents pay the special advocate.

- ◆ *C.R.S. 14-10-116 (See APPENDIX I)*

Therapists

Therapists become involved in family disputes either because the parents are already using their support for themselves or the children, or because the GAL or special advocate recommends that the children and/or parents would benefit from therapy. The therapist can help you to face some of the root issues that are causing the problem. For instance, you or the other parent may never have successfully healed following the loss of your relationship. This may be the root cause of problems in dealing with the children, poor transitions, problems with child support, inability to let the children take toys to and from homes, denigrating remarks, alienation and so on. In approaching the root cause, therapy helps to provide long term solutions to the problem.

Custody Evaluator

The evaluator will review the developmental needs and abilities of the children, evaluate the parents emotional and psychological state, and assess the parents skills. He/she will also assess the quality of the parents relationships with the children and make recommendations on parenting time and who should make which decisions. The evaluator is available as a witness. The report has a high degree of influence with the court, and is only likely to be disregarded if another professional with a more intimate knowledge of the family – a GAL or special advocate – argues for a different resolution. An evaluator is not directly appointed by the court but employed by the parents – usually one parent who is then responsible for paying the fee. The evaluator is bound to cover certain things in a report and has to comply with statutory requirements.

Social Worker

A social worker will be involved if there are allegations of child abuse and neglect. The social worker is trying to find a solution that will provide a safe home for the child. This may mean re-involving the child with the parent when the parent has shown that he or she has learned how to parent safely, or it may mean finding a new home for the child. The social worker will be represented in court by the attorney for the social services office and is available as a witness. The social worker is paid by the state.

Court Appointed Special Advocate (CASA)

A CASA is a volunteer approved by the court who works with a GAL, usually in cases of child abuse and neglect, although some also help in domestic cases. The CASA's role is to befriend the child and help the child through this difficult time. The CASA will learn about

the child's needs and wants. He/she helps the parents learn new skills and investigates the family for the GAL. The CASA has the support of the agency to which he/she is affiliated and the resources that the agency can provide. The CASA will file a report making recommendations and will be available as a witness. The court will place a high level of confidence in the CASA as he/she has probably had the most contact with the family and the children.

Parenting Supervisor

When there are allegations of drug or alcohol abuse, inappropriate parenting, alienation or poor relationships, supervised parenting is often used. The supervisor provides a safe place for parent and child. He/she will assess a parent for drug or alcohol use before a visit, will assess parenting skills and the quality of the parent child relationship. The supervisor can also supervise during transitions, if this is the area of difficulty. He/she is paid by the parents and is available as a witness. The supervisor will also work with a GAL/representative of the child, special advocate or CASA to ensure that the parenting situation is communicated.

Judge/Magistrate

The judge will make decisions for your family if you and the others involved cannot reach a solution. He/she will read all the documents, hear the evidence and listen to the arguments of the lawyers. The judge will apply the laws and guidelines set out in Chapter One, and will refer to case law – other cases of similar nature that have already been decided. The judge has an overwhelming concern to do what is best for the children and to do it safely.

COUNSELING AND THERAPY

It is easy to discount how helpful counseling and therapy can be. If the issues with parenting time arise from unresolved issues from your relationship with the other parent, it is going to be hard to move forward without help. There are specific therapeutic courses to assist you in learning parenting, helping with grief, controlling anger, or learning to be empowered after an abusive relationship.

Therapy for children where there is high conflict can be very helpful. The children may have issues, concerns, and problems that the therapist can help resolve. If the parents are constantly attacking each other, the therapist may be the only safe person for the children

to talk to about their feelings. You can voluntarily choose to seek therapy for yourself and your children.

Therapy can also be combined with mediation, mediation/arbitration, and the learning of communication skills to provide you with a long-term solution to parenting problems. In some cases therapy can be court ordered, or be recommended by the evaluator, special advocate, GAL/Legal Representative of the Child, social worker, or CASA. It may also be determined through a psychiatric evaluation that therapy is needed to help the parents and/or children.

6

CHAPTER SIX: DIRECTIONS ON HOW TO COMPLETE COURT FORMS FOR CUSTODY, PARENTAL RESPONSIBILITY, MODIFICATION AND ENFORCEMENT OF PARENTING TIME AND PATERNITY CASES

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To ask the court's assistance when you have problems with parenting time you need a court proceeding within which to request it. This can be:

- a) an existing case (i.e., divorce, parental responsibility, paternity or child support within which proceedings the court can make parenting time orders);
- b) an existing parenting time or visitation order within one of these proceedings.

If you do not have an existing case you must begin an action within which a parenting time order can be made, such as a paternity, parental responsibility, or divorce action.

This chapter takes you through the procedures to establish parental responsibilities and paternity. It also takes you through the process of filing to modify parenting time. In any of these cases you may wish to file a motion for a Legal Representative (or Representative of the Child) or Special Advocate. You will also need to schedule (or set) your case for hearing. The courts forms listed in the *parental responsibility proceedings* section of this chapter can be found in APPENDIX III.

PARENTAL RESPONSIBILITY PROCEEDINGS

Either the father or the mother may file a parental responsibility petition. If the mother acknowledges the father, a determination of paternity will be made in custody proceedings. If you are the father, but your paternity is not established and you have no current relationship with the children, then you should file paternity proceedings.

There are several forms needed to begin parental responsibility proceedings. Most of these forms are included in APPENDIX III. They are also available on the Internet at <http://www.courts.state.co.us/chs/court/forms/selfhelpcenter.htm> and at the courthouse. Forms are continually being update so be sure to complete the most up-to-date forms required by your local court.

Note: Procedures outlined in this book may have changed, therefore it is important to phone or visit the clerk, family court facilitator, or *pro se* clinic to check their procedures.

Be sure you are following the most current procedures required by your local court.

- ◆ See APPENDIX IV for *INSTRUCTIONS FOR ALLOCATION OF PARENTAL RESPONSIBILITIES*

Petition for Allocation of Parental Responsibilities (JDF 1413) – see *APPENDIX III* for form

Fill out the petition and include all information that is requested. Be sure to include the case number and name of the county. Be very clear and specific. If other orders concerning custody of the children have been entered by the courts, be sure to include the case number and name of the county. You may also want to look at C.R.S. 14-10-124 as it defines the “best interest of the child”.

- ◆ See *APPENDIX IV* for *INSTRUCTIONS TO SET A HEARING AND TO COMPLETE A NOTICE OF HEARING OR STATUS CONFERENCE FORM*

Summons to Respond to Petition for Allocation of Parental Responsibilities (JDF 1414) – see *APPENDIX III* for form

Fill out the summons and have the court clerk sign it. You must arrange to have the summons and the petition served upon the parents and any guardian or custodian of the child. If possible include a picture, and give the sheriff or process server the best possible physical description of the person(s) to be served. Also, tell them the best place and time to find the person. When you receive the completed summons, file it with the court.

Some courts may set an initial status conference at the time the Petition is filed, which will allow the parties to discuss the issues, if applicable. Some Courts also may provide the parties with a Case Management Order outlining the time frames in which documents must be filed.

Notice to Set Hearing (JDF 1123) – see *APPENDIX III* for form

You must arrange for a hearing as the court does not automatically give you a hearing date. Fill out the form, putting in the names of the other parent and parties. File it with the court and send copies to the other parent and parties. See *APPENDIX IV* for instructions on completing this form.

Notice of Hearing (JDF 1124) – see *APPENDIX III* for form

When you call the court you will be given several dates. Find a date that is convenient for everyone and confirm that date with the court. Send this form to everyone and file one with the court. See *APPENDIX IV* for instructions on completing this form.

Affidavit with Respect to Financial Affairs (JDF 1111) – see APPENDIX III for form

When you come to the hearing, you need to bring this form and be prepared to discuss your financial circumstances. The Affidavit must be signed and sworn to in front of a notary public.

Child Support Guidelines and Worksheets

If you have information about the other parents' financial matters, you may be able to determine child support. If not, the court will determine the guideline amounts for you.

- *Colorado Child Support Guidelines - In January 2003, Colorado Child Support Guidelines were updated for the first time in 10 years. There are four main changes:*
 1. *The guidelines schedule was updated to reflect more recent economic data*
 2. *Adjustments were made to preserve the economic independence of low income obligors*
 3. *The upper income level of the guidelines were raised from \$15,000 to \$20,000 per month and;*
 4. *The definition of extraordinary medical expenses was altered*
 - *Child Support Worksheets - With changes in the guidelines, there have also been changes in the forms and worksheets for 2003. The Worksheets A & B are available in manual (PDF and WORD) or electronic formats (Excel). If you have Microsoft Excel, this format will automatically calculate the child support payment according to the guidelines. If you do not have Excel, you will have to use the manual worksheets. Guidelines and worksheets are available on the Internet @ www.courts.state.co.us/chs/court/forms/selfhelpcenter.htm. The direct link is <http://www.courts.state.co.us/chs/court/forms/domestic/childsupportguidelines.htm>*
- ◆ See APPENDIX IV for INSTRUCTIONS FOR ALLOCATION OF PARENTAL RESPONSIBILITIES

Motion for Appointment of a Special Advocate (JDF 1317) or a Legal Representative (JDF 1319) – see APPENDIX III for forms

If you feel that your child needs a legal representative, you may ask the court to appoint one. You may also ask that a Special Advocate be appointed. The court may order you to pay the fees, or split them between the parties. If you are indigent, the fees may be paid by the state.

EXISTING PROCEEDINGS

If you already have a parenting time or visitation order, any motion to modify that order must be made within the existing proceedings. You apply in the same court and use the same case numbers. A filing fee is required for any motion to modify when such motion is filed 60 days after the order or decree is issued, pursuant to §13-32-101(5), C.R.S.

Check the existing parenting time order. If your case was a few years ago, your papers may refer to visitation rather than parenting time.

- ◆ See APPENDIX IV for *INSTRUCTIONS FOR ALLOCATION OF PARENTAL RESPONSIBILITIES*
- ◆ See APPENDIX IV for *INSTRUCTIONS FOR MOTION TO MODIFY PARENTING TIME*

Motion For Modification Of Parenting Time (JDF 1406) – see APPENDIX III for form

Fill in the full names and dates of birth for all children who are subject to the existing parenting time order. Check the appropriate box to describe the existing parenting time order. Describe in detail any restrictions or limitations (such as supervised parenting time) that were ordered by the court. Describe the exact changes in the parenting time schedule you are requesting, including any restriction or limitation on parenting time. Also, explain why you believe the requested changes are in the best interests of your child. If you are requesting a restriction of parenting time because you believe that your child is in imminent physical or emotional danger due to parenting time with the other parent, you may state that in your motion and request that a hearing should be held on an emergency basis. You can also request that any parenting time be conducted under supervision until the hearing. However, if the court finds that your statement was substantially frivolous, groundless, or vexatious, they will require you to pay reasonable attorney fees and costs of the other parent. Note: That when parenting time is changed there is a possibility that child support may also change.

PATERNITY PROCEEDINGS

If paternity is not acknowledged, then you should file paternity proceedings. The petition can be filed by a mother who wishes the father to be legally determined, or by a father who wishes to be recognized as the father and to be involved with his child; or by a child.

- ◆ See APPENDIX IV for *INSTRUCTIONS TO ESTABLISH PATERNITY*.

Petition in Paternity (JDF 1501) – see *APPENDIX III for form*

Fill in the necessary information regarding the respondent, the petitioner and the children. Indicate what you are seeking in your petition (determination of the father, changing of birth certificate, past child support, etc.). This must be done before a notary public.

Summons (JDF 1502) – see *APPENDIX III for form*

Take the petition and summons to the court office. The clerk will return to you the original summons, now stamped and numbered with the court division. It is your responsibility as petitioner to arrange for service of the original summons and a copy of the petition to sent to the other party. The court process can continue, even if no response is filed.

❖ **Agreement For Genetic Testing (JDF 1506)** – see *APPENDIX III for form*

If the other parent contacts you and wants to submit to a genetic testing after service of the summons and petition, the two of you can sign the *Agreement*. This will need to be done before a notary public and then filed with the court to be made a Court Order. On the form you will need to identify the lab, their address, the date of your appointment and who will pay for the cost of testing. It is a good idea to check how much the testing will cost in advance. On receiving an *Agreement for Genetic Testing*, the court will issue an *Order for Genetic Testing* (JDF 1508). If the alleged father does not attend the testing, the court will have the ability to declare that he is the father. If testing is completed and there is a continuing dispute, it will be necessary to set the case for hearing. Once the date is set, you need to send out a *Notice of Hearing*.

If a finding of paternity is made, the court will address the matter of child support. It is necessary to complete an *Affidavit with Respect to Financial Affairs* and have it with you at the hearing. The *Affidavit* will also be used in deciding child support, court fees and other necessary fees.

SERVICE OF PROCESS

The petition and summons must be served in person. This means delivered by hand to the other party. Personal service is done by the Sheriff's Department or by a private process server. If you use the Sheriff's Department, you use the department in the area in which the

other party lives or works. Private process servers can be located in the Yellow Pages under **Process Servers**. If you use a friend as your private process server, you need to be sure the process server is over eighteen and not involved in the case.

Serving The Papers Through The Sheriff's Office

Take or mail a copy of the petition, a copy of the summons and the original summons to the Sheriff's or recent photograph of the other party and their address. Be prepared to pay a fee for service of the papers. You may want to call ahead to find out how this is billed.

When the sheriff serves the papers, he/she hands the copy of the petition and the copy of the summons to the other party. The sheriff then completes the return of service section on the original summons. The sheriff will return the original summons to you, for you to file it with the court. This is required before you can proceed with your case. Please keep a copy.

Serving The Papers Through A Private Process Server

The process server needs the same documents as the sheriff: the original summons, a copy of the petition and a copy of the summons. The process server will serve the other party with a copy of the petition and a copy of the summons. The process server will then complete and sign the return of service on the original summons and return it to you to file it with the court. If you do not file it with the court, your case cannot proceed. Please keep a copy.

Waiver Of Service

As an alternative to personal service, the other party can sign the waiver of service on the back of the summons. The other party must do this in front of a notary public. The other party then returns the original summons to you. You then file the original summons with the completed waiver of service with the court. The other party should keep a copy of the summons and a copy of the petition. Signing of a waiver of service is not an admission. It is only confirmation that a copy of the summons and a copy of the petition has been received.

Service By Publication

If you do not know where the other parent is, you can apply to the court for permission to serve by publication. To do so you must file a sworn statement that you have tried to locate the other parent and enclose copies of mail being returned to you from his/her last known

address. You will also need a statement from the sheriff or private process server that he/she cannot locate the other parent at the last known address. A statement from the other parent's last known employer that the parent is no longer working there may also help. You should check with your court for the exact procedure that it uses for service by publication. If service is effected by publication, the court may enter a parental responsibility order. Without personal service, it cannot make a finding of paternity nor order child support.

The outcome of serving the papers (process) is that:

1. You have a copy of the petition and summons.
2. The other party has a copy of the petition and summons.
3. The court has the original petition and the original summons. On the back of the summons is proof that the other party has a copy of the paper, either because there is a waiver and acceptance of service or because the sheriff or process server has signed confirming when service took place.

Once the action is commenced, each document you send to the court must be copied and sent simultaneously to the other party at the address they have given on their response. To confirm to the court that you have copied the document and sent a copy to the other party, you complete the certificate of mailing as set out above.

HOW TO CONDUCT YOURSELF IN COURT

Appearing in court can be a nerve-racking experience. Before your first hearing, try the following suggestions to make the appearance less intimidating:

- Find the courthouse in advance.
- Choose where you will park your car and note how parking is to be paid – be sure that you have the correct funds the day before your hearing.
- Visit the courthouse, find the courtroom, and see how it is laid out.
- Attend court on a day when similar cases are being heard so you can see what happens. The clerk can tell you a suitable day to attend.

When the day comes for your hearing, make sure you have the following papers: the petition, the summons and your proof of service – the waiver or return of service, your up-to-date financial affidavit, and your worksheet for child support and your final order. You will need at least three copies of these papers: one for you, one for the other party, and one for the judge. Make clear notes of what you wish to say because you may be nervous and forget what you intended to say.

If possible, do not bring children with you to the courthouse. They may be exposed to sights and sounds that are upsetting or frightening to them. Seeing their parents dispute facts before a judge can be very confusing and hurtful to children of any age. In addition, children can be quite disruptive to a court proceeding. For both of these reasons, some judges and magistrates will not allow a hearing to proceed if children are present. A few courts offer child care near the courthouse at no cost for parents who have court business. Others have a family waiting room, but to use these children must be accompanied by an adult. If you cannot arrange daycare or babysitting for your children during the hearing, you will need to bring another responsible person along with you to the hearing to care for your children.

On the day of court, dress neatly. The court process is a formal one. Remember to speak clearly. When you arrive you need to check in with the clerk. You may sit in the courtroom unless you are told otherwise. When the judge is ready to hear your case, your case will be called by name and number. At this time you move to the tables at the front of the courtroom, (they are usually labeled “Petitioner” or “Respondent”) and then walk to the podium and identify yourself to the judge. While judges do not follow any set procedure, when making your notes, prepare them as follows: give your name and address and your role (petitioner/respondent). If you are the petitioner, give the respondent’s address and confirm how the respondent was served and if they are present. Name the children and give their dates of birth and present age, where they live, and an outline of existing parenting time arrangements. If there is a current child support payment, say what it is, when and how it is paid. Always stand when talking to the judge or when he/she talks to you.

The judge will probably start by asking where you are in negotiations, so you need to be clear on what is and is not agreed upon. Be prepared to tell the judge what you are asking the court to do (i.e. make a custody or parental responsibilities order or determine paternity)

and outline your proposals for parenting time. Give your child support calculation and proposals for how this should be paid. Be able to explain your proposals for health insurance and any other requests.

When the areas where you and the respondent do not agree are clear, the formal process will begin. You will have to present evidence. The clerk or judge will ask you to raise your right hand and agree to the oath. If you refer to papers during the presentation of your evidence, give the judge, the clerk and the other party copies. When giving your evidence, speak clearly. Be as logical as you can and present events in the order which they happened.

The other party and the judge may have questions – answer as clearly as you can. If you do not understand a question, say so. Do not become annoyed. A hearing must not become an argument. You damage credibility if you lose your temper. When you call your own witnesses – ask them questions that will enable them to tell the court their piece of the story. Make notes of what you are going to ask.

The other party will also give evidence. You are allowed to ask the other party or their witnesses questions. Try and ask questions so that the person you are asking tells the court what the court needs to hear. The trick is to get information. Be polite.

- ◆ See APPENDIX IV for additional information on court conduct.

Subpoenas

You may need to subpoena your witness. A subpoena is a legal request for a person to attend court and give evidence. Ask the court for its process. A subpoena must be served in one of the ways set out above, personally or by waiver of service. If you have witnesses, you need to tell the court if they have time constraints. Usually, the court will try to hear witnesses early if they have other obligations.

- ◆ See APPENDIX IV for INSTRUCTIONS FOR ISSUING A SUBPOENA

Summing Up Your Case

When all the evidence is heard you will have the chance to sum up your case. Tell the judge in short, what you are seeking and how the evidence you have produced supports your case. At the end of your summation, sit down and listen to what the other party has to

say. If there is time the judge may make an order immediately. Take careful notes of the order, as you will need to write it up by completing the form and file it. Once the order is made, obtain copies and serve it on the other party.

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- Employment 100
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 - Substance Abuse 101
- Legal Resources 101
 - Legal Assistance 101
 - Victim Services 101
 - Free and Low Cost Legal Advice 102
- Parenting, Divorce Education and/or Support 102
 - Children’s Groups 102
 - Parenting Time Supervision 102

Resource List

Crisis Hotlines

Child Abuse Hotline – (720) 944-3000
RAPE LINE (evenings only) - 303 449-5555
Rape Crisis Hotline – (303) 322-7273
Suicide Prevention Hotline – (303) 860-1200
The Children's Hospital Child Protection - (303) 861-6919
Volunteers of America Shelter Hotline – (303) 296-9090
Tough Love – (303) 657-0164

Colorado State Agencies

General Information - www.state.co.us
Colorado Division of Child Care - 1 (800) 799-5876, www.cdhs.state.co.us/childcare
Colorado Department of Education/Advocate Line - 1(800) 886-7687, www.cde.state.co.us
Colorado Department of Human Services/Advocate Line - 1 (800) 536-5298,
www.cdhs.state.co.us
Colorado Department of Human Services/Division of Child Support Enforcement - (720) 947-5000, www.childsupport.state.co.us/
Colorado Department of Labor and Employment/ Workforce Centers - (303) 620-4718,
www.coworkforce.com/workers.asp

U.S. AGENCIES

Administration for Children & Families - (303) 844-3100
Office of Child Support Enforcement - www.acf.dhhs.gov/ACFPrograms/CSE/index.html

Child Support

Association for Children for Enforcement of Support – www.childsupport-aces.org
Child Support worksheets are available online - www.courts.state.co.us in *forms* and *self help/ domestic*
Contact the State Child Support Enforcement office in your county for local service information.
Example of county programs:
Denver County Child Support Offices - (720) 944-2960
El Paso County/Parent Opportunity Program - (719) 457-6335, www.co.el-paso.co.us/humansvc
Larimer County/ PARENT Program - (970) 498-6427, www.fortnet.org/PARENT/
Mesa County/ PARENT Program - (970) 248-2787, www.mcdss.co.gov
Pueblo County/Yes 2 Kids Program - (719) 253-7879, www.co.pueblo.co.us/departments

Emergency Housing

Catholic Worker (2420 Welton) – (303) 296-6390
Comitis (9840 E. 17th, Aurora) – (303) 343-9890

Damen House (2851 W. 52nd Ave. - single women) – (303) 433-4280
Denver Rescue Mission (1130 23rd St. - single men) – (303) 294-0157
Samaritan House (2301 Lawrence) – (303) 294-0241
Salvation Army (housing women with children) – (303) 277-1182
Salvation Army Family Services – (303) 295-3366 (food, clothing, furniture and clothing requests)
Volunteers of America Shelter Hotline – (303) 296-9090
YMCA (25 E. 16th Ave. - low charge) – (303) 861-8300

Employment

America's Workforce Network - 1(800) 872-5627, www.servicelocator.org
Colorado Department of Labor and Employment/ Workforce Centers - (303) 620-4718, www.coworkforce.com/workers.asp
Denver Work and Family Center - (303) 825-1115
Mayor's Office of Workforce Development - (720) 944-2594

Health and Safety

Health Care

Centura Health Advisor - 1(800) 327-6877
Child Health Plan Plus - 1(800) 359-1991, www.cchp.org
Family Health Line - 1(800) 688-7777
The Children's Hospital - 1(800) 458-6500
The Center for Health Promotion - (303) 651-6809

Domestic Violence/ Crisis Counseling/Shelters

Adams County – Alternatives – (303) 289-4441
Aurora & Arapahoe County – Gateway – (303) 343-1851
Boulder County – Safehouse – (303) 444-2424
Denver County - Brandon Center – (303) 620-9190
Jefferson County - Women in Crisis Tree – (303) 420-6752
Longmont – Coalition – (303) 772-4422
Project PAVE – (303) 322-2382

Counseling for Batterers

Alternatives to Family Violence 303 289-4441
AMEND 303 832-6363
The Third Path 303 773-2616

Mental Health/Counseling and Referral Services

Arapahoe House – (303) 429-4440

Gay Lesbian Bisexual Community Services Center – (303) 831-6268

Lutheran Family Services – (303) 922-3433

Maria Droste Services – (303) 756-9052

Mental Health Association of Colorado – (303) 377-3040

Mental Health Centers & Clinics

Arapahoe County – (303) 779-9676

Asian Pacific – (303) 393-0304

Aurora – (303) 617-2300

Boulder County – (303) 443-8500

Denver (CMI only) – (303) 757-7227

Jefferson County – (303) 425-0100

Servicios de La Raza – (303) 458-5851

Mile Hi Church of Religious Science – (303) 237-8851

St. Patrick's Counseling Center – (303) 433-6328

Sexual Abuse Counseling

Colorado Coalition Against Sexual Assault – (303) 861-7033

Rape Counseling – (303) 322-7273

In Spanish – (303) 329-0223

WINGS - Women Incested Needing Group Support – (303) 238-8660

Substance Abuse

Alcoholics Anonymous - (303) 322-4440

Al-Anon/Alateen - (303) 321-8788

Mile High Council on Alcoholism - (303) 825-8113 (24 Hr)

Other 12 – Step Programs – Mile High United Way - (303) 433-8900, www.unitedwaydenver.org

Legal Resources

Arapahoe County Pro Se Resource Center – (303) 649-1755

Colorado Council of Mediators - 1(800) 864-4317, www.coloradomediation.org

Colorado Legal Services - (303) 837-1321

Colorado Office of Dispute Resolution - (303) 837-3672

Channel 4 Helpline – second Tues. of month, 4-7 p.m. – (303) 831-HELP

Divorce Helpline – www.divorcesupport.com

E-Z Legal Interactive – www.e-zlegal.com

Fathers for Equal Rights - (303) 937-3911

KBCO Call-A-Lawyer - first Thurs. of month 7-9 p.m. – (303) 694-6300

Legal Aid Society of Metro Denver - (303) 837-1313

Metro Lawyer Referral Service – (303) 831-8000

Legal Assistance /Victim's Services

Anti-Violence Project - Gay, Lesbian, Bisexual Community Services Center – (303) 831-6268

Ask-a-Lawyer – Wed. 6-8 p.m. – (303) 830-6800

Denver Victim's Service – (303) 894-8000

Legal Aid Society of Metro Denver - (303) 837-1313

Project Safeguard - restraining order clinic, divorce workshops – (303) 863-7233

Free or Low Cost Legal Resources

Denver Bar Association offers free legal advice every Wednesday from 4:00 p.m. to 7:00 p.m., 303 698-0999.

Channel 4 Helpline gives advice on each Tuesday of the month from 4 - 7 p.m., (303) 831-HELP.

Denver Bar Association's **Thursday Night Bar Program and Legal Aid Society of Metro Denver** have volunteer attorneys who offer free or low-cost civil legal help to the indigent, (303) 837-1313.

Law Line Nine runs on Channel 9 each Wednesday from 4-6:30 p.m. and is staffed by volunteer attorneys. Call 303 698-0999.

Project Safeguard – (303) 863-7606. Provides crisis intervention and assistance for women and children involved in domestic violence.

Denver Public Library has videos available - (303) 640-8900, www.dpl.org

Parenting, Divorce Education and/or Support

Alliance for Noncustodial Parents Rights – www.ancpr.org

Be A Fan of Your Kid – www.beafanofyourkid.org

Divorce Net – www.divorcenet.com

Divorce Source – www.divorcesource.com

Divorce Support Group – www.divorcesupport.com

Divorce Support Group for Men - (303) 986-6792

Fisher Divorce Seminars - (303) 696-8101/ (303) 757-0792

Families First Family Support Line - (303) 695-7996

Human Services, Inc. (303) 561-1246, www.humanservicesinc.org

Mile High United Way Helpline - (303) 433-8900 , www.unitedwaydenver.org

National Center for Fathering – 1 (800) 593-DADS www.fathers.com

National Parent Information Network – www.npin.org

Parenting After Divorce – (303) 329-9942

Parents and Friends of Lesbians and Gays (PFLAG) - (303) 333 -0286

Strengthening Your Stepfamily - (303) 333-5596

Talking with Kids about Tough issues – www.talkingwithkids.org

Children's Groups

Bethany Lutheran Church – (303) 758-2820

Bridges – (303) 757-3824

Family Tree – (303) 462-1060

Supervised Parenting Time/Transitions

The Children's Hospital 303 861-6200

Karlis Family Center - Family Tree, Inc. - 303 462-1060

R R R

READING RESOURCES

- Divorce Information for Adults 105
- Books About Parenting and Divorce/Separation 105
- Divorce/Separation—General Interest for Adults 106
- Divorce/Separation—General Interest for Children 107
- Child Development/Parenting 107
- Communication and Relationships 107

Reading Resources

Divorce Information for Adults

Between Love and Hate: A Guide to Civilized Divorce, Gold. New York, NY: Plenum Publishing, 1992.

(Divorce) Rights of Passage: A Guide Through the Emotional and Legal Realities, Gerald Alper. Aspen, CO: Psychological Development Publications, 1982.

Friendly, Divorce Guidebook for Colorado, M. Arden Hauer and W Wicher. Denver, CO: Bradford Publishing, 1984.

Getting Apart Together: The Couple's Guide to a Fair Divorce or Separation, Martin A. Kranitz. San Louis: Compact Publishers, 1987.

Getting Divorced Without Ruining Your Life, Sam Margulies. New York, NY: Fireside Books, Simon and Schuster, 1992.

The Divorce Book, Matthew McKay, Peter D. Rogers, Joan Blades. and Richard Gosse. Oakland, CA: New Harbinger Publications, 1984.

The Good Divorce: Keeping Your Family Together When Your Marriage Comes Apart, Constance R. Ahrons, Ph.D. New York, NY: Harper Collins, 1994.

Woman's Guide to Divorce and Decision-Making: Supportive Workbook for Women Facing the Process of Divorce, Christina Robertson. New York, NY: Fireside Books, Simon and Schuster, 1988.

Books About Parenting and Divorce/Separation

101 Ways To Be A Long-Distance Super Dad, Newman. Mountain View, CA: Blossom Valley Press, 1984.

101 Ways to Be a Long Distance Super Dad – or Mom, Too! G. Newman. 1999.

At Daddy's On Saturdays, Linda W. Girard. Morton Grove, IL: Albert, Whitman and Company, 1987.

Caught in the Middle: Protecting the Children of High-Conflict Divorce, Carla B. Garrity and Mitchell A. Baris. New York, NY: Lexington Books, Macmillan Publishing Co., 1994.

Children of Divorce: A Developmental Approach to Residence and Visitation, Mitchell A. Baris and Carla B. Garrity. DeKalb, IL: Psytek, 1988.

Co-Parenting After Divorce. D. Schulman, 1997.

Daddy's Roommate, Michael Wilhoite. Boston, MA: Alyson Publications, 1991.

Divorce Book for Parents: Helping Your Children Cope With Divorce and Its Aftermath, Vicki Lansky. New York, NY: New American Library, 1989.

Heather Has Two Mommies, Leslea Newman. Boston, MA: Alyson Publications, 1989.

Families Apart: Ten Keys to Successful Co-Parenting, Melinda Blau. New York, NY: G.P. Putnam's Sons, 1994.

Live-Away Dads: Staying a Part of Your Children's Lives When They Aren't a Part of Your Home, W. C. Klatte, 1999.

Long Distance Parenting, Miriam Cohen. New American Library, 1989.

Mom's House, Dad's House, Isolina Ricci. New York, NY: Simon and Schuster, 1997.

My Story, Jim and Joan Boulden. Beaverville. CA: Boulden Publishing, 1991.

Parent vs. Parent: How You and Your Child Can Survive the Custody Battle, Stephen P. Herman, M.D., Pantheon, 1990.

Sharing the Children - How to Resolve Custody Problems and Get on With Your Life, Robert E. Adler and Chevy Chase, MD: Adler & Adler, Publications Inc., 1988.

Sharing Parenthood After Divorce: An Enlightened Custody Guide for Mothers, Fathers and Children, Ware. New York, NY: Viking Press, 1984.

Talking About Divorce and Separation: A Dialogue Between Parent and Child, Earl A. Grollman. Boston, MA: Beacon Press, 1975.

The Divorced Parent.- Success Strategies for Raising Your Children After Separation, Stephanie Marston. New York: William Morrow and Company, 1995.

Whose Kid Is It Anyway? And 400 Other Questions For Divorcing, Dating, and Remarried Families, Marcella M. Sabo, Rosana Gershman and Geraldine Lee Wasman, J.D., F.M.. Astoria, OR: Next Step Publications, 1989.

Divorce/Separation - General Interest for Adults

Changing Families- A Guideline- Kids and Grownups, D. Fassler, M. Lash and S. Ives. Waterfront Brooks, 1988.

Creative Divorce, Mel Krantzler. New York, NY: New American Library, 1974.

Dinosaurs Divorce: A Guide for Changing Families, Lauren and Marc Brown. Boston, MA: Atlantic Monthly Press, 1986.

Divorce Can Happen to the Nicest People. Peter Mayle. New York, NY: Harmony, 1988.

How to Survive the Loss of a Love, Melba Colgrove. Ph.D., Harold Bloomfield, M.D. and Peter McWilliams. New York: Bantam, 1981.

Like Lessons: 50 Things I Learned From My Divorce. Beth Joselow. New York, NY: Avon, 1994.

Rebuilding - When Your Relationship Ends, Bruce Fisher. San Luis Obispo, CA: Impact Publishers, 1982.

Second Chances: Men, Women and Children a Decade After Divorce, Judith Wallerstein and Sandra Blakeslee. New York, NY: Ticknor and Fields, 1990.

Divorce/Separation - General Interest for Children

A Divorce Dictionary: A Book for You and Your Children, Stuart Glass. Boston, MA: Little Brown, 1980. (Ages 7-12)

Daddy Doesn't Live Here Anymore, Betty Boegehold. Racine, WI: Golden Books/Western Publishing Company, 1985. (Ages 5-7)

Daddy's New Baby, Judith Vigna. Niles, IL: A. Whitman, 1982. (Picture book)

Dinosaur's Divorce, Laurene and Marc Brown. New York: LIHU Brow and Co., 1988.

Do I Have A Daddy? Jeanne W. Lindsey. Buena Park, CA: Morning Glory Press, 1982. (Ages 4-8)

How to Get It Together When Your Parents are Coming Apart, A. Richards and Willis. New York, NY: McKay Co., 1976.

I Have Two Families, Doris Helmering. Abingdon, 1981.

It's Not the End of the World, Judy Blume. Scarsdale, NY: Bradbury Press, 1972. (Ages 12-15)

Sam Is My Half Brother, Lizi Boyd. New York, NY: Viking, 1990.

What Am I Doing In A Stepfamily? Clair Berman. New York, NY: Carol Publishing Group, 1992.

Child Development/Parenting

Dr. Mom, M. Neifert, PhD.

Real Boys: Rescuing Our Sons from the Myths of Boyhood, William Pollack, 1999.

The New Father Book: What Every Man Needs to Know to Be a Good Dad, Wade Horn, 1998.

The Role of the Father in Child Development, M. Lamb. 1997.

Toddler Taming A Parents' Guide to the First Four Years, Christopher Green, PhD. New York, NY: Fawcett Columbine, 1984.

Touchpoints: Your Child's Emotional Behavioral Development, T. Berry Brazelton, M.D. Menlo Park, CA: Addison-Wesley Publishing Company, 1992.

Wisdom of Our Fathers: Inspiring Life Lessons from Men Who Have Time to Learn Them, J. Kita, 1999.

Your Baby and Child: From Birth to Age Five, Penelope Leach. New York, NY: A.A. Knopf, 1997.

Communication and Relationships

Angry All the Time: An Emergency Guide to Anger Control, R. Potter. 1994.

Dance of Anger, Harriet Lerner. New York, NY: Harper, 1989.

Getting to Yes - Negotiating Agreement Without Giving In. Roger Fisher & William L. Ury. - New York: Viking Penguin, 1982.

Getting Together - Building a Relationship That Gets to Yes, Roger Fischer & Scott Brown. New York, NY: Viking Penguin, 1989.

Learning to Live Without Violence. Daniel J. Sonkin and Michael Durphy. Volcano, CA: Volcano Press, 1989.

You Can Negotiate Anything, Herb Cohen. Secaucus, NJ: Lyle Stuart, Inc., 1980.

You Just Don't Understand: Women and Men in Conversation, Deborah Tannen. New York, NY: Ballantine Books, 1990.

Win-Win Negotiations for Couples: A Personal Guide to Joint Decision-Making, Charlotte Whitney. Gloucester, MA: Para Research, Inc., 1986.



APPENDIX I:
STATUTORY REFERENCES

APPENDIX I - Colorado Revised Statutes

Current through the First Regular Session of the Sixty-Fourth General Assembly (2003)

Colorado Revised Statutes are made available for public use by the Committee on Legal Services of the Colorado General Assembly through a contractual arrangement with the LexisNexis Group. The statutes are copyrighted by the state of Colorado (please see §2-5-115, C.R.S.).

13-22-305. Mediation services.

(1) In order to resolve disputes between persons or organizations, dispute resolution programs shall be established or made available in such judicial districts or combinations of such districts as shall be designated by the chief justice of the supreme court, subject to moneys available for such purpose. For all office of dispute resolution programs, the director shall establish rules, regulations, and procedures for the prompt resolution of disputes. Such rules, regulations, and procedures shall be designed to establish a simple nonadversary format for the resolution of disputes by neutral mediators in an informal setting for the purpose of allowing each participant, on a voluntary basis, to define and articulate the participant's particular problem for the possible resolution of such dispute.

(2) Persons involved in a dispute shall be eligible for the mediation services set forth in this section before or after the filing of an action in either the county or the district court.

(3) Each party who uses the mediation services or ancillary forms of alternative dispute resolution in section 13-22-313 of the office of dispute resolution shall pay a fee as prescribed by order of the supreme court. Fees shall be set at a level necessary to cover the reasonable and necessary expenses of operating the program. Any fee may be waived at the discretion of the director. The fees established in this part 3 shall be transmitted to the state treasurer, who shall credit the same to the dispute resolution fund created in section 13-22-310.

(4) All rules, regulations, and procedures established pursuant to this section shall be subject to the approval of the chief justice.

(5) No adjudication, sanction, or penalty may be made or imposed by any mediator or the director.

(6) The liability of mediators shall be limited to willful or wanton misconduct.

Cross references: For the legislative declaration contained in the 1992 act amending subsection (3), see section 1 of chapter 66, Session Laws of Colorado 1992.

14-10-115. Child support - guidelines - schedule of basic child support obligations.

(1) In a proceeding for dissolution of marriage, legal separation, maintenance, or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the child's support and may order an amount

determined to be reasonable under the circumstances for a time period that occurred after the date of the parties' physical separation or the filing of the petition or service upon the respondent, whichever date is latest, and prior to the entry of the support order, without regard to marital misconduct, after considering all relevant factors including:

- (a) The financial resources of the child;
- (b) The financial resources of the custodial parent;
- (c) The standard of living the child would have enjoyed had the marriage not been dissolved;
- (d) The physical and emotional condition of the child and his educational needs; and
- (e) The financial resources and needs of the noncustodial parent.

Note: The above only refers to the first section of the statute. Please review the entire text on Colorado Revised Statute 14-10-115. The Colorado Revised Statutes (the laws) are available in print in the reference section of any public library. There is also a link to the on-line statutes and rules through the Judicial Branch website – www.courts.state.co.us. The direct link to the C.R.S.14-10-115 is <http://198.187.128.12/mbDownload/14-10-115.htm>.

14-10-116. Appointments in domestic relations cases – representation of child – special advocates.

(1) The court may, upon the motion of either party or upon its own motion, appoint an individual for the parties' minor or dependent children or to assist the court in any domestic relations proceeding pursuant to subsection (2) of this section. The court shall set forth the duties of such individual in a written order of appointment, which order shall include a requirement that any attorney appointed pursuant to this section to serve as either a representative of the child or as a special advocate shall comply with the applicable provisions set forth in the chief justice directive 97-02, concerning the court appointment of guardians ad litem and other representatives and of counsel for children and indigent persons in titles 14, 15, 19 (dependency and neglect only), 22, and 27, C.R.S., and any subsequent chief justice directive or other practice standards established by rule or directive of the chief justice pursuant to section 13-91-105 (1) (a), C.R.S., concerning the duties or responsibilities of guardians ad litem and special advocates in legal matters affecting children. In no instance may the same person serve as both the child's representative pursuant to paragraph (a) of subsection (2) of this section and as the special advocate pursuant to paragraph (b) of subsection (2) of this section.

(2) The court may appoint either or both of the following:

(a) An individual to serve as a representative of the child. The individual shall be an attorney. The individual shall represent the best interests of the minor or dependent child, as that term is described in section 14-10-124, with respect to the child's custody, the allocation of parental responsibilities, support for the child, the child's property, parenting time, or any other issue related to the child that is identified in the court's order of appointment. The individual appointed shall actively participate in all aspects of the case involving the child, within the bounds of the law. Such attorney shall not be called as a witness in the case.

(b) An individual to serve as a special advocate. The special advocate may be, but need not be, an attorney. The special advocate shall investigate, report, and make recommendations on any issues that affect or may affect the best interests of the minor or dependent child as that term is described in section 14-10-124. The subject matter and scope of the special advocate's duties shall be clearly set forth in the court's order of appointment. Such duties shall include the requirement that the special advocate file a written report with the court. The special advocate shall make independent and informed recommendations to the court. While the special advocate shall

consider the wishes of the child, the special advocate 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 special advocate's report. The special advocate may be called to testify as a witness regarding his or her recommendations.

(3) The court shall enter an order for costs, fees, and disbursements in favor of the child's representative appointed pursuant to paragraph (a) of subsection (2) of this section or in favor of the special advocate appointed pursuant to paragraph (b) of subsection (2) of this section or both. The order shall be made against any or all of the parties; except that, if the responsible party is indigent, the costs, fees, and disbursements shall be borne by the state.

Source: L. 71: R&RE, p. 527, § 1. C.R.S. 1963: § 46-1-16. L. 73: p. 554, § 8. L. 93: Entire section amended, p. 577, § 8, effective July 1. L. 97: Entire section R&RE, p. 32, § 1, effective July 1. L. 98: (2)(a) amended, p. 1399, § 43, effective February 1, 1999. L. 2000: (1) amended, p. 1773, § 3, effective July 1.

Cross references: (1) For the duty of the public defender to represent indigents, see §§ 21-1-103 to 21-1-104. (2) For the legislative declaration contained in the 1993 act amending this section, see section 1 of chapter 165, Session Laws of Colorado 1993.

14-10-123. Commencement of proceedings concerning allocation of parental responsibilities – jurisdiction.

(1) A proceeding concerning the allocation of parental responsibilities is commenced in the district court or as otherwise provided by law:

(a) By a parent:

(I) By filing a petition for dissolution or legal separation; or

(II) By filing a petition seeking the allocation of parental responsibilities with respect to a child in the county where the child is permanently resident or where the child is found; or

(b) By a person other than a parent, by filing a petition seeking the allocation of parental responsibilities for the child in the county where the child is permanently 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;

(c) By a person other than a parent who has had the physical care of a child for a period of six months or more, if such action is commenced within six months of the termination of such physical care; or

(d) By a parent or person other than a parent who has been granted custody of a child or who has been allocated parental responsibilities through a juvenile court order entered pursuant to section 19-1-104 (6), C.R.S., by filing a certified copy of the juvenile court order in the county where the child is permanently resident. Such order shall be treated in the district court as any other decree issued in a proceeding concerning the allocation of parental responsibilities.

(2) Except for a proceeding concerning the allocation of parental responsibilities commenced pursuant to paragraph (d) of subsection (1) of this section, notice of a proceeding concerning the allocation of parental responsibilities shall be given to the child's parent, guardian, and custodian or person allocated parental responsibilities, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.

Cross references: For procedure for intervention of other parties generally, see Rule 24, C.R.C.P.; for procedure in a custody proceeding, see § 14-13-110.

14-10-123.3. Requests for parental responsibility for a child by grandparents.

Whenever a grandparent seeks parental responsibility for his or her grandchild pursuant to the provisions of this article, the court entering such order shall consider any credible evidence of the grandparent's past conduct of child abuse or neglect. Such evidence may include, but shall not be limited to, medical records, school records, police reports, information contained in records and reports of child abuse or neglect, and court records received by the court pursuant to section 19-1-307 (2) (f), C.R.S.

Cross references: For the legislative declaration contained in the 2003 act amending this section, see section 1 of chapter 196, Session Laws of Colorado 2003.

Note: This version of this section is effective January 1, 2004.

14-10-123.4. Rights of children in matters relating to parental responsibilities.

The general assembly hereby declares that children have certain rights in the determination of matters relating to parental responsibilities, including the right to have such determinations based upon the best interests of the child.

14-10-123.6. Required notice of prior restraining orders to prevent domestic abuse - proceedings concerning parental responsibilities relating to a child.

(2) When filing a proceeding concerning the allocation of parental responsibilities relating to a child pursuant to this article, the filing party shall have a duty to disclose to the court the existence of any prior temporary or permanent restraining orders to prevent domestic abuse issued pursuant to article 14 of title 13, C.R.S., and any emergency protection orders issued pursuant to section 14-4-103 entered against either party by any court within two years prior to the filing of the proceeding. The disclosure required pursuant to this section shall address the subject matter of the previous restraining orders or emergency protection orders, including the case number and jurisdiction issuing such orders.

(3) After the filing of the petition, the court shall advise the parties concerning domestic violence services and potential financial resources that may be available and shall strongly encourage the parties to obtain such services for their children, in appropriate cases. If the parties' children participate in such services, the court shall apportion the costs of such services between the parties as it deems appropriate.

(4) The parties to a domestic relations petition filed pursuant to this article shall receive information concerning domestic violence services and potential financial resources that may be available.

14-10-123.7. Parental education - legislative declaration.

(1) The general assembly recognizes research that documents the negative impact divorce and separation can have on children when the parents continue the marital conflict, expose the children to this conflict, or place the children in the middle of the conflict or when one parent drops out of the child's life. This research establishes that children of divorce or separation may exhibit a decreased ability to function academically, socially, and psychologically because of the stress of the divorce or separation process. The general assembly also finds that, by understanding the process of divorce and its impact on both adults and children, parents can more effectively help and support their children during this time of family reconfiguration. Accordingly, the general assembly finds that it is in the best interests of children to authorize courts to establish, or contract with providers for the establishment of, educational programs for separating, divorcing, and divorced parents with minor children. The intent of these programs is to educate parents about the divorce process and its impact on adults and children and to teach coparenting skills and strategies so that parents may continue to parent their children in a cooperative manner.

(2) A court may order a parent whose child is under eighteen years of age to attend a program designed to provide education concerning the impact of separation and divorce on children in cases in which the parent of a minor is a named party in a dissolution of marriage proceeding, a legal separation proceeding, a proceeding concerning the allocation of parental responsibilities, parenting time proceedings, or post decree proceedings involving the allocation of parental responsibilities or parenting time or proceedings in which the parent is the subject of a protection order issued pursuant to this article.

(3) Each judicial district, or combination of judicial districts as designated by the chief justice of the Colorado supreme court, may establish an educational program for divorcing and separating parents who are parties to any of the types of proceedings specified in subsection (2) of this section or arrange for the provision of such educational programs by private providers through competitively negotiated contracts. The educational program shall inform parents about the divorce process and its impact on adults and children and shall teach parents coparenting skills and strategies so that they may continue to parent their children in a cooperative manner. Any such educational program shall be administered and monitored by the implementing judicial district or districts and shall be paid for by the participating parents in accordance with each parent's ability to pay.

Note: Section 33 of chapter 139, Session Laws of Colorado 2003, provides that the act amending subsection (2) applies to orders entered and offenses committed on or after July 1, 2003.

14-10-124. Best interests of child.

(1) Legislative declaration. The general assembly finds and declares that 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, 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.

(1.5) 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 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 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;
- (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) Whether one of the parties has been a perpetrator of child abuse or neglect under section 18-6-401, C.R.S., or under the law of any state, which factor shall be supported by credible evidence;
- (X) Whether one of the parties has been a perpetrator of spouse abuse as defined in subsection (4) of this section, which factor shall be supported by credible evidence;
- (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. 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) Whether one of the parties has been a perpetrator of child abuse or neglect under section 18-6-401, C.R.S., or under the law of any state, which factor shall be supported by credible evidence. If the court makes a finding of fact that one of the parties has been a perpetrator of 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 representative of the child.

(V) Whether one of the parties has been a perpetrator of spouse abuse as defined in subsection (4) of this section, which factor shall be supported by credible evidence. If the court makes a finding of fact that one of the parties has been a perpetrator of spouse abuse, then 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 representative of the child, unless the court finds that the parties are able to make shared decisions about their children without physical confrontation and in a place and manner that is not a danger to the abused party or 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.

(4) If a party is absent or leaves home because of spouse abuse by the other party, such absence or leaving shall not be a factor in determining the best interests of the child. For the purpose of this subsection (4), "spouse abuse" means the proven threat of or infliction of physical pain or injury by a spouse or a party on the other party.

(5) Repealed.

(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.

(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.

Cross references: For the "Uniform Child Custody Jurisdiction Act", see article 13 of this title.

14-10-129. Modification of parenting time.

(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. Nothing in this section shall be construed to affect 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 been a perpetrator of spouse abuse as that term is defined in section 14-10-124 (4) which factor shall be supported by credible evidence, whether such spouse abuse 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.

(3) (a) If a parent has been convicted of 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 days from such notice to respond. If the offending parent fails to respond within twenty 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 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) Trafficking in children, as defined in section 18-6-402, 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.

(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 seven days after the day of the filing of the motion. Any parenting time which occurs during such seven-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.

Cross references: For the legislative declaration contained in the 1993 act amending subsections (1), (2), (3)(a), and (4), see section 1 of chapter 165, Session Laws of Colorado 1993.

Law reviews. For article, "Moving the Children Out of State", see 12 Colo. Law. 1450 (1983).

14-10-129.5. Disputes concerning parenting time.

(1) Within thirty 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 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;
- (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 amendment, L. 97, p. 970, § 1, effective August 6.)
- (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.

Cross references: For the legislative declaration contained in the 1993 act amending the introductory portion to subsection (1) and subsection (2), see section 1 of chapter 165, Session Laws of Colorado 1993.

19-1-117. Visitation rights of grandparents.

(1) Any grandparent of a child may, in the manner set forth in this section, seek a court order granting the grandparent reasonable grandchild visitation rights when there is or has been a child custody case or a case concerning the allocation of parental responsibilities relating to that child. Because cases arise that do not directly deal with child custody or the allocation of parental responsibilities but nonetheless have an impact on the custody of or parental responsibilities with respect to a child, for the purposes of this section, a

"case concerning the allocation of parental responsibilities with respect to a child" includes any of the following, whether or not child custody was or parental responsibilities were specifically an issue:

- (a) That the marriage of the child's parents has been declared invalid or has been dissolved by a court or that a court has entered a decree of legal separation with regard to such marriage;
- (b) That legal custody of or parental responsibilities with respect to the child have been given or allocated to a party other than the child's parent or that the child has been placed outside of and does not reside in the home of the child's parent, excluding any child who has been placed for adoption or whose adoption has been legally finalized; or
- (c) That the child's parent, who is the child of the grandparent, has died.

(2) A party seeking a grandchild visitation order shall submit, together with his or her motion for visitation, to the district court for the district in which the child resides an affidavit setting forth facts supporting the requested order and shall give notice, together with a copy of his or her affidavit, to the party who has legal custody of the child or to the party with parental responsibilities as determined by a court pursuant to article 10 of title 14, C.R.S. The party with legal custody or parental responsibilities as determined by a court pursuant to article 10 of title 14, C.R.S., may file opposing affidavits. If neither party requests a hearing, the court shall enter an order granting grandchild visitation rights to the petitioning grandparent only upon a finding that the visitation is in the best interests of the child. A hearing shall be held if either party so requests or if it appears to the court that it is in the best interests of the child that a hearing be held. At the hearing, parties submitting affidavits shall be allowed an opportunity to be heard. If, at the conclusion of the hearing, the court finds it is in the best interests of the child to grant grandchild visitation rights to the petitioning grandparent, the court shall enter an order granting such rights.

(3) No grandparent may file an affidavit seeking an order granting grandchild visitation rights more than once every two years absent a showing of good cause. If the court finds there is good cause to file more than one such affidavit, it shall allow such additional affidavit to be filed and shall consider it. The court may order reasonable attorney fees to the prevailing party. The court may not make any order restricting the movement of the child if such restriction is solely for the purpose of allowing the grandparent the opportunity to exercise his grandchild visitation rights.

(4) The court may make an order modifying or terminating grandchild visitation rights whenever such order would serve the best interests of the child.

(5) Any order granting or denying parenting time rights to the parent of a child shall not affect visitation rights granted to a grandparent pursuant to this section.

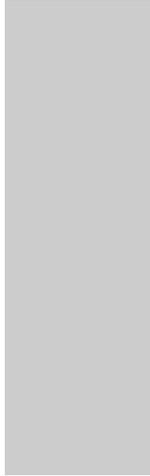
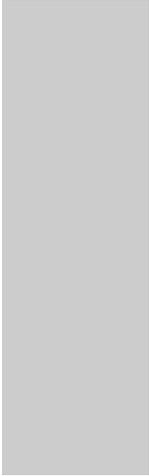
Cross references: For the legislative declaration contained in the 1993 act amending subsection (5), see section 1 of chapter 165, Session Laws of Colorado 1993.

Note: This section was contained in a title that was repealed and reenacted in 1987. Provisions of this section, as it existed in 1987, are similar to those contained in 19-1-116 as said section existed in 1986, the year prior to the repeal and reenactment of this title.

19-4-104. How parent and child relationship established.

The parent and child relationship may be established between a child and the natural mother by proof of her having given birth to the child or by any other proof specified in this article, between a child and the natural father pursuant to the provisions of this article, or between a child and an adoptive parent by proof of adoption.

Note: This section was contained in a title that was repealed and reenacted in 1987. Provisions of this section, as it existed in 1987, are similar to those contained in 19-6-104 as said section existed in 1986, the year prior to the repeal and reenactment of this title.



APPENDIX II:
SAMPLE AGREEMENT
TO MEDIATE

Sample Agreements to Mediate

Agreement to Mediate

This is an Agreement to Mediate
between _____

(“the parties”), (_____) (“the Mediator”).

The parties have entered into mediation with the intention of reaching a settlement regarding their dispute about parenting issues.

1. Mediation goals. The goal in mediation is to obtain an agreement with which all parties are reasonably satisfied. Each party agrees to make a sincere effort to discuss the situation and explore possibilities for resolution of the dispute. The parties understand that the outcome of mediation may be different from the result if the dispute were resolved in court.
2. Mediation is voluntary. The parties understand that they are *not required* to reach an agreement, regardless of whether the parties choose to try mediation themselves or judge ordered, suggested, or referred the case to mediation. If no agreement is reached, the parties may file a court case or continue with a court case, which has already been filed.
3. Mediators are not judges. The Mediator will not advise the parties to accept or reject an agreement. However, in cases where court approval is necessary for the enforcement of a mediated agreement, the mediator may decline to prepare a written agreement for the parties if the mediator believes a reviewing judge would find the agreement unconscionable. The parties retain ultimate responsibility for the content of the agreement.
4. Mediators are not advocates. Each party is advised to retain his/her own attorney in order to be properly counseled about his/her legal interests, rights and obligations.
5. Confidentiality. It is understood that in order for mediation to work, open and honest communications are essential. Accordingly all oral or written communication made in the course of mediation is generally confidential and as provided by the Colorado Dispute Resolution Act section 13-22-307 the parties and mediator agree not to voluntarily disclose nor shall they be required to disclose any mediation communication.

In addition all written and oral communication, negotiations, statements and conduct made in the course of mediation will be treated as privileged settlement discussions and will not be revealed in case of future litigation between the parties relating to this dispute as provided by the Colorado Rules of Evidence rule 408.

“Mediation Communication” does not include i) this agreement to mediate and ii) unless otherwise agreed by the parties any written agreement made and signed by the parties as a result of mediation.

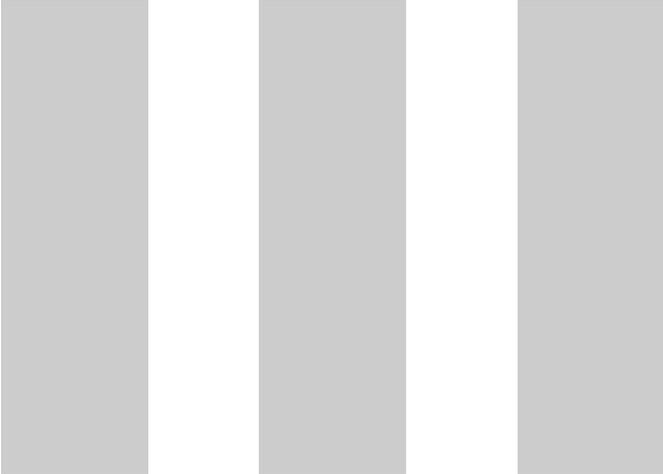
6. Exceptions to Confidentiality. As provided by the Colorado Dispute Resolution Act section 13-22-307, mediation communication is not confidential to the extent that i) all parties to the mediation and the mediator consent in writing; ii) the mediation communication reveals the intent to commit a felony, inflict bodily harm or threaten the safety of a child under the age of eighteen years; iii) the communication is required by statute to be made public or; iv) the disclosure of the mediation communication is necessary and relevant to an action alleging willful or wanton misconduct of the mediator or mediation organization.
7. Disclosure. The parties agree to provide each party and the mediator with all relevant information and documents that would usually be available through the discovery process in a legal proceeding. If either party conceals relevant information or intentionally misrepresents the facts of this dispute, then the agreement in mediation may be at risk of being set aside by the courts.
8. Termination of mediation. It is agreed that if any party decides to withdraw from mediation, best efforts will be made to discuss this decision in the presence of all parties and the mediator. If the mediator determines that a successful resolution is not possible through mediation, the mediator will inform the parties and terminate the mediation.
9. Agreement. After each session as agreements are reached, the mediator will draft the terms of the agreement. The mediator will send the draft agreements to the parties prior to the next mediation session. Any party may review the agreement with his/her attorney. When an agreement as to all issues is reached both parties are advised to have it reviewed by their attorneys before the document is signed.
10. Fees. The parties agree that the mediator will be paid at the rate of \$ (to be determined) per hour, due at the completion of each mediation session. The parties also agree to pay an additional retainer of \$ (to be determined) towards the drafting of any agreements. The mediator will perform any additional necessary tasks (i.e. consulting with attorneys at the parties request, reading documentation, making telephone calls to the parties etc) at the rate of (to be determined) per hour and will bill the parties for any amounts that accrue beyond the amount paid in the retainer : said bills to be paid upon receipt. The parties may apportion the payments between them as they see fit.

If the parties are unable to pay for any session or other authorized charge when due, the mediator shall have the option to postpone or terminate the mediation until such time as all amounts due are fully paid. Such postponement or termination shall not inhibit the mediators right collect all fees due at that time. If any party chooses to terminate the mediation prior to reaching a final agreement of all issues, the mediator shall refund to the parties any portion of the retainer not previously earned in proportion to each party's contribution.

We, the undersigned agree to mediate according to the above terms and guidelines.

Dated

Signed



APPENDIX III: COURT FORMS

*Note: Forms in this section may have changed.
Check with your local court or online for the most current documents.*

Updated Domestic Forms can be found online at
<http://www.courts.state.co.us/chs/court/forms/domestic/domestic.htm>

and

Updated General Forms can be located at
<http://www.courts.state.co.us/chs/court/forms/general/general.html>

COURT FORMS

Domestic and General

The following list includes court forms often used in matters related to parenting time and divorce. These forms are available online @

<http://www.courts.state.co.us/chs/court/forms/domestic/domestic.htm> and

<http://www.courts.state.co.us/chs/court/forms/general/general.html>

*Marks forms included in this section and ** Marks instructions available in APPENDIX IV

Form Number	Form Name	DATE
JDF 79**	Instructions for issuing a subpoena**	1/04
JDF 80*	Subpoena to Appear or Produce*	11/02
JDF 205*	Motion to File Without Payment*	1/01
JDF 1000	Domestic Relations Case Information Sheet	7/03
JDF 1111*	Affidavit with Respect to Financial Affairs*	7/00
JDF 1112	Financial Affidavit – Simplified Version	7/00
JDF 1113*	Parenting Plan*	R3/04
JDF 1115*	Separation Agreement (With Children) or Partial Separation Agreement or Information for the Court*	R12/01
JDF 1116	Decree of Dissolution of Marriage or Legal Separation	R9/03
JDF 1117	Support Order	R9/03
JDF 1120	Notice of Domestic Relations Initial Status Conference	3/04
JDF 1121	Notice of Domestic Relations Status Conference	3/04
JDF 1122**	Instructions to set a Hearing & to Complete a Notice of Hearing or Status Conference Form**	4/04
JDF 1123*	Notice to Set Hearing*	4/04
JDF 1124*	Notice of Hearing*	4/04
JDF 1201	Affidavit for Decree Without Appearance of Parties C.R.S. 14-10-120.3	R6/01
JDF 1215	Separation Agreement (Without Children) or Partial Separation Agreement or Information for the Court	R12/01
JDF 1301	Petitioner’s Verified Motion for Publication of Summons, Service by Certified Mail, Publication by Consolidated Notice	R9/03
JDF 1307	Motion to Waive Mediation Requirement	7/00
JDF 1308	Order to Waive Mediation	R7/01
JDF 1312	Order RE: Deviation From the Presumed Amount of Child Support	R11/01
JDF 1313	Certificate of Service	7/00
JDF 1314*	Motion For: _____*	7/00
JDF 1317*	Motion for Appointment of a Special Advocate Under C.R.S. 14-10-116(2)(b)*	7/00

JDF 1318	Order Appointing Special Advocate	R11/01
JDF 1319*	Motion to Appoint Legal Representative Under C.R.S. 14-10-116(2)(a*)	7/00
JDF 1323	Motion for Change of Venue Pursuant to Colorado Rules of Civil Procedure 98(c)(1) and 98(e)	5/03
JDF 1324	Order for Change of Venue Pursuant to Colorado Rules of Civil Procedure 98(c)(1) and 98(e)	5/03
JDF 1401	Motion to Modify or Terminate Maintenance Under C.R.S. 14-10-122	7/00
JDF 1402	Order to Modify or Terminate Maintenance	R11/01
JDF 1403I	Instructions for Motion for Modification of Child Support	R9/01
JDF 1403	Motion to Modify Child Support	9/00
JDF 1404	Stipulation Regarding Child Support Modification	9/00
JDF 1405	Order RE: Stipulation Regarding Child Support	R11/01
JDF 1406I**	Instructions for Motion to Modify Parenting Time**	R3/03
JDF 1406*	Motion to Modify Parenting Time*	R1/02
JDF 1407	Motion to Relocate Minor Child(ren)	R7/03
JDF 1408	Motion to Terminate Child Support Pursuant to C.R.S. 14-10-122	7/00
JDF 1409	Order to Terminate Child Support Pursuant to C.R.S. 14-10-122	R11/01
JDF 1410	Motion to Terminate Child Support on the Basis of Emancipation	7/00
JDF 1411	Order to Terminate Child Support on the Basis of Emancipation	R7/01
JDF 1413I**	Instructions for Allocation of Parental Responsibilities**	R4/04
JDF 1413*	Petition for Allocation of Parental Responsibilities**	R9/03
JDF 1414*	Summons to Respond to Petition for Allocation of Parental Responsibilities**	R3/04
JDF 1415	Verified Motion to Modify Custody or Allocation of Decision-Making Responsibility	R10/03
JDF 1416	Affidavit in Support of Motion for Modification of Custody or Allocation of Parental Responsibilities	R7/01
JDF 1418	Verified Motion to Enforce Parenting Time C.R.S. 14-10-129.5	R7/01
JDF 1419	Order RE: Enforcement of Parenting Time	R12/01
JDF 1420*	Response to Petition for Allocation of Parental Responsibilities*	11/02
JDF 1421*	Parenting Plan/Child Support Obligation Agreement*	9/03
JDF 1422*	Order for Allocation of Parental Responsibilities*	4/04
JDF 1500**	Instructions to Establish Paternity	3/04
JDF 1501	Petition in Paternity	R7/03
JDF 1502*	Summons*	R3/04
JDF 1503*	Waiver of Service*	R3/04

JDF 1504*	Admission of Paternity*	R3/04
JDF 1505*	Motion for Genetic Testing*	R3/04
JDF 1506*	Agreement for Genetic Testing*	R3/04
JDF 1507*	Order for Genetic Testing by Agreement*	R3/04
JDF 1508*	Order for Genetic Testing*	R3/04
JDF 1511I	Instructions for Motion and Order for Appointment of Guardian Ad Litem	7/00
JDF 1511	Motion for Appointment of Guardian Ad Litem	7/00
JDF 1512*	Order of Appointment of Guardian Ad Litem*	R7/01
JDF 1701I	Information Sheet for Grandparent Visitation	R3/03
JDF 1701*	Motion for Grandparent Visitation*	R10/03
JDF 1702	Affidavit in Support of Grandparent Visitation	7/00
JDF 1703	Petition for Allocation of Parental Responsibilities to Grandparent(s)	10/03
JDF 1800I	Information Sheet for Filing Motions Regarding the Enforcement of Orders	R3/04
JDF 1801I	Instructions for Child Support Orders	R7/03
JDF 1804	Order/Notice to Withhold Income for Support	R11/03
JDF 1805	Notice of Pending Income Assignment	9/00
JDF 1806	Advance Notice of Activation of an Income Assignment	7/00
JDF 1807	Affidavit of Arrears	7/00
JDF 1808	Objection to the Activation of an Income Assignment	7/00
JDF 1809	Notice to Employer to Deduct for Health Insurance	R7/02
JDF 1810	Notice to Insurance Provider of Court-Ordered Health Insurance Coverage	7/00
JDF 1811	Obligor's Request for Immediate Activation of an Income Assignment	7/00
JDF 1812	Stipulation for Immediate Activation of an Income Assignment	7/00
JDF 1813	Verified Entry of Support Judgment	R7/03
JDF 1814	Motion for Clerk of Court to Transfer Title Pursuant to C.R.C.P. 70	7/00
JDF 1815	Order for Clerk of Court to Transfer Title Pursuant to C.R.C.P. 70	R11/01
JDF 1816	Verified Motion and Affidavit for Citation for Contempt of Court	R1/04
JDF 1820*	Worksheet A -- Child Support Obligation: Primary Residential Responsibility	R1/04
JDF 1821*	Worksheet B -- Child Support Obligation: Shared Residential Responsibility	R1/04

<input type="checkbox"/> District Court _____ County, Colorado Court Address: _____	▲ COURT USE ONLY ▲
In Re the Marriage of: Petitioner: _____ v. Respondent/Co-Petitioner: _____	
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg.#: _____	Case Number: _____ Division _____ Courtroom _____
AFFIDAVIT WITH RESPECT TO FINANCIAL AFFAIRS	

Notice: If the support of children is an issue in this case, you must:

1. List all sources of gross income and potential income pursuant to §14-10-115(7), C.R.S.
2. Attach copies of recent pay stubs or employer statements, and your most recent tax return.
3. If self-employed, attach copies of receipts and expenses.
4. If child support is ordered, the obligor must execute an income assignment pursuant to §14-14-111.5, C.R.S.

I, _____, Social Security No. _____
 declare under oath that:

1. My occupation is: _____

2. I am employed _____ hours per week at (company name and address):

I am paid weekly every other week twice each month monthly.
 I am paid on (list pay dates): _____
 (Attach copy of last pay voucher from **ALL** employers.)
 Each paycheck amounts to (gross) \$ _____

3. My **MONTHLY GROSS** income from my primary employment is \$ _____

4. My **MONTHLY** payroll deductions from my primary employment are:
 (Number of exemptions being claimed: _____)

Federal Withholding Tax	\$ _____
Social Security Tax	\$ _____
Colorado Tax	\$ _____
Medical Insurance	\$ _____
Life Insurance	\$ _____
Dues	\$ _____

Bonds	\$ _____
Credit Union	\$ _____
Other _____	\$ _____
 TOTAL deductions from primary employer	 \$ _____

5. My **NET MONTHLY TAKE HOME** pay from my primary employment (3-4) \$ _____

6. List all other sources and amounts of gross income, including expense account allowances.

<u>SOURCE</u>	<u>AMOUNT</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL \$ _____	

7. List all other deductions from the income sources listed in part 6.

<u>TYPE OF DEDUCTION</u>	<u>AMOUNT</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL \$ _____	

8. My **NET MONTHLY INCOME** from income sources in part 6 is (6-7) \$ _____

9. My **NET MONTHLY INCOME** from **ALL** sources is (5+8) \$ _____

10. My dependent children have a monthly income of \$ _____

11. My total income reported on my last Federal tax return was \$ _____
My occupation then was _____

12. I believe the monthly gross income of the other party to be \$ _____
I believe the monthly net income of the other party to be (Attach all information available.): \$ _____

13. My **MONTHLY EXPENSES** for a household consisting of _____ adults and _____ children are as follows:

			<u>TOTAL</u>	<u>OF TOTAL, AMOUNT FOR CHILDREN OF THIS MARRIAGE</u>
A.	HOUSING	(1) Rent/1 st Mortgage	\$ _____	
		(2) 2 nd Mortgage	\$ _____	
		(3) Maintenance Fee	\$ _____	\$ _____
B.	UTILITIES	(1) Gas/Electric	\$ _____	
		(2) Phone/Long Distance	\$ _____	
		(3) Water/Sewer	\$ _____	
		(4) Trash Removal	\$ _____	\$ _____
C.	FOOD	(1) Groceries	\$ _____	
		(2) Eating Out	\$ _____	\$ _____
D.	MEDICAL	(1) Doctor	\$ _____	
	(Do not duplicate paragraph 4.)	(2) Dentist	\$ _____	
		(3) Medicine/RX Drugs	\$ _____	
		(4) Other _____	\$ _____	\$ _____
E.	INSURANCE	(1) Life	\$ _____	
	(Do not duplicate paragraph 4.)	(2) Health/Hospital	\$ _____	
		(3) Homeowners	\$ _____	\$ _____
F.	TRANSPORTATION	(1) Vehicle Payment(s)	\$ _____	
	Vehicle description(s)	(2) Fuel	\$ _____	
	(make, model, year)	(3) Maintenance	\$ _____	
	_____	(4) Insurance	\$ _____	
	_____	(5) Parking/Bus	\$ _____	\$ _____
G.	CLOTHING		\$ _____	\$ _____
H.	LAUNDRY & CLEANING		\$ _____	\$ _____
I.	CHILD CARE	(1) Work related (after tax credit)	\$ _____	
		(2) Other babysitting	\$ _____	\$ _____
J.	EDUCATION			
	<input type="checkbox"/> Self	(1) Tuition, Books, Supplies	\$ _____	
	<input type="checkbox"/> Children	(2) Lunches	\$ _____	\$ _____
K.	CHILD SUPPORT/ MAINTENANCE	<input type="checkbox"/> This Family	\$ _____	
		<input type="checkbox"/> Other Family	\$ _____	\$ _____

L. RECREATION, CONSISTING OF

_____	\$ _____	\$ _____

M. MISCELLANEOUS, CONSISTING OF

_____	\$ _____	\$ _____

N. TOTAL REQUIRED MONTHLY EXPENSES

(1) \$ _____ (2) \$ _____

14. My **DEBTS** are:

Creditor	Item	Unpaid Balance	Monthly Payment
A. _____		\$ _____	\$ _____
B. _____		\$ _____	\$ _____
C. _____		\$ _____	\$ _____
D. _____		\$ _____	\$ _____
E. _____		\$ _____	\$ _____
F. _____		\$ _____	\$ _____
G. _____		\$ _____	\$ _____
H. TOTAL MONTHLY DEBT PAYMENT(S)		\$ _____	\$ _____
I. TOTAL MONTHLY EXPENSES PLUS DEBTS (13N(1) + 14H)			\$ _____

15. The **ASSETS** of the parties of this action are as follows:

Husband's/Wife's: Acquired before this marriage, or by gift, or by inheritance, only.

Joint: Acquired during the marriage, other than by gift or inheritance.
Does not refer to how titled or how possessed.

	HUSBAND'S	WIFE'S	JOINT
A. REAL ESTATE (Attach schedule giving location, market value, encumbrances, and how titled.)	\$ _____	\$ _____	\$ _____
B. FURNITURE AND HOUSEHOLD GOODS (Attach schedule showing location value, and encumbrances.)	\$ _____	\$ _____	\$ _____
C. MOTOR VEHICLES (Attach schedule showing make, year, value, and encumbrance.)	\$ _____	\$ _____	\$ _____

D. CASH ON HAND	\$ _____	\$ _____	\$ _____
E. BANK ACCOUNTS (Attach schedule specifying for each account, the name and location of bank.)	\$ _____	\$ _____	\$ _____
(1) Savings	\$ _____	\$ _____	\$ _____
(2) Checking	\$ _____	\$ _____	\$ _____
(3) Certificate/Deposit	\$ _____	\$ _____	\$ _____
F. STOCKS AND BONDS (Attach schedule describing holdings, including company name, number of shares, names in which held, market values and date of.)	\$ _____	\$ _____	\$ _____
G. LIFE INSURANCE (Attach schedule showing company name, policy number, beneficiary, and cash surrender value.)	\$ _____	\$ _____	\$ _____
H. PENSION, PROFIT SHARING, OR RETIREMENT FUNDS (Attach schedule naming source and location of funds.)	\$ _____	\$ _____	\$ _____
I. MISCELLANEOUS			
(1) _____	\$ _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____	\$ _____
(4) _____	\$ _____	\$ _____	\$ _____
(5) _____	\$ _____	\$ _____	\$ _____
J. TOTAL ASSETS	\$ _____	\$ _____	\$ _____

16. The assets of the children of this marriage are valued at \$ _____.

I declare under penalty of perjury that I have read this affidavit and the statements contained in it are true and correct.

Date: _____

Signature

Subscribed under oath before me on (date) _____

My commission expires (date): _____

Notary Public/Address

<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"/> Parental Responsibilities concerning: <hr/> Petitioner: v. Respondent/Co-Petitioner:	
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	▲ COURT USE ONLY ▲ Case Number: Division Courtroom
<input type="checkbox"/> PERMANENT <input type="checkbox"/> TEMPORARY PARENTING PLAN	

This form may be used for several purposes. Please indicate below how this form is being used:

- There are are not any remaining disputed issues concerning the parenting plan. If disputed issues remain, please indicate the section number of the disputed issue(s) _____
- This is the parenting plan requested by _____ (name of party). If the opposing party does not agree with this plan, he/she should file a separate one with the Court.

This form **does not** include every possible issue you may want to address. An "Other Terms" section has been provided for items you would like to add. If you need more space than is provided, attach additional pages to the form. If the form includes issues that do not apply to your situation, write "Not Applicable" or "N/A" in that section. However, you **must** submit to the Court some form of **written** Permanent Parenting Plan addressing all of the issues which are relevant to the facts of your case. If you do not, the Court **must** enter its own plan, and this may not be the plan you think is in the best interests of you or your child(ren). When the Court either approves your plan, or enters its own, the plan will become a Court Order.

1. INFORMATION ABOUT THE CHILD(REN)

Name	Present Address	Sex	Date of Birth	Soc. Sec. No.

2. DECISION-MAKING

This parenting plan form reflects decision-making on major issues other than parenting time. In this plan, major decision-making does not include day-to-day decisions, which may be made by the current residential parent without the need to consult with the other parent, unless you make such decisions a part of your plan. Day-to-day decisions include, but are not limited to, minor training or correction, minor medical and dental care, curfew, chores, allowance, day-to-day decisions about clothing or hygiene during the time the child is with you.

The division of decision-making allows you to make several choices. You may decide that one parent should make all of the major decisions alone, OR you may decide that you and the other parent will make all major decisions together. The third option is to decide the major areas of decision-making and to decide which parent will have the responsibility for which decision.

SELECT ONLY ONE OF THE THREE FOLLOWING OPTIONS:

1. MAJOR DECISION-MAKING BY ONE PARENT ONLY

The Mother Father (check one) will make all of the major decisions regarding the child(ren). You have now selected a decision-making plan.

Go directly to complete sections 3 – 11 below.

2. ALL MAJOR DECISION-MAKING BY BOTH PARENTS

Both parties will make ALL major decisions regarding the child(ren) together. If the parents cannot reach an agreement on a decision, then they shall use the dispute resolution procedures in this parenting plan. (Section 11). You have now selected a decision-making plan.

Go directly to complete sections 3 – 11 below.

3. MAJOR DECISION-MAKING DIVIDED BETWEEN THE PARENTS

Complete A, B, C, D and E below then complete sections 3 - 11 below.

A. EDUCATIONAL DECISION-MAKING (includes daycare unless specifically excluded)

The parents will make all major educational decisions together. If the parents do not reach an agreement, then they shall use the dispute resolution procedure in this parenting plan. (Section 11)

OR

The Mother Father (check one) shall have the final decision-making responsibility regarding all major education decisions. However, if such decision involves additional expenses, the parties shall agree on the division of those expenses or, if they cannot agree, shall use the dispute resolution procedure in this plan. (Section 11)

Both parents may participate in school conferences, events, and activities, and may consult with teachers and other school personnel. For purposes of school attendance only, the child(ren)'s residence will be with the Mother Father (check one).

Other arrangements as to educational decision-making:

The parents have no agreement on this issue.

B. MEDICAL, DENTAL AND MENTAL HEALTH DECISION-MAKING

NOTE: You must decide on the issue of payment of medical, dental and mental health expenses. If you do not use this form to express your decisions on these issues, then the Court will make that decision and order payment of these expenses as part of the child support calculation. If you make these decisions here, make sure that you include the expense in the child support calculation.

- The parents will make the final decision regarding major medical/dental decisions for the child(ren) together. If the parents do not reach an agreement, then they shall use the dispute resolution procedures in this parenting plan. (Section 11)

OR

- The Mother Father (check one) shall have the final decision-making responsibility regarding major medical/dental decisions for the child(ren). However, if such decision involves additional expenses, the parties shall agree on the division of those expenses or, if they cannot agree, shall use the dispute resolution procedure in this plan. (Section 11)
- Both parents agree that, under emergency circumstances, it is sufficient for either party to sign legal releases to get medical treatment or to take other necessary measures.
- In the event of a dispute about the necessity of or type of medical treatment for the minor child(ren), either parent shall be allowed to obtain necessary medical treatment for the minor child(ren).
 - Both parents agree to advise/inform the other parent immediately regarding:
 - emergency medical/dental care sought for the child(ren)
 - names, addresses, and telephone numbers of all medical/mental health care practitioners
 - any health matter pertaining to the child(ren).
 - Other arrangements as to medical and/or dental decision-making:

- The parents have no agreement on these issues.

C. RELIGIOUS DECISION-MAKING

- The parents will make all major religious decisions for the child(ren) together. If the parents do not reach an agreement, then they shall use the dispute resolution procedures in this parenting plan.

OR

- The Mother Father (check one) will have the authority to make decisions concerning the religious practices of the child(ren).
- Other agreements regarding religious decisions:

- The parents have no agreement on this issue.

D. EXTRACURRICULAR AND RECREATIONAL ACTIVITIES

- The parents will make the final decision regarding extracurricular and recreational activities together.

OR

- The Mother Father (check one) will have the right to make all decisions concerning extracurricular and recreational activities for the child(ren). However, if such decision involves additional expenses, the parties shall agree on the division of those expenses or, if they cannot agree, shall use the dispute resolution procedure in this parenting plan. (Section 11)

OR

- Each parent has final decision-making authority for activities that occur only during that parent's parenting time and shall be solely responsible for transportation for and expenses of participation in those activities that occur only during that parent's parenting time.

- Other agreements regarding extracurricular and recreational activities:

- The parents have no agreement on this issue.

E. OTHER SIGNIFICANT DECISIONS (General Welfare, Driving, Car, Car Insurance, College, etc.)

You may use this section to document any agreements made between the parties that are not required by law to be addressed such as post-secondary education, automobile access or insurance, or any other agreements affecting the general welfare of the child(ren). **NOTE: Agreements made under this provision, if approved by the court and made a part of the final decree of dissolution, become enforceable by the court.**

Choose one of the following to indicate how significant decisions other than those specified in this plan will be made:

- The parents will make the final decision regarding other significant decisions involving the child(ren) together. If the parents do not reach an agreement, than they shall use the dispute resolution procedure in this parenting plan.

OR

- The Mother Father (check one) shall have the final decision-making responsibility regarding other significant decisions regarding the child(ren).

- The parents have no agreement on this issue.

Significant decisions made by the parties are: (attach extra sheets as necessary)

3. PARENTING TIME

A. WEEKDAY AND WEEKEND SCHEDULE

The child(ren) will be in the care of the Father (list days of the week and times):

The child(ren) will be in the care of the Mother (list days of the week and times):

Transportation and drop off arrangements will be:

B. SUMMER SCHEDULE

- The weekday and weekend schedule above will apply for all 12 calendar months, with no specific changes during summer.

OR

- During the summer months, the child(ren) will be in care of the Father (list days of the week and times):

AND

- During the summer months, the child(ren) will be in care of the Mother (list days of the week and times):

C. CHILD(REN)'S TRAVEL

- The parents agree that should either of them travel away from home with the child(ren), each parent will keep the other parent informed of travel plans, address(es), and telephone number(s) where that parent and the child(ren) can be reached.
- The parents do not agree or the parents have additional travel agreements regarding the children as follows:

The parents have no agreement on this issue.

D. HOLIDAYS, VACATIONS, SPECIAL OCCASIONS, AND RELIGIOUS EVENTS

The following schedule will take priority over the regular weekday, weekend, and summer schedules discussed above. Please check all that apply and indicate the time and place of exchange, which party the child(ren) will spend time with, and the schedule, i.e. even/odd/all years, alternating events, etc.

Event	Name of party spending time with child(ren)	Odd numbered years	Even numbered years	All Years	Time & Place of exchange
<input type="checkbox"/> New Year's Eve					
<input type="checkbox"/> New Year's Day					
<input type="checkbox"/> Spring Vacation					
<input type="checkbox"/> Mother's Day					
<input type="checkbox"/> Memorial Day					
<input type="checkbox"/> Father's Day					
<input type="checkbox"/> July 4th					
<input type="checkbox"/> Labor Day					
<input type="checkbox"/> Thanksgiving Break					
<input type="checkbox"/> Thanksgiving Day					
<input type="checkbox"/> Winter Break					
<input type="checkbox"/> Family Birthdays					
<input type="checkbox"/> Children's Parties					
<input type="checkbox"/> Religious Events					
<input type="checkbox"/> Holiday Events					

Other Parenting Time Arrangements:

The parents have no agreement on this issue.

E. TELEPHONE ACCESS

Each parent may have reasonable telephone contact with the child(ren) during the child(ren)'s normal waking hours.

OR

Other: _____

F. ACCESS TO RECORDS

The law provides that both parties have access to the records of the child(ren) including school, medical, dental and mental health records unless access limited by the Court. If you believe that there are valid reasons to limit the other party's access to records, you must ask the Court to limit access and obtain an order that so, per (§14-10-123.8, C.R.S.).

4. EMERGENCIES (OTHER THAN MEDICAL)

Both parents agree that, under emergency circumstances, it is sufficient for either party to sign legal releases or to take other necessary measures.

Other:

5. RELOCATION

Relocation refers to moving the child(ren)'s residence so that the geographic ties between the child(ren) and the other parent are substantially changed. At the time of this agreement, the Mother Father neither parent is planning to relocate.

The parents have agreed on the relocation plans for the child(ren) as follows:

The parents have not agreed on relocation plans, and request that the Court make that determination.

If the parents do not have a written agreement or Court Order, the child(ren) may not move out of this state.

6. ADDITIONAL ARRANGEMENTS (Check all that apply and fill in appropriate information.)

- Each parent will inform the other parent of any changes of business or residential address and / or phone number in advance **OR** within _____ days weeks of the change.
- Both parents will consult with one another in advance of any change to the schedule that would affect either parent's access to the children. Without a signed agreement by both parents, with copies to each, no such change which violates the Court Order will be honored by the Court.
- Both parents agree that all communications regarding the child(ren) will be between the parents and that they will not use the child(ren) to convey information or to set up visitation changes.
- Both parents agree that they will not belittle or criticize the other parent in front of the child(ren).

7. EXTRAORDINARY / UNINSURED MEDICAL, DENTAL OR MENTAL HEALTH EXPENSES FOR CHILD(REN)

- Both parents agree on this issue. (If you agree, please indicate the terms of agreement below.)
 - Extraordinary/uninsured medical, dental or mental health expenses for the child(ren) shall be divided, with Petitioner paying _____ % and Respondent/Co-Petitioner paying _____ % of every expense.
OR
 - Extraordinary/uninsured medical expenses for the child(ren) shall be divided in proportion to each party's income.
OR
 - Other: _____
- The parents have no agreement on this issue.

8. COMPLIANCE WITH STATE AND FEDERAL STATUTES

The child(ren) named in this parenting plan is/are scheduled to reside the majority of the time with the Father Mother Both Parents (check one). The parent(s) is/are designated the custodian of the child(ren) solely for the purposes of all federal and state statutes which require a designation or determination of custody. This designation shall not affect either parents' rights and responsibilities under this parenting plan, or under Colorado law. If this designation is not what you want, you must specifically choose a parent or both parents to be the "custodian" for purposes of these statutes.

9. TAX DEDUCTION

Only one parent may claim a deduction for each child on his/her income tax return in accordance with §14-10-115(14.5), C.R.S. See instructions to IRS Form 1040.

- The parents agree that:
 - Mother will claim _____
 - Father will claim _____
- The parents have no agreement on this issue.

10. OTHER TERMS (add any other items regarding the child(ren) you would like to include in your parenting plan). (Use additional sheets if necessary).

<input type="checkbox"/> District Court _____ County, Colorado Court Address:		▲ COURT USE ONLY ▲
In Re: Petitioner: v. Respondent/Co-Petitioner:		
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number: Division _____ Courtroom _____
<input type="checkbox"/> SEPARATION AGREEMENT (WITH CHILDREN) OR <input type="checkbox"/> PARTIAL SEPARATION AGREEMENT OR <input type="checkbox"/> INFORMATION FOR THE COURT		

This form may be used for several purposes:

1. **SEPARATION AGREEMENT.** Check this box above if your divorce is **NON-CONTESTED**, i.e., you and your spouse agree on **ALL** issues.
2. **PARTIAL SEPARATION AGREEMENT.** Check this box above if your divorce is **CONTESTED** and you and your spouse agree on **SOME BUT NOT ALL** issues. After each topic, please use the appropriate box to indicate: that both parties agree about the topic, or information on the topic represents only one party's position (check appropriate party).
3. **INFORMATION FOR THE COURT.** Check this box above if you do not have any agreements. You still must fill out this form to tell the Court how you want it to rule on each of the issues in the case.

A husband and wife getting a divorce (dissolution of marriage) or legal separation may enter into a written agreement containing provisions for maintenance (financial support) of either party, disposition of property and the allocation of parental responsibilities (if applicable to the use of this form) (see §14-10-112, C.R.S.). The Court must follow the agreement as it pertains to the parties themselves and to property, unless the Court finds the agreement unconscionable. If the Court finds the agreement unconscionable, it may order the parties to submit a revised agreement.

You may use this form as an outline for your Separation Agreement / Partial Separation Agreement. It **DOES NOT** include every possible issue you may want to address. "Other Terms" and "Other Terms Regarding Child(ren)" sections have been provided for items you would like to add. If you need more space than is provided, attach additional pages to the form. If the form includes issues that do not apply to your situation, write "Not Applicable" or "N/A" in that section. You **DO NOT** have to use this form if you prefer to write your **OWN** Separation Agreement / Partial Separation Agreement. However, if your case is **NON-CONTESTED**, you **MUST** submit to the Court some form of **WRITTEN** Separation Agreement addressing all of the issues that are relevant to the facts of your case. If your case is **CONTESTED**, you should submit this document as Information for the Court, to let the Court know your position on the issues.

4. **MAINTENANCE** (financial support formerly known as alimony)
 - The parties do not agree on this issue.
 - Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)
 - Both parties waive (give up forever) maintenance. (Once the Court accepts a party's waiver, that party may **never again** seek maintenance.)

OR

- The Husband Wife (check one) shall pay maintenance to the Husband Wife (check one) in the amount of \$ _____ per month beginning _____ (date), for _____ years months (check one), or until the Court modifies maintenance. Maintenance will will not (check one) be paid through the Registry of the Court.

OR

- Other: _____

5. REAL ESTATE

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)
 - The parties own no real estate.

OR

- The parties own real estate located at _____ and the parties have agreed to divide the real estate as follows (be specific as to use, ownership, or arrangements for sale and distribution of funds): _____

Title for the real estate will be transferred by the following method(s) (i.e., one party will execute a quit claim deed, etc.):

- The parties agree that any mortgage on the property will be paid by:
 - Husband OR Wife OR Husband and Wife

OR

- The parties do not agree on the mortgage of the property. **(Note: Change of title does not end the obligation you may have to the mortgage company. Court approval of any provision to remove either party from a mortgage loan does not require the lender to actually release the party from the commitment).**

The Parties understand that if either of them refuses to execute any documents under this agreement, C.R.C.P. 70 allows the Clerk of the Court to do so. The other party may also ask the court for sanctions for the refusal to follow this order.

6. **MOTOR VEHICLE(S)**

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)
 - The parties have no motor vehicle(s) acquired **during** the marriage.

OR

- The motor vehicle(s) acquired during the marriage are divided as follows (include the year, VIN number and make of each motor vehicle(s)):

The party(ies) will:

- Sign over the documents required by the motor vehicle department.

AND / OR

- Sign over the title(s) to the vehicle(s) to the party receiving the vehicle(s) within _____ days of the entry of the decree.

- The parties agree that any loan/lease on the vehicle(s) will be paid by:
 - Husband **OR** Wife **OR** Husband and Wife

OR

- The parties do not agree on the loan/lease of the vehicle(s).
(Note: Change of title does not end the obligation you may have to the loan/lease company. Court approval of any provision to remove either party from a loan/lease does not require the lender to actually release the party from the commitment).

The Parties understand that if either of them refuses to execute any documents under this agreement, C.R.C.P. 70 allows the Clerk of the Court to do so. The other party may also ask the Court for sanctions for the refusal to follow this order.

7. **PERSONAL PROPERTY (furniture, boats, clothing, jewelry, household goods, etc.)**

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)
 - The personal property has been divided and both parties are satisfied with the division.

OR

- The personal property is awarded to each party as follows:

Husband:

Wife:

The Parties understand that if either of them refuses to execute any documents under this agreement, C.R.C.P. 70 allows the Clerk of the Court to do so. The other party may also ask the court for sanctions for the refusal to follow this order.

8. **STOCKS / BONDS / BANK ACCOUNTS**

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)
- The parties own no stocks or bonds.

OR

- The stocks and / or bonds will be divided as follows:

- The parties do not have any bank accounts.

OR

- The bank accounts will be divided as follows:

The Parties understand that if either of them refuses to execute any documents under this agreement, C.R.C.P. 70 allows the Clerk of the Court to do so. The other party may also ask the Court for sanctions for the refusal to follow this order.

9. **DEBTS**

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)
- There are no unpaid marital debts.

OR

- The marital debts are to be paid by each party as follows (for each debt listed on the Affidavit with Respect to Financial Affairs, write the name of the creditor by the party who will be responsible for paying the debt):

Husband:

Wife:

AND

The party responsible for the debts will will not (check one) indemnify the other party and hold him / her harmless for those debts.

10. **LIFE INSURANCE**

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)
- Neither party will be required to carry life insurance on his / her life.

OR

- The husband will carry life insurance on his life in the amount of \$ _____ with _____ (name of spouse or child(ren) as beneficiary).

AND/OR

- The wife will carry life insurance on her life in the amount of \$ _____ with _____ (name of spouse or child(ren) as beneficiary).

The Parties understand that if either of them refuses to execute any documents under this agreement, C.R.C.P. 70 allows the Clerk of the Court to do so. The other party may also ask the Court for sanctions for the refusal to follow this order.

11. **PENSIONS / RETIREMENT ACCOUNTS**

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)
- Neither party has pensions or retirement accounts, which were earned during the marriage.

OR

- The pensions and retirement accounts of the parties shall be divided as follows:

The Parties understand that if either of them refuses to execute any documents under this agreement, C.R.C.P. 70 allows the Clerk of the Court to do so. The other party may also ask the Court for sanctions for the refusal to follow this order.

12. **TAXES**

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)
- The parties will file joint separate (check one) tax returns for the year _____.

After the date of the decree, the parties will file separate tax returns.

OR

Other arrangements: _____

The Husband Wife shall be entitled to claim the child(ren) as a dependent for income tax purposes.

13. **FUTURE CONFLICT RESOLUTION**

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)
 - The parties agree to go to mediation to resolve any future conflicts.

OR

Other arrangements for future conflict resolution: _____

14. **COSTS RELATED TO DIVORCE PROCESS**

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)
 - The parties agree to each pay their own costs related to the divorce process.

OR

The parties agree to split the costs related to the divorce process 50/50.

OR

Other arrangements: _____

15. **OTHER TERMS** *(Add any other items you would like to include in your Separation Agreement / Partial Separation Agreement / Information for Disclosure for Permanent Orders Hearing.)*

- The parties do not agree on this/these issue(s).
- Both parties agree on this/these issue(s). *(If you agree, please indicate the terms of agreement below.)*

16. **CHILD SUPPORT (A Child Support Obligation Worksheet must be filed).**

Complete Questions 16 through 18 only if there are children who were born / adopted into the Marriage or the wife is pregnant before the divorce is final. IF THIS IS A SEPARATION AGREEMENT THAT BOTH PARENTS ARE SUBMITTING, YOU MUST ATTACH A PARENTING PLAN.

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)

The Husband Wife (check one) shall pay child support to the Husband Wife (check one) in the sum of \$ _____ per month **pursuant to** the Colorado Child Support Guidelines, beginning _____ (date) and continuing until the child(ren) reach(es) the age of nineteen (19) or is / are emancipated at an earlier age, or the Court modifies child support. Child support payments will be paid on the _____ day of each month. (Child support cannot be waived.)

An income assignment will be activated immediately unless the Court or delegate child support enforcement unit finds, in writing, that there is good cause not to require immediate activation of an income assignment pursuant to §14-14-111.5(3)(a)(II), C.R.S.

17. **FINANCIAL INFORMATION AND CHILD SUPPORT MODIFICATION**

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)

The parties will will not (check one) exchange financial information, including updated financial affidavits and verification of insurance and its costs for the purposes of modifying the child support order without a hearing. **(NOTE: The Court must enter an order for any modification to be effective.)**

- The information will be exchanged on a yearly basis, by U.S. mail, before _____ (date) each year.

18. **MEDICAL INSURANCE FOR CHILD(REN)**

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)

The Husband Wife (check one) shall provide medical insurance for the child(ren) until emancipation.

A support order for deduction of health insurance shall be entered by the Court and served upon the responsible parent's employer.

19. **EXTRAORDINARY / UNINSURED MEDICAL, DENTAL OR MENTAL HEALTH EXPENSES FOR CHILD(REN)**

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)
 - Extraordinary/uninsured medical, dental or mental health expenses for the child(ren) shall be divided with Husband paying _____ % and Wife paying _____ % of every expense.

OR

- Extraordinary/uninsured medical expenses for the child(ren) shall be divided in proportion to each parent's income.

OR

- Other:

20. **OTHER EXTRAORDINARY EXPENSES FOR CHILD(REN) (expenses not covered under Basic Child Support Guidelines)**

- The parties do not agree on this issue.
- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)

Are there any other extraordinary expenses for the child(ren), not covered under the Basic Child Support Guidelines, which you would like to address at this time?

21. **EDUCATION**

A. Private school expenses must be ordered by the court if they are not agreed to by the parties. If you want private school expenses to be ordered, please indicate below.

- Private education expenses for the child(ren) shall be divided with Husband paying _____ % and Wife paying _____ % of every expense.

- Tuition (indicate any ceilings or restrictions)
- Room and Board
- Books
- Fees
- Travel
- Other:

B. Post-secondary education expenses cannot be ordered by the Court without an agreement. If you agree that they should be paid by the parents, please indicate the terms of agreement below.

Post-secondary education expenses for the child(ren) shall be divided with Husband paying _____% and Wife paying _____% of every expense. Post-secondary expenses shall include:

- Tuition (indicate any ceilings or restrictions)
- Room and Board
- Books
- Fees
- Travel
- Other:

PLEASE RE-READ THIS DOCUMENT CAREFULLY TO MAKE SURE IT IS AN ACCURATE REPRESENTATION OF EITHER YOUR AGREEMENT WITH THE OTHER PARENT OR YOUR PROPOSED PARENTING PLAN.

YOUR SIGNATURE BELOW INDICATES THAT YOU HAVE READ AND AGREE WITH EVERYTHING IN THIS DOCUMENT.

IF BOTH PARTIES AGREE TO THIS PLAN, BOTH PARTIES MUST SIGN.

THIS DOCUMENT MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC.

Petitioner:

Respondent Co-Petitioner (check one):

Signature

Signature

Address

Address

City, State, Zip Code

City, State, Zip Code

(Area Code) Telephone Number (home)

(Area Code) Telephone Number (home)

Area Code) Telephone Number (work)

(Area Code) Telephone Number (work)

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

Notary Public

<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"/> Parental Responsibilities concerning: _____ <input type="checkbox"/> In the Interest of: _____ Petitioner: v. Respondent/Co-Petitioner:	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: Division Courtroom
NOTICE OF HEARING	

To: _____ Petitioner or Respondent/Co-Petitioner and attorney of record:

You are notified that a hearing has been set in the District Court or Juvenile Court, Division/Courtroom _____ at the above court address on _____ (date) at _____ (time). The hearing will take approximately _____ hours/ minutes and will address the following issues:

- Permanent Orders for Dissolution of Marriage or Legal Separation
- Paternity
- Allocation of Parental Responsibilities
- Child Support
- Grandparent Visitation
- Motion for _____
- Other: _____

If you fail to appear at that hearing, the Court may enter Orders against you. Please do not bring children to the hearing. If you do bring children, your hearing may be vacated and you will have to re-schedule.

Date: _____

(Your Signature)

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original and one copy of this document were filed with the Court; and, a true and accurate copy of the **NOTICE OF HEARING** 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)

Date: _____

 Petitioner OR Respondent/Co-Petitioner

Address

City, State, Zip Code

(Area Code) Telephone Number (home and work)

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original and one copy of this document were filed with the Court; and, a true and accurate copy of the *MOTION FOR* _____ 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)

<input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ <hr/> In Re: Petitioner: _____ Respondent/Co-Petitioner: _____	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg.#: _____	Case Number: _____ Division _____ Courtroom _____
MOTION FOR APPOINTMENT OF A SPECIAL ADVOCATE	

I request that a Special Advocate be appointed because this case involves:

- | | |
|---|---|
| <input type="checkbox"/> an unborn child
<input type="checkbox"/> determination of paternity
<input type="checkbox"/> a special needs child
<input type="checkbox"/> other _____ | <input type="checkbox"/> high conflict between the parties
<input type="checkbox"/> allegations of abuse |
|---|---|

The Special Advocate is needed to investigate and make recommendations to the Court concerning:

- | | |
|---|---|
| <input type="checkbox"/> allocation of parental responsibilities
<input type="checkbox"/> parenting time
<input type="checkbox"/> conflicts between the parties
<input type="checkbox"/> other _____ | <input type="checkbox"/> property division
<input type="checkbox"/> allegations of abuse
<input type="checkbox"/> potential dependency and neglect issues |
|---|---|

The fees of the special advocate should initially be paid by:

_____ % by the Petitioner
 _____ % by the Respondent
 _____ % by the State.

I understand that the court can order one or both parties to pay these fees at the end of the case.

Date: _____

 Petitioner OR Respondent/Co-Petitioner

 Address

 City, State, Zip Code

 (Area Code) Telephone Number (home and work)

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original and one copy of this document were filed with the Court; and, a true and accurate copy of the *MOTION FOR APPOINTMENT OF A SPECIAL ADVOCATE UNDER C.R.S. §14-10-116(2)(b)* 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)

<input type="checkbox"/> District Court _____ County, Colorado Court Address: _____		▲ COURT USE ONLY ▲
In Re: Petitioner: Respondent/Co-Petitioner:		
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg.#: _____		Case Number: _____ Division _____ Courtroom _____
MOTION TO: APPOINT LEGAL REPRESENTATIVE		

The Petitioner Respondent/Co-Petitioner requests that a Legal Representative be appointed for the minor child(ren) for the following reasons:

1. This case involves:
 - an unborn child
 - determination of paternity
 - a special needs child
 - other _____
 - high conflict between the parties
 - allegations of abuse

2. The Representative is needed to investigate and make recommendations to the Court concerning:
 - allocation of parental responsibilities
 - parenting time
 - conflicts between the parties
 - other _____
 - property division
 - allegations of abuse
 - potential dependency and neglect issues

3. It is further requested that the fees of the Legal Representative be paid by the:
 - _____ % by the Petitioner
 - _____ % by the Respondent
 - _____ % by the State, based upon the indigency of a responsible party.

I understand that either or both parties may be ordered to pay the fees of the Legal Representative at the conclusion of the hearing.

Date: _____

 Petitioner OR Respondent/Co-Petitioner

Address

City, State, Zip Code

(Area Code) Telephone Number (home and work)

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original and one copy of this document were filed with the Court; and, a true and accurate copy of the *MOTION TO APPOINT LEGAL REPRESENTATIVE UNDER C.R.S. §14-10-116(2)(a)* 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)

<input type="checkbox"/> District Court _____ County, Colorado Court Address: _____	▲ COURT USE ONLY ▲
In Re: Petitioner: _____ v. Respondent/Co-Petitioner: _____	
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
MOTION TO: MODIFY PARENTING TIME	

Petitioner Respondent/Co-Petitioner (check one) requests that this Court enter its order modifying the parenting time schedule as requested below.

1. The last order regarding parenting time was entered by the Court on (date): _____
2. No motion to modify parenting time has been filed in the last two years.
3. The parties have _____ minor child(ren):

<u>Name</u>	<u>Sex</u>	<u>Date of Birth</u>

4. Petitioner Respondent/Co-Petitioner (check one) now has parenting time with the minor child(ren) under the following schedule and under the following conditions (if any):

5. I am asking the Court to change the current parenting time order to provide for the following new parenting time schedule:

6. I believe that the modification of the current parenting time order I am requesting is in the best interests of the minor child(ren) for reason(s) which were unknown to the Court, or that have arisen since the last order. They are:

7. (Check only if applicable.) **THE CHILD(REN) IS IN IMMINENT EMOTIONAL OR PHYSICAL DANGER DUE TO THE CURRENT PARENTING TIME AND:**
- Parenting time should only be conducted under supervision until the hearing.
 - This hearing should be held on an emergency basis.

8. **REQUIRED NOTICE OF PRIOR RESTRAINING ORDERS.**

Have any Temporary or Permanent Restraining Orders to prevent domestic abuse or any Criminal 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 Restraining Order was Temporary Permanent and issued against _____ in the County of _____, State of _____, in case number _____.

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

I request that this Court enter an order modifying the parenting time schedule for the Petitioner Respondent/Co-Petitioner as described above.

Dated: _____

_____ Petitioner OR Respondent/Co-Petitioner

_____ Address

_____ City, State, Zip Code

_____ (Area Code) Telephone Number (home and work)

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original and one copy of this document were filed with the Court; and, a true and accurate copy of the *MOTION TO MODIFY PARENTING TIME* 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)

<input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ <hr/> In re the Matter of: Petitioner: v. Respondent/Co-Petitioner:	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): <hr/> Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: <hr/> Division _____ Courtroom _____
PETITION FOR ALLOCATION OF PARENTAL RESPONSIBILITIES PURSUANT TO §14-10-124(1.5), C.R.S.	

The Petitioner, _____, seeks allocation of parental responsibilities including decision-making responsibilities and parenting time for the minor child(ren), establishment of a child support order, and any other orders necessary to effectuate the best interests of the children pursuant to §14-10-124(1.5), C.R.S. and states:

1. Information about Petitioner: Check if in Military

Date of Birth: _____ Social Security Number: _____

Current Mailing Address: _____

City, State & Zip Code: _____

Home Phone #: _____ Work Phone #: _____ Cell #: _____

Petitioner has the following relationship with the minor child(ren):

child(ren)'s mother, OR

child(ren)'s father, OR

non-parent, and the child(ren) is/are not in the physical custody of one of the parents, OR

non-parent, who has had physical custody of the child(ren) for six months or more, and the physical custody did not end more than six months before the filing of this action.

2. Information about Respondent/Co-Petitioner: Check if in Military

Date of Birth: _____ Social Security Number: _____

Current Mailing Address: _____

City, State & Zip Code: _____

Home Phone #: _____ Work Phone #: _____ Cell #: _____

Respondent/Co-Petitioner has the following relationship with the minor child(ren):

child(ren)'s mother, OR

child(ren)'s father

3. The minor child(ren) is/are:

Name	Present Address	Sex	Date of Birth	Soc. Sec. No

4. Identify below the name and address of each person that the child(ren) has/have lived with over the past five years. Please identify the relationship to the child(ren).

Name	Address (City/State/Zip Code)	Time Period (Month/Year)	Type of Relationship to Child(ren)

5. I have participated in the following proceeding(s) regarding the child(ren) as a party or a witness, or in any other capacity concerning issues of custody/allocation of decision-making, or visitation/parenting time with the child(ren) (List the Court name, case number, state, date and type of proceeding):

Name of Court	Case Number	State	Date of Proceeding	Type of Proceeding

6. I/we know of the following proceeding(s) that could affect the current proceeding including, but not limited to proceedings for Dissolution of Marriage/Legal Separation, enforcement of Court orders, domestic violence or domestic abuse, protection/restraining orders, termination of parental rights, and adoptions. (List the Court name, case number, state, type of proceeding):

Name of Court	Case Number	State	Type of Proceeding

7. **Each party has a continuing duty to inform the Court of any proceeding(s) in this or any other state that could affect the current proceeding.**

8. The following people are not parties in this matter but have physical custody of the child(ren) or claim rights of parental responsibilities with the child(ren) (names and addresses of those persons):

Name of Person	Address (City/State & Zip Code)

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ _____ In re the Parental Responsibilities concerning: _____ Petitioner: _____ v. Respondent/Co-Petitioner: _____		▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number: _____ Division Courtroom
SUMMONS TO RESPOND TO PETITION FOR ALLOCATION OF PARENTAL RESPONSIBILITIES		

To _____ (Name of Respondent):

You are summoned and required to file with the Clerk of this Court a Response to the attached Petition within 20 days after this Summons is served on you in the State of Colorado, or within 30 days after this Summons is served on you outside the State of Colorado, or is published. Your response must be accompanied with the applicable filing fee of \$70.00.

The Petition requests that the Court enter a Order addressing issues involving the children such as, child support, allocation of parental responsibilities, (decision-making and parenting time), attorney fees and costs to the extent the Court has jurisdiction.

If you fail to file a Response or enter your appearance in this case, any or all of the matters above, or any related matters, which come before this Court, may be decided without further notice to you.

This is an action to obtain a Order of Allocation of Parental Responsibilities, as more fully described in the attached Petition, and for further orders regarding the children **as set forth below:**

Dated: _____

 Signature of the Clerk of Court/Deputy

 Signature of the Attorney for the Petitioner (if any)

WAIVER AND ACCEPTANCE OF SERVICE

I declare under oath that I am the Respondent in this case, that I have received and accept service of the Summons and Petition in this case, and consent to the jurisdiction of this Court to determine all issues raised in the pleadings as if I were served by personal service within the State of Colorado.

Check one:

I am not in the military service. This waiver of service shall not be construed as an admission by me of the truth of the allegations in the Petition and I reserve the right to receive notices of settings and the right to respond and appear in person.

OR

I am in the active military service of the United States of America. After consultation with the base legal officer or other counsel of my choice, I have decided to waive the stay (or postponement) provisions of the Soldiers' and Sailor's Civil Relief Act, 50 U.S.C. §520, et seq., as well as my right to court-appointed counsel under the Act and permit the action to proceed. This waiver of service shall not be construed as an admission by me of the truth of the allegations in the Petition.

- I reserve the right to receive notices of settings and the right to respond and appear in person.
- I waive my right to receive any further notice of the proceedings.

Dated: _____

Signature of Respondent

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

My commission expires: _____

Notary Public

RETURN OF SERVICE

I declare under oath that I served this Summons and a copy of the Petition in this case on the Respondent in _____ (County) _____ (State) on _____ (date) _____ (time) at the following location:

Check one:

- By handing it to a person identified to me as the Respondent.
- By leaving it with the Respondent who refused service.
- By leaving it with _____ designated to receive service for the Respondent.
- I am over the age of 18 years and am not interested in nor a party to this case.
- I attempted to serve the Respondent on _____ occasions but have not been able to locate the Respondent. Return to the Petitioner is made on _____ (date).

Private process server
 Sheriff, _____ County
Fee \$ _____ Mileage \$ _____

Signature of Process Server

Name (Print or type)

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

My commission expires: _____

Notary Public

<input type="checkbox"/> District Court _____ County, Colorado Court Address: _____	▲ COURT USE ONLY ▲
In Re the Matter of: Petitioner: _____ v. Respondent/Co-Petitioner: _____	
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
RESPONSE TO PETITION FOR ALLOCATION OF PARENTAL RESPONSIBILITIES	

The Relief requested in the Petition should should not be granted for the following reasons:

The information in the Petition is incorrect. The following is the correct information:

I request that the Court:

 Attorney signature, (if any)

 Signature Date

 Print Attorney name (if any)

 Address

 City, State, Zip Code

 (Area Code) Telephone Number (home and work)

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original and one copy of this document were filed with the court; and, a true and accurate copy of the *RESPONSE TO PETITION FOR ALLOCATION OF PARENTAL RESPONSIBILITIES* 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: _____

TO: _____

(Your signature)

<input type="checkbox"/> District Court <input type="checkbox"/> Juvenile Court _____ County, Colorado Court Address: _____ In re the Parental Responsibilities concerning: _____ Petitioner: _____ v. Respondent/Co-Petitioner: _____	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ _____ _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division Courtroom
PARENTING PLAN/CHILD SUPPORT OBLIGATION AGREEMENT	

This form may be used by unmarried parents or other parties to address parental responsibility and child support issues. Please indicate below how this form is being used:

- This is a parenting plan agreed to by the parties.
- This is the parenting plan requested by _____ (name of party).
- There are are not any remaining disputed issues concerning the parenting plan. If disputed issues, please indicate the section number of the disputed issue(s) _____

This form **DOES NOT** include every possible issue you may want to address. An "Other Terms" section has been provided for items you would like to add. If you need more space than is provided, attach additional pages to the form. If the form includes issues that do not apply to your situation, write "Not Applicable" or "N/A" in that section. However, you **MUST** submit to the Court some form of **WRITTEN** Permanent Parenting Plan addressing all of the issues which are relevant to the facts of your case. If you do not, the Court **MUST** enter its own plan, and this may not be the plan you think is in the best interests of you or for your child(ren). When the Court either approves your plan, or enters its own, the plan will become a Court Order.

1. INFORMATION ABOUT THE PARTIES

The Petitioner is the child(ren)'s:

- Mother
- Father
- Other (state relationship to children) _____

The Respondent/Co-Petitioner is the child(ren)'s:

- Mother
- Father
- Other (state relationship to children) _____

2. INFORMATION ABOUT THE CHILD(REN)

Name	Present Address	Sex	Date of Birth	Soc. Sec. No

3. PARENTING TIME

A. WEEKDAY AND WEEKEND SCHEDULE

The child(ren) will be in the care of the Petitioner (list days of the week and times):

The child(ren) will be in the care of the Respondent/Co-Petitioner (list days of the week and times):

Transportation arrangements will be:

B. SUMMER SCHEDULE

The weekday and weekend schedule above will apply for all 12 calendar months, with no specific changes during the summer.

OR

During the summer months, the child(ren) will be in care of the Petitioner (list days of the week and times):

AND

During the summer months, the child(ren) will be in care of the Respondent/Co-Petitioner (list days of the week and times):

C. CHILD(REN)'S TRAVEL

The parties agree that should either of them travel away from home with the child(ren), each party will keep the other party informed of travel plans, address(es), and telephone number(s) where that party and the child(ren) can be reached.

The parties do not agree or the parties have additional travel agreements regarding the children, as follows:

D. HOLIDAYS, VACATIONS, SPECIAL OCCASIONS, AND RELIGIOUS EVENTS

The following schedule will take priority over the regular weekday, weekend, and summer schedules discussed above. Please check all that apply and indicate the time and place of exchange, which party the child(ren) will spend time with, and the schedule, i.e. even/odd years, alternating events, etc.

Event	Time	Place	Name of party spending time with child(ren)	Schedule
<input type="checkbox"/> New Year's Eve				
<input type="checkbox"/> New Year's Day				
<input type="checkbox"/> Spring Vacation				
<input type="checkbox"/> Mother's Day				
<input type="checkbox"/> Memorial Day				
<input type="checkbox"/> Father's Day				
<input type="checkbox"/> July 4th				
<input type="checkbox"/> Labor Day				
<input type="checkbox"/> Thanksgiving Break				
<input type="checkbox"/> Thanksgiving Day				
<input type="checkbox"/> Winter Break				
<input type="checkbox"/> Family Birthdays <input type="checkbox"/> Children's <input type="checkbox"/> Parties				
<input type="checkbox"/> Religious Events				
<input type="checkbox"/> Holiday Events				

Other Parenting Time Arrangements:

ONCE FILED, THE PARTIES MAY MAKE SUBSTANTIAL, PERMANENT MODIFICATIONS TO THIS PARENTING PLAN ONLY BY WRITTEN AGREEMENT, SIGNED BY BOTH PARTIES AND FILED WITH THE COURT. MINOR, NON-PERMANENT CHANGES MAY BE MADE ANY TIME IF BOTH PARTIES AGREE TO THE CHANGES. IF APPROPRIATE, A WRITTEN MEMORANDUM MAY BE PREPARED TO DOCUMENT THE MINOR, NON-PERMANENT CHANGES FOR BOTH PARTIES TO SIGN AND ACKNOWLEDGE.

E. TELEPHONE ACCESS

Each party may have reasonable telephone contact with the child(ren) during the child(ren)'s normal waking hours.

OR

Other: _____

F. ACCESS TO RECORDS

THE LAW PROVIDES THAT BOTH PARTIES HAVE ACCESS TO THE RECORDS OF THE CHILD(REN) INCLUDING SCHOOL, MEDICAL, DENTAL AND MENTAL HEALTH RECORDS UNLESS ACCESS IS LIMITED BY THE COURT. IF YOU BELIEVE THAT THERE ARE VALID REASONS TO LIMIT THE OTHER PARTIES ACCESS TO RECORDS, YOU MUST ASK THE COURT TO LIMIT ACCESS, AND OBTAIN AN ORDER THAT DOES SO (§14-10-123.8, C.R.S.)

4. DECISION-MAKING

This parenting plan form reflects decision-making on major issues other than parenting time. In this plan, major decision-making does not include day-to-day decisions, which may be made by the current residential parent without the need to consult with the other party, unless you make such decisions a part of your plan. Day-to-day decisions include, but are not limited to, minor training or correction, minor medical and dental care, curfew, chores, allowance, and day-to-day decisions about clothing or hygiene during the time the child is with you.

The division of decision-making allows you to make several choices. You may decide that one party should make all of the major decisions alone. Or, you may decide that you and the other party will make all major decisions together. The third option is to address each major area of decision-making and decide which party will have the responsibility for which decision.

SELECT ONLY ONE OF THE THREE FOLLOWING OPTIONS:

1. MAJOR DECISION-MAKING BY ONE PARTY ONLY

The Petitioner Respondent/Co-Petitioner (check one) will make all of the major decisions regarding the child(ren). You have now selected a decision-making plan.

Go directly to paragraphs 5, 6, 7, 8, and 9 below.

2. ALL MAJOR DECISION-MAKING BY BOTH PARTIES

Both parties will make ALL major decisions regarding the child(ren) together. You have now selected a decision-making plan.

Go directly to paragraphs 5, 6, 7, 8 and 9 below.

3. MAJOR DECISION-MAKING DIVIDED BETWEEN THE PARTIES

Complete A, B, C, D and E below then complete paragraphs 5, 6, 7, 8, and 9 below.

A. EDUCATIONAL DECISION-MAKING (includes daycare unless specifically excluded)

The parties will make all major educational decisions together. If the parties do not reach an agreement, then they shall use the dispute resolution procedure in this parenting plan. (paragraph 6)

OR

The Petitioner Respondent/Co-Petitioner (check one) shall have the final decision-making responsibility regarding all major education decisions. However, if such decision involves additional expenses, the parties shall agree on the division of those expenses or, if they cannot agree, shall use the dispute resolution procedure in this plan. (paragraph 6)

- Both parties may participate in school conferences, events, and activities, and may consult with teachers and other school personnel. For purposes of school attendance only, the child(ren)'s residence will be with the Petitioner Respondent/Co-Petitioner.
- Other arrangements as to educational decision-making:

B. MEDICAL, DENTAL AND MENTAL HEALTH DECISION-MAKING

NOTE: You must decide on the issue of payment of medical, dental and mental health expenses. If you do not use this form to express your decisions on these issues, then the Court will make that decision and order payment of these expenses as part of the child support calculation. If you make these decisions here, make sure that you include the expense in the child support calculation.

- The parties will make the final decision regarding major medical/dental decisions for the child(ren) together. If the parties do not reach an agreement, then they shall use the dispute resolution procedures in this parenting plan. (paragraph 17)

OR

- The Petitioner Respondent/Co-Petitioner (check one) shall have the final decision-making responsibility regarding major medical/dental decisions for the child(ren). However, if such decision involves additional expenses, the parties shall agree on the division of those expenses or, if they cannot agree, shall use the dispute resolution procedure in this plan. (paragraph 6)
- Both parties agree that, under emergency circumstances, it is sufficient for either party to sign legal releases to get medical treatment or to take other necessary measures.

PLEASE CHECK YOUR CHOICES BELOW REGARDING THE MEDICAL, DENTAL AND MENTAL HEALTH OF YOUR CHILD(REN).

- In the event of a dispute about the necessity or type of medical treatment for the minor child(ren), either party shall be allowed to obtain necessary medical treatment for the minor child(ren).
- Both parties agree to advise/inform the other party immediately regarding:
 - emergency medical/dental care sought for the child(ren)
 - names, addresses, and telephone numbers of all medical/mental care practitioners
 - health matters pertaining to the child(ren).
- Other arrangements as to medical and/or dental decision-making:

C. RELIGIOUS DECISION-MAKING

- The parties will make all major religious decisions for the child(ren) together. If the parties do not reach an agreement, then they shall use the dispute resolution procedures in this parenting plan.

OR

- The Petitioner Respondent/Co-Petitioner (check one) will have the authority to make decisions concerning the religious practices of the child(ren).
- Other agreements regarding religious decisions:

D. EXTRACURRICULAR AND RECREATIONAL ACTIVITIES

- The parties will make the final decision regarding extracurricular and recreational activities together.

OR

- The Petitioner Respondent/Co-Petitioner (check one) will have the right to make all decisions concerning extracurricular and recreational activities for the child(ren). However, if such decision involves additional expenses, the parties shall agree on the division of those expenses or, if they cannot agree, shall use the dispute resolution procedure in this plan.

OR

- Each party has final decision-making authority for activities that occur only during that party's parenting time and shall be solely responsible for transportation for and expenses of, participation in those activities that occur during that party's parenting time.
- Other agreements regarding extracurricular and recreational activities:

5. EMERGENCIES (OTHER THAN MEDICAL)

- Both parties agree that, under emergency circumstances, it is sufficient for either party to sign legal releases or to take other necessary measures.
- Other:

6. RELOCATION

Relocation refers to moving the child(ren)'s residence so that the geographic ties between the child(ren) and the other party are substantially changed. At the time of this agreement, the Petitioner Respondent/Co-Petitioner neither party is planning to relocate.

- The parties have agreed on the relocation plans for the child(ren) as follows:

The parties have not agreed on relocation plans, and request that the Court make that determination.

If the parties do not have a written agreement or Court Order, the child(ren) may not move out of this state.

7. ADDITIONAL ARRANGEMENTS (Check all that apply and fill in appropriate information.)

- Each party will inform the other party of any changes of business or residential address and / or phone number in advance **OR** within _____ days/weeks of the change.
- Both parties will consult with one another in advance of any change to the schedule that would affect either party's access to the children. Without a signed agreement by both parties, with copies to each, no such change which violates the Court Order will be honored by the Court.
- Both parties agree that all communications regarding the child(ren) will be between the parties and that they will not use the child(ren) to convey information or to set up visitation changes.
- Both parties agree that they will not belittle or criticize the other party in front of the child(ren).

8. COMPLIANCE WITH STATE AND FEDERAL STATUTES

The child(ren) named in this parenting plan is/are scheduled to reside the majority of the time with the Petitioner Respondent/Co-Petitioner (check one). That party is designated the custodian of the child(ren) solely for the purposes of all federal and state statutes which require a designation or determination of custody. This designation shall not affect either party's rights and responsibilities under this parenting plan, or under Colorado law. If this designation is not what you want, you must specifically choose a party to be the "custodian" for purposes of other statutes. Name the party here: _____

9. CHILD SUPPORT (A Child Support Obligation Worksheet must be filed.)

- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)
The Petitioner Respondent/Co-Petitioner Other _____ (check one) shall pay child support to the Petitioner Respondent/Co-Petitioner Other _____ (check one) in the sum of \$ _____ per month pursuant to the Colorado Child Support Guidelines, beginning _____ (date) and continuing until the child(ren) reach(es) the age of 19 or is/are emancipated at an earlier age, or the Court modifies child support.
- Child support payments will be paid to: (check one)
 - Family Support Registry P. O. Box 2171, Denver, CO 80201-2171.
 - The Parties request that the Court order the payment to be made directly to the appropriate person.
- Child support payments will be paid as follows:
 - Monthly Bi-weekly Weekly Other _____
- Request for Deviation from Child Support Guidelines. The parties are requesting that the Court deviate from the Child Support guidelines pursuant to §14-10-115(3)(a), C.R.S. for the following reasons: (The decision for a deviation in child support is final ONLY upon the order of the Court.)

The parties do not agree on this issue.

An income assignment will be activated immediately with the responsible party's employer unless the Court or delegate child support enforcement unit finds, in writing, that there is good cause not to require immediate activation of an income assignment pursuant to §14-14-111.5(3)(a)(II), C.R.S.

10. FUTURE CHILD SUPPORT MODIFICATION AND EXCHANGE OF FINANCIAL INFORMATION

The Court must enter an Order for any modification to be effective. The provisions of any Order regarding child support may be modified only upon a showing of changed circumstances that are substantial and continuing. Income changes that result in more than a 10% change in the amount of child support due may be considered by the Court to be substantial and continuing.

The parties will will not (check one) exchange financial information, including updated financial affidavits and verification of insurance and its costs for the purposes of modifying the child support order without a hearing.

The parties will exchange financial information in the following manner and time period:

The parties do not agree on this issue.

11. MEDICAL/DENTAL INSURANCE FOR CHILD(REN)

Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)

Petitioner _____ (name) shall provide medical dental insurance for the child(ren) until emancipation. If not all children, please identify the names of the children you will be providing insurance for. _____

Respondent/Co-Petitioner _____ (name) shall provide medical dental insurance for the child(ren) until emancipation. If not all children, please identify the names of the children you will be providing insurance for. _____

The parties do not agree on this issue.

A support order for deduction of health insurance shall be entered by the Court and served upon the responsible party's employer.

12. EXTRAORDINARY / UNINSURED MEDICAL, DENTAL OR MENTAL HEALTH EXPENSES FOR CHILD(REN)

Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.)

Extraordinary/uninsured medical, dental or mental health expenses for the child(ren) shall be divided, with Petitioner paying _____ % and Respondent/Co-Petitioner paying _____ % of every expense.

OR

- Extraordinary/uninsured medical expenses for the child(ren) shall be divided in proportion to each party's income.

OR

- Other: _____

- The parties do not agree on this issue.

13. OTHER EXTRAORDINARY EXPENSES FOR CHILD(REN) (expenses not covered under Basic Child Support Guidelines)

- Both parties agree on this issue. (If you agree, please indicate the terms of agreement below.) Are there any other extraordinary expenses for the child(ren), not covered under the Basic Child Support Guidelines, which you would like to address at this time?

- The parties do not agree on this issue.

14. EDUCATION

A. Private school expenses:

- Both parties agree to the private school expenses.
 - Private education expenses for the child(ren) shall be divided with Petitioner paying ____ % Respondent/Co-Petitioner paying ____ % of every expense. Private education expenses shall include:
 - Tuition (indicate any ceilings or restrictions) _____
 - Room and Board
 - Books
 - Fees
 - Travel
 - Other: _____

- The parties do not agree to the private school expenses.

B. Post-secondary education expenses cannot be ordered by the Court without an agreement. If you agree that they should be paid by the parties, please indicate the terms of agreement below:

- Post-secondary education expenses for the child(ren) shall be divided with Petitioner paying _____ % Respondent/Co-Petitioner paying _____ % of every expense. Post-secondary expenses shall include:
 - Tuition (indicate any ceilings or restrictions) _____
 - Room and Board
 - Books
 - Fees
 - Travel
 - Other: _____

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ In re the Parental Responsibilities concerning: _____ Petitioner(s): v. Respondent(s)/Co-Petitioner:	▲ COURT USE ONLY ▲ <hr/> Case Number: Division Courtroom
ORDER FOR ALLOCATION OF PARENTAL RESPONSIBILITIES	

This matter was heard on _____ (date).

Petitioner Appeared in person. Participated by telephone. Did not appear.

Respondent/Co-Petitioner Appeared in person. Participated by telephone. Did not appear.

The Court has examined the records and evidence presented and has heard the testimony and statements of the parties and makes the following findings:

1. The Court has jurisdiction over the Petitioner and the minor children.
2. The Court does does not have jurisdiction over the Respondent/Co-Petitioner.
 - The Respondent was served in _____ (name of state) on _____ (date).
 - The Respondent signed an Acceptance and Waiver of Service on _____ (date).
 - The child(ren) was/were conceived in Colorado.
 - The Respondent was served by publication on _____ (date) pursuant to §14-10-107(4)(a), C.R.S. and/or §14-13-108, C.R.S. if the Respondent does not reside in Colorado.
 - Other jurisdiction _____.
3. The Petitioner is the biological mother father grandparent other _____ of the minor children.
4. The Respondent/Co-Petitioner is the biological mother father grandparent other _____ of the minor child(ren).
5. The following minor child(ren) is/are:

Name	Sex	Date of Birth	Social Security Number

The Court, based on these Findings, Orders as follows:

1. The Parenting Plan/Child Support Obligation Agreement (JDF 1421) is found to be in the best interest of the child(ren) and is incorporated into this Order and made an Order of the Court.
2. The Parenting Plan (JDF 1113) is found to be in the best interest of the child(ren) and is incorporated into this Order and made an Order of the Court.
3. The Court finds that it is in the best interest of the child(ren) to allocate decision-making responsibilities as follows:
 - _____ (name of party) shall have sole decision-making responsibilities.
 - The parties shall jointly share decision-making responsibilities.
 - Other as set forth in the "Additional Court Orders" section below.

4. Parenting time as set forth below is found to be in the best interest of the child(ren) and is ordered as follows:

5. Child Support shall be paid as set forth in Support Order (JDF 1117) or another Order dated _____.

or

6. The Petitioner Respondent/Co-Petitioner _____ shall pay child support to _____ (name of party) commencing on _____ (date) and continuing until the children reach the age of 19 or are emancipated at an earlier age, or the Court modifies child support.
 - Child support payments shall continue until further Order of the Court. Payments shall be mailed to:
 - Family Support Registry P. O. Box 2171, Denver, CO 80201-2171.
 - or**
 - Child Support shall be paid directly to _____ (name of party).
 - Child support payments shall be paid as follows:
 - Monthly Bi-weekly Weekly Other _____. The first payment is due on _____ (date)

7. Additional Court Orders are as follows:

Dated: _____

By the Court:

- _____
 District Court Judge
 District Court Magistrate

<input type="checkbox"/> District Court <input type="checkbox"/> Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In the Interest of: Petitioner: v. Respondent:	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
PETITION IN PATERNITY	

I, _____ Petitioner, ask this Court to find Petitioner, Respondent, to be the father of the child(ren) named in this Petition, and state that:

1. Information about the Petitioner: Mother Father Check if in Military

Date of Birth: _____ Soc. Sec. No.: _____
 Current Mailing Address: _____
 City & Zip: _____
 Home Phone #: _____ Work Phone #: _____ Cell #: _____
 Length of Residence in Colorado: _____

2. Information about the Respondent: Mother Father Check if in Military

Date of Birth: _____ Soc. Sec. No.: _____
 Current Mailing Address: _____
 City & Zip: _____
 Home Phone #: _____ Work Phone #: _____ Cell #: _____
 Length of Residence in Colorado: _____

3. Respondent, is the other biological parent of the following child(ren):

Name	Present Address	Sex	Date of Birth	Soc. Sec. No.

4. The Court has jurisdiction over the Respondent.

5. The minor child(ren) live(s) in this County.

6. a. The child(ren) has/have lived at the following address(es) over the past five years:

b. The name(s) and present address(es) of the person/people with whom the child(ren) has/have lived over the past five years are:

7. I have participated in the following proceeding about the child(ren) as a party or a witness, or in any other capacity concerning the custody/allocation of decision-making or visitation/parenting time with the child(ren) (court, case number, state, date of child-custody determination, if any):

8. The following proceeding for enforcement, proceedings relating to domestic violence or domestic abuse, protection orders, termination of parental rights, and/or adoptions could affect the current proceeding (court, case number, state, nature of proceeding):

9. The following people are not parties in this matter but have physical custody of the child(ren) or claim rights of parental responsibilities, legal custody or physical custody, or visitation/parenting time with the child(ren) (names and addresses of those persons):

10. **Each party has a continuing duty to inform the Court of any proceeding in this or any other state that could affect the current proceeding.**

11. I seek the following:

Determination that Petitioner Respondent is the father.

- Order that the Birth Certificate(s) be changed to show Petitioner Respondent as the father.
- Child Support on a monthly basis by income assignment to Petitioner's Respondent's employer.
- Past child support including birthing expenses.
- Medical support for the minor child(ren).
- Allocation of parental responsibilities be addressed.
- Parenting time be addressed.
- Costs be addressed.

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?

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?

Date: _____

 Petitioner

 Address

 City, State, Zip Code

 (Area Code) Telephone Number (home and work)

I, _____, declare under oath that I am the father mother of the minor child(ren) of this action; and that the statements contained in this *PETITION IN PATERNITY* are true to the best of my knowledge and belief.

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

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In the Interest of: Petitioner: v. Respondent:		↑ COURT USE ONLY ↑
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
SUMMONS		

TO: _____

You are hereby notified that a Petition has been filed in this Court in which it is represented that Petitioner Respondent is the parent of the above named child(ren). In this Petition, it is requested that the Court enter judgment determining paternity, requiring the parents to pay for the support of the child(ren), enter orders regarding parental responsibilities, and to grant such further relief as the Court deems proper, including the possibility of requiring you to pay costs of this action. Your response must be accompanied with the applicable filing fee of \$70.00.

You are hereby summoned to appear for a hearing in Division _____ of the District Court or Denver Juvenile Court, at the above address, on _____ (date), at _____ (time), at which time an Order may be entered requiring you to pay support and other costs asked for in the Petition, a copy of which is attached.

If you fail to appear at the stated time and place, the Court may enter judgment finding you to be the parent of the child, enter child support orders, and address the other issues raised in the Petition.

Date: _____

Clerk of the Court

By: _____
Deputy Clerk

Petitioner

Address

City, State, Zip Code

(Area Code) Telephone Number (home and work)

Case Name _____ v. _____ Case Number: _____

RETURN OF SERVICE

I declare under oath that, I am over the age of 18 years and not a party to this case, and that I served this Summons and a copy of the Petition in this case, on _____ (Respondent), in _____ (County) _____ (State), on _____ (date), at _____ (time), at the following location: _____.

- by handing them to a person identified to me as the Respondent, _____.
- by identifying these documents, offering to deliver them and then leaving them with a person identified to me as the Respondent, _____, who refused service.
Physical description of person served: _____
- by leaving them at the Respondent's usual place of abode with _____, a member of Respondent's family who is over the age of 18.
- by leaving them at the Respondent's usual place of business with _____, the Respondent's secretary, bookkeeper or chief clerk.
- by leaving them with _____, who as _____ (title) is authorized to receive service of process for the Respondent.
- I attempted to serve the Respondent on _____ occasions but have not been able to locate the Respondent. Return to the Petitioner is made on _____ (date).

Signature Date

Private Process Server
 Sheriff, _____ County
Service: \$ _____ Mileage: \$ _____

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

My commission expires: _____

Notary Public

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In the Interest of: Petitioner: v. Respondent:	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: Division Courtroom
WAIVER OF SERVICE	

I, _____, accept service on _____ (date) of the Summons and Verified Petition in this case, having received a copy of each and consent to the hearing held on the date set in the Summons or any date and time the case is continued for hearing.

Respondent

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

My commission expires: _____

Deputy Clerk/Notary Public

RETURN OF SERVICE

I declare under oath that I served this summons and a copy of the petition in this case on the Respondent in _____ County on _____ (date) at the following location: _____

- by handing it to a person identified to me as the Respondent.
- by leaving it with the respondent who refused service.
- by leaving it with _____ designated to receive service for the Respondent.
- I am over the age of 18 years and am not interested in nor a party to this case.
- I attempted to serve the Respondent on _____ occasions but have not been able to locate the Respondent. I returned it to the Petitioner on _____ (date).

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

My commission expires: _____

Deputy Clerk/Notary Public

VERIFICATION AND ACKNOWLEDGEMENT

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

Date: _____

Petitioner OR Respondent _____ Age

Address

City, State, Zip Code

(Area Code) Telephone Number (home and 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

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original and one copy of this document were filed with the Court; and, a true and accurate copy of the **MOTION FOR GENETIC TESTING** 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)

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In the Interest of: Petitioner: v. Respondent:	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
AGREEMENT FOR GENETIC TESTING	

Petitioner and Respondent agree to the following:

1. The Petitioner or Respondent requests genetic testing and denies that he is the father of the minor child(ren):

Name of Child(ren)	Sex	Date of Birth

2. It is agreed that the Child(ren), Petitioner, and Respondent will submit to genetic testing.

Name of Lab: _____ Date: _____ Time: _____
 Address of Lab: _____

3. Costs of genetic testing shall initially be paid by: ____% Petitioner ____% Respondent
4. If _____ (name of party) fails to appear for the testing, the Court may find him to be the father.
5. The matter will be set for hearing once the test results are received.
6. The parties agree to notify the Court, in writing, of any change of address or employment within ten days of the change.

I have read this agreement, understand the terms and agree to be bound by those terms.

 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

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: <hr/> In the Interest of: Petitioner: v. Respondent:	▲ COURT USE ONLY ▲ <hr/> Case Number: Division Courtroom
ORDER FOR GENETIC TESTING BY AGREEMENT	

The Court, having read the foregoing agreement between the parties regarding genetic testing, FINDS THAT, the same is fair and not unconscionable, and therefore makes the same an order of the Court.

The parties shall appear for genetic testing as stated in the agreement.

Costs of testing shall be paid by: _____% Petitioner _____% Respondent

Dated: _____

BY THE COURT:

 District Court Judge
 District Court Magistrate

CERTIFICATE OF MAILING

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

- Petitioner
- Petitioner's Attorney
- Respondent
- Respondent's Attorney

 Clerk

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ In the Interest of: Petitioner: v. Respondent:	↑ COURT USE ONLY ↑ Case Number: _____ Division Courtroom
ORDER FOR GENETIC TESTING	

The Court, having read and considered the Motion for Genetic Testing, having reviewed the case file and being fully advised in the premises therein, rules as follows:

The Court finds that it appropriate to grant the motion. It is therefore Ordered:

1. The parties are ordered to submit to genetic testing at _____ (Name of Lab) on _____ (Date), at _____ (Time).
2. Pursuant to §§19-14-112 and 13-25-126, C.R.S. as amended, the parties shall cooperate with the genetic testing.
3. Pursuant to §19-4-117, C.R.S. as amended, costs of genetic testing shall be paid by:
 _____% Petitioner _____% Respondent
4. Should the Petitioner Respondent fail to comply with said testing, a default order may enter pursuant to §13-25-126(1)(a), C.R.S. as amended.
5. The matter shall be set for a hearing by Petitioner Respondent before this Court, for review of the testing results once the results are received.
6. Both parties are ordered to notify the Court, in writing, of any change of address for notice purposes.

Dated: _____

BY THE COURT:

- _____
 District Court Judge
 District Court Magistrate

CERTIFICATE OF MAILING

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

- Petitioner
- Petitioner's Attorney
- Respondent
- Respondent's Attorney

 Clerk

<input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ <hr/> In Re: Petitioner: v. Respondent/Co-Petitioner: _____	▲ COURT USE ONLY ▲ <hr/> Case Number: _____ Division Courtroom
ORDER OF APPOINTMENT OF GUARDIAN AD LITEM	

THE COURT, having read and considered the *Motion to Appoint a Guardian Ad Litem* and responses thereto and being advised in the premises, finds and orders as follows:

1. The Court grants the *Motion to Appoint a Guardian Ad Litem*.
2. The Court appoints _____ as Guardian Ad Litem for the minor child of this action.
3. The address and telephone number of the Guardian Ad Litem is as follows:

Address: _____

Telephone: _____
4. The Guardian Ad Litem shall represent the best interest of the child. The parties and their counsel, if any, are ordered to cooperate with the Guardian Ad Litem ("GAL").
5. Payment of the GAL shall be as follows:

The parties are found to be indigent and the GAL shall be paid by the State of Colorado at the state rate at the time of appointment.

The parties are not indigent. A retainer equal to 10 hours at the normal hourly rate set by the GAL shall be paid prior to the GAL beginning work. Payment of the fees and costs shall be divided between the parties as follows:

_____ % paid by Petitioner and _____ % paid by Respondent
6. The GAL is authorized to completely investigate any and all matters pertaining to the welfare of the child and the custody/allocation of parental responsibilities and parenting time issues. The parties are to execute any and all necessary releases required for the GAL's investigation. This order shall act as authorization for the GAL to acquire privileged information about the child from any and all sources, including but not limited to schools, therapists, court personnel, law enforcement agencies and health care providers. The GAL shall make personal contact with the child.
7. The parties are not to discuss any issue in the case with the child(ren). Questions the child(ren) may have should be referred to the GAL.

8. At such time as the GAL deems necessary, the GAL shall report to the Court either orally or in writing as to their findings and recommendations. Such reports may be on an *ex parte* basis with verification and affidavit at the discretion of the court in appropriate circumstances.
9. The parties and their counsel, if any, are ordered to refrain from interfering with the GAL in any way, including refraining from engaging in any abusive language or conduct directed toward the GAL or minor child(ren).
10. The GAL is an attorney of record for this case, with all rights and privileges accorded to other attorneys of record, including the right to receive copies of all pleadings, exhibits, documents, report and the like. The GAL shall receive notice of all Court settings and hearings. The GAL shall have the right to conduct discovery, motion practice, and fully participate in any trial, hearing or settlement negotiations.

There are no future hearing dates at this time.

This matter is scheduled for hearing on _____(date) at _____(time).

Dated: _____

BY THE COURT:

 District Court Judge
 District Court Magistrate

3. Information about the Father: Petitioner Respondent/Co-Petitioner Check if in Military

Date of Birth: _____ Social Security Number: _____

Current Mailing Address: _____

City, State & Zip Code: _____

Home Phone #: _____ Work Phone #: _____ Cell #: _____

4. The name(s), address(es) and birth date(s) of the minor child(ren) is/are:

Name	Present Address	Sex	Date of Birth	Soc. Sec. No

5. The parental rights of the parents of the minor child(ren) have been terminated. Yes No If they have been terminated, please furnish the case number: _____

6. No other motions for grandparent visitation have been filed in the past two years. If other motions have been filed, state when the motion(s) was/were filed and the issue/cause for the motion(s).

7. Visitation with the grandparent(s) is in the child(ren)'s best interest for the following reasons:

8. The grandparent(s) wish(es) to have visitation with the minor child(ren) at the following times and under the following conditions:

District Court, _____ County, Colorado Court Address:	COURT USE ONLY
In Re _____ : Petitioner: v. Respondent/Co-Petitioner:	
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division: _____ Courtroom: _____

WORKSHEET A – CHILD SUPPORT OBLIGATION: SOLE PHYSICAL CARE

Children	Date of Birth	Children	Date of Birth	
Check box of parent with 273 or more overnights per year*		<input type="checkbox"/> Mother	<input type="checkbox"/> Father	Combined
1. MONTHLY GROSS INCOME		\$	\$	
a. Plus maintenance received		+	+	
b. Minus maintenance paid		-	-	
c. Minus ordered child support payments for other children [14-10-115(7)(d), C.R.S.]		-	-	
d. Minus legal responsibility for prior born children not of this marriage/relationship [14-10-115(7)(d.5), C.R.S.]		-	-	
e. Minus ordered post-secondary education contributions**		-	-	
2. MONTHLY ADJUSTED GROSS INCOME (If either the paying parent's income or Combined Income is less than \$850, enter \$50 on line 11 for paying parent)		\$	\$	\$
3. PERCENTAGE SHARE OF INCOME (Each parent's income from line 2 divided by Combined Income)		%	%	
4. a. BASIC COMBINED OBLIGATION (Apply line 2 Combined column to Child Support Schedule)				\$
b. Each parent's share of basic support obligation (Each parent's percentage from line 3 times Combined obligation in 4a)		\$	\$	
5. LOW-INCOME ADJUSTMENT (If paying parent's income in line 2 is less than \$1850, see Low-income Worksheet on page 2)		\$	\$	
6. ADJUSTMENTS (Expenses paid directly by each parent)				
a. Work-related Child Care Costs [Actual costs minus Federal Tax Credit. 14-10-115(11), C.R.S.]		\$	\$	
b. Education-related Child Care Costs [14-10-115(11), C.R.S.]		\$	\$	
c. Health Insurance premium costs – Children's portion only [14-10-115(13.5), C.R.S.] (See page 2 for calculation worksheet)		\$	\$	
d. Extraordinary Medical Expenses [Uninsured only. 14-10-115(13.5), C.R.S.]		\$	\$	
e. Extraordinary Expenses [Agreed to by parents or by order of the court. 14-10-115(13), C.R.S.]		\$	\$	
f. Minus Extraordinary Adjustments [14-10-115(13)(b), C.R.S.]		\$	\$	
7. TOTAL ADJUSTMENTS (For each column, add 6a, 6b, 6c, 6d and 6e. Subtract line 6f. Add two totals for Combined column amount)		\$	\$	\$
8. EACH PARENT'S FAIR SHARE OF ADJUSTMENTS (Line 7 Combined column times line 3 for each parent)		\$	\$	
9. EACH PARENT'S SHARE OF TOTAL CHILD SUPPORT OBLIGATION (Add lines 4b (or line 5 if less) and line 8 for each parent)		\$	\$	
10. PAYING PARENT'S ADJUSTMENT (Enter line 7 for parent with less parenting time only)		\$	\$	
11. RECOMMENDED CHILD SUPPORT ORDER (Subtract line 10 from line 9 for the paying parent only. Leave receiving parent column blank)		\$	\$	

District Court, _____ County, Colorado Court Address:	COURT USE ONLY
In Re _____: Petitioner: v. Respondent/Co-Petitioner:	
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: Division: _____ Courtroom: _____

WORKSHEET B – CHILD SUPPORT OBLIGATION: SHARED PHYSICAL CARE

Children	Date of Birth	Children	Date of Birth	
		Mother	Father	Combined
1. MONTHLY GROSS INCOME		\$	\$	
a. Plus maintenance received		+	+	
b. Minus maintenance paid		-	-	
c. Minus ordered child support payments for other children [14-10-115(7)(d), C.R.S.]		-	-	
d. Minus legal responsibility for prior born children not of this marriage/relationship [14-10-115(7)(d.5), C.R.S.]		-	-	
e. Minus ordered post-secondary education contributions*		-	-	
2. MONTHLY ADJUSTED GROSS INCOME		\$	\$	\$
3. PERCENTAGE SHARE OF INCOME (Each parent's income from line 2 divided by Combined Income)		%	%	
4. BASIC COMBINED OBLIGATION (Apply line 2 Combined column to Child Support Schedule)				\$
5. SHARED PHYSICAL CARE SUPPORT OBLIGATION (Line 4 times 1.5)				\$
6. EACH PARENT'S PORTION OF SHARED PHYSICAL CARE SUPPORT OBLIGATION (Line 3 times line 5 for each parent)		\$	\$	
7. OVERNIGHTS WITH EACH PARENT (Must total 365)				= 365
STOP HERE IF LINE 7 IS LESS THAN 93 FOR EITHER PARENT. IF SO, USE WORKSHEET A				
8. PERCENTAGE TIME WITH EACH PARENT (Line 7 ÷ 365)		%	%	
9. SUPPORT OBLIGATION FOR TIME WITH OTHER PARENT (Line 6 times other parent's line 8)		\$	\$	
10. ADJUSTMENTS (Expenses paid directly by each parent)				
a. Work-related Child Care Costs [Actual costs minus Federal Tax Credit. 14-10-115(11), C.R.S.]		\$	\$	
b. Education-related Child Care Costs [14-10-115(11), C.R.S.]		\$	\$	
c. Health Insurance premium costs – Children's portion only [14-10-115(13.5), C.R.S.] (See page 2 for calculation worksheet)		\$	\$	
d. Extraordinary Medical Expenses [Uninsured only. 14-10-115(13.5), C.R.S.]		\$	\$	
e. Extraordinary Expenses [Agreed to by parents or by order of the court. 14-10-115(13), C.R.S.]		\$	\$	
f. Minus Extraordinary Adjustments [14-10-115(13)(b), C.R.S.]		\$	\$	
11. TOTAL ADJUSTMENTS (For each column, add 10a, 10b, 10c, 10d and 10e. Subtract line 10f. Add two totals for Combined column amount)		\$	\$	
12. EACH PARENT'S SHARE OF ADJUSTMENTS (Line 11 Combined column times line 3 for each parent)		\$	\$	
13. ADJUSTMENTS PAID IN EXCESS OF FAIR SHARE (Line 11 minus line 12. If negative number, enter zero)		\$	\$	

14. EACH PARENT'S ADJUSTED SUPPORT OBLIGATION (Line 9 minus line 13)	\$	\$	
15. RECOMMENDED CHILD SUPPORT ORDER** (Subtract lesser amount from greater amount in line 14 and enter result under greater amount)	\$	\$	
COMMENTS:			
<p>*This adjustment applies only to modification of child support orders entered between 7/1/91 and 7/1/97 that provide for post-secondary education expenses pursuant to §14-10-115(1.5) (b) (I), C.R.S.</p> <p>**If either the paying parent's monthly adjusted gross income or the combined monthly adjusted gross income is less than \$850, see §14-10-115(10)(a)(II)(B) and (C), C.R.S.</p>			
PREPARED BY:			DATE:

The amount of child support ordered for shared physical care should not be more than an order for sole physical care. Complete a Worksheet A for comparison.

HEALTH INSURANCE PREMIUM CALCULATION							
<p>If the actual amount of the health insurance premium that is attributable to the child(ren) who are the subject of this order is not available or cannot be verified, the total cost of the premium should be divided by the number of persons covered by the policy to determine a per person cost. This amount is then multiplied by the number of children who are the subject of this order and are covered by the policy. This amount is then entered on line 10c on page 1 of this form.</p>							
\$ _____	÷	_____	= \$ _____	X	_____	=	_____
Total Premium		Number of Persons Covered by the Policy	Per Person Cost		Number of Children Who Are the Subject of this Order		Children's Portion of Cost of Health Insurance Premium (Enter on line 10c)



APPENDIX IV

ADDITIONAL INFORMATION

Instruction on Completing Court Forms

- INSTRUCTIONS FOR ISSUING A SUBPOENA—JDF 79 223
- INSTRUCTIONS TO SET A HEARING AND INSTRUCTIONS TO COMPLETE A
NOTICE OF HEARING OR STATUS CONFERENCE FORM—JDF 1122 225
- INSTRUCTIONS FOR MOTION TO MODIFY PARENTING TIME—JDF 1406I 227
- INSTRUCTIONS FOR ALLOCATION OF PARENTAL RESPONSIBILITIES—JDF 1413I . . . 229
- INSTRUCTIONS TO ESTABLISH PATERNITY—JDF 1500 237
- **Representing Yourself in Court** **243**

INSTRUCTIONS FOR ISSUING A SUBPOENA

JDF 79 R1/04

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.

If reviewing the instructions online, please view the relevant rules. [RULE 345](#)

By accessing the Colorado Rules of Civil Procedure, you will be leaving the Colorado Judicial Department's website at www.courts.state.co.us

GENERAL INFORMATION

- A Subpoena must be served no later than 48 hours prior to the appearance date.
- A Subpoena to Appear is a document issued by the clerk at the request of one of the parties to require the appearance of a witness at a deposition, hearing or trial.
- A Subpoena to Produce (Subpoena Duces Tecum) is a document issued by the clerk at the request of one of the parties to require the witness to bring certain documents or evidence in their possession with them to a deposition, hearing or trial.
- A Court hearing or trial must be set prior to requesting the clerk to issue a Subpoena.

FEES

There is no filing fee for this process. However, you are required to pay the witness and mileage fees. See Step 4 below.

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

- ◆ 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
- ◆ Service Fees Varies (payable to process server)

FORMS (To access the form online, please click either PDF or WORD by the title of the form.) You may complete the form online or you may print it and type or print legibly in black ink.

- JDF 80 Subpoena to Appear or Produce
- JDF 85 Motion and Affidavit to Issue Subpoena per Crim. P.17(b)

STEPS TO ISSUING A SUBPOENA

Step 1: Complete the Motion and Affidavit to Issue Subpoena per Crim. P. 17(b) (JDF 85) ONLY if you plan to have the Court issue a Subpoena in a **Criminal case**. For a Civil Case proceed directly to Step 2.

- Complete all appropriate sections of this form.
- The Motion must be signed in the presence of a Court Clerk or Notary Public.
- If the Court approves the Motion, the Clerk will issue the subpoenas as requested. **Go to**

Step 2.

- If the Court does not approve the Motion, the Clerk will not be able to issue the subpoenas as requested.

Step 2: Complete the upper portion of the Subpoena (JDF 80). Each witness must be served a Subpoena, so prepare as many as necessary.

- When requesting a witness to bring certain items, be specific and clear when identifying the items.
- You will need two copies in order to complete personal service.
- You can make your own copies or the Court can make the copies and charge you for each copy.

Step 3: Submit the Subpoena(s) to the clerk.

- The clerk will verify that the name of the court, case number, date and time are accurate and then return them to you for personal service on the witness.

Step 4: Prepare a check for each witness.

- You must provide each witness with a fee based on the class of county, plus \$.28 per mile for each way of travel from place of residence to place named in subpoena. In counties of the first class, \$1.50 per day; second and third class, \$2.00 per day; fourth and fifth, \$2.50 per day. To determine the class of county, see [§30-1-101, C.R.S.](#)

Step 5: Complete Personal Service. Helpful Hints to complete personal service:

- Service must be completed no later than 48 hours prior to the appearance date identified on the Subpoena.
- Take both copies to the sheriff, a private process server, or anyone over the age of eighteen NOT involved in the case for service. Attach a check for the witness fee to the copy of the Subpoena to be served on the witness. The process server must follow the Service of Process requirements stated in Rule 304.

Be sure to direct the sheriff, private process server, or person serving the Subpoena to return the completed copy of the Subpoena / Return of Service to you as soon as possible after service has been completed. Bring the completed Subpoenas when you come to the deposition, hearing or trial.

JDF 79 R1/04 INSTRUCTIONS FOR ISSUING A SUBPOENA

**INSTRUCTIONS TO SET A HEARING
AND
TO COMPLETE A NOTICE OF HEARING OR STATUS CONFERENCE FORM
JDF 1122 4/04**

- ⊗ 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 or otherwise, 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. **It is important to notify the other party of the future status conference or hearing by completing the form and sending the other party a copy.**
 - ⊗ If you need to set a hearing follow all 3 steps below.
-

1. Notice to Set (JDF 1123):

- If a date is not set at the time you file your petition, ask the Court for the days and times to call the division assigned your case to get a hearing date. Allow 7 to 10 working days from the date you file this document to the date you plan to call the Court or appear at Court to set the date. This time is necessary so that the Court knows when you plan to call or appear.
- Estimate the amount of time you will need, unless the Court pre-determines the amount of time you will be given.
- Complete the Certificate of Service portion identifying how you plan to provide the other party with a copy of this document. If you do not know the other party's current address, fill out the Certificate of Service using the last address you have for the party and then send out the notice.
- Sign the Certificate of Service.
- File the original with the Court. Some courts may require that you also file a copy.

2. Contact the Court:

- Notify the Clerk that you need a date for your hearing. Give the Clerk your case number.
- Have your calendar available when you contact the Clerk.
 - If both parties/attorneys contact the Clerk by phone or in person at the specified setting date and time, the Clerk will suggest available dates. A date will be decided upon that is agreeable with all parties' calendars and the Court's calendar.
 - If you filed the notice to set and you are the only party calling or appearing for the setting date, the Clerk will set a date that is agreeable with your calendar and the Court's calendar.

3. Notice of Hearing (JDF 1124) or Notice of Domestic Relations Status Conference (JDF 1121):

- Enter in the date that was provided by the Court.
- Complete the Certificate of Service portion identifying how you plan to provide the other party with a copy of this document. If you do not know the other party's current address, fill out the Certificate of Service using the last address you have for the party and then send out the notice.
- Sign the Certificate of Service.
- File the original with the Court. Some courts may require that you also file a copy.

JDF 1122 4/04 INSTRUCTIONS TO SET A HEARING AND TO COMPLETE A NOTICE OF HEARING OR STATUS CONFERENCE FORM

**INSTRUCTIONS FOR
MOTION TO MODIFY PARENTING TIME
JDF 1406 I R3/03**

**THE STANDARD INSTRUCTIONS ARE FOR INFORMATIONAL PURPOSES ONLY AND
DO NOT CONSTITUTE LEGAL ADVICE ABOUT YOUR CASE.**

Please view the relevant statute. [§14-10-129, C.R.S.](#)

What was called “visitation” with children is now referred to as “parenting time.” The Motion to Modify Parenting Time is used when you want to change an existing court order concerning parenting time. Either parent 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 child(ren) or if the parent with whom the child(ren) resides a majority of the time is relocating with the child(ren) to a residence that substantially changes the geographical ties between the child(ren) and the other party.

**IF YOU DO NOT UNDERSTAND THIS INFORMATION, PLEASE CONTACT AN ATTORNEY. YOU
MAY ALSO CONTACT THE FAMILY COURT FACILIATOR OR THE PRO SE COORDINATOR AT
YOUR LOCAL COURTHOUSE, IF ONE IS AVAILABLE IN YOUR DISTRICT.**

FEES

The fee for filing a Motion to Modify Parenting Time is \$90.00; if the motion is filed 60 days after the decree is entered. No filing fee is required if the motion is filed within the first 60 days of the entry of the decree.

FORMS

Some of forms that you may need are listed below. However, other forms may also be required based on your individual circumstances.

1. Motion to Modify Parenting Time (JDF 1406)
2. Notice to Set & Notice of Hearing Date (JDF 1107 & 1108)
3. Motion to Modify Child Support (JDF 1403)
4. Child Support Worksheets A or B (JDF 1820 or 1821)

Fill in the full names and dates of birth of all of the children who are subject to the existing parenting time order. Check the appropriate box to describe the existing parenting time order. Be sure to describe fully any restrictions or limitations (such as supervised parenting time) that were ordered by the Court.

Describe precisely the change in parenting time schedule you are requesting. Include any requested restrictions or limitations on parenting time.

Explain why you believe the requested changes are in the best interest of the child(ren).

If you are requesting a restriction of parenting time or parental contact because you believe that the child(ren) is/are 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 can request that any parenting time which occurs during the time you are waiting for your motion to be heard may be supervised by an unrelated third party deemed suitable by the Court or by a licensed mental health professional. (§14-10-129, C.R.S.) However, 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 will require you to pay the reasonable and necessary attorney fees and costs of the other party.

INSTRUCTIONS FOR ALLOCATION OF PARENTAL RESPONSIBILITIES

JDF 1413I R4/04

(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.

Please view the relevant statutes, §14-10-124, C.R.S.

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 children or if you are a non-parent.
- If you are not the parent, you must have physical care of the child(ren) for a period of six months or more prior to the filing date.
- The children 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 children reside.
- If paternity of the children 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 children'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 the other party cannot resolve, Alternative Dispute Resolution and/or Mediation 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 at any time after you file the Petition 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.

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. When he/she files a response to the allegations of the Petition he/she becomes the Respondent.

- ⊗ Parental Responsibilities: This term includes both parenting time and decision-making responsibilities regarding the children.
- ⊗ 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.
- ⊗ Guardian ad Litem: 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 for cases when children are involved 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:

- | | | |
|--------------------------|--|--|
| <input type="checkbox"/> | Response | \$70.00 |
| <input type="checkbox"/> | Service Fees | Varies (not payable through or to the Court) |
| <input type="checkbox"/> | Certification Fee | \$10.00 |
| <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 |
| <input type="checkbox"/> | Guardian ad litem | Varies |
| <input type="checkbox"/> | Motion to modify, amend or alter decree
or Order (60 days after order is entered) | \$90.00 |

FORMS

(To access a form online, please click either PDF, WORD or EXCEL by the title of the form or go to the Domestic Index). You may complete a form online or you may print it and type or print legibly in black ink. (website: www.courts.state.co.us) Then click on the "Self-Help Center".

- JDF 205 Motion to File without Payment and Supporting Financial Affidavit
- JDF 1000 Domestic Relations Case Information Sheet
- JDF 1111 Affidavit with Respect to Financial Affairs
- JDF 1117 Support Order
- JDF 1121 Notice for Domestic Relations Status Conference
- JDF 1123 Notice to Set Hearing
- JDF 1124 Notice of Hearing
- JDF 1413 Petition for Allocation of Parental Responsibilities
- JDF 1414 Summons to Respond to Petition for Allocation of Parental Responsibilities

requiring signature verification in front of the Clerk who will verify your signature. If you 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.
- If you and the other party do not agree on all issues, you may obtain information from the Court about mediation as a possible way of resolving disputed issues. Some Courts require both parties to attend mediation prior to a hearing to discuss disputed issues and attempt to reach an agreement on those issues.
- The Court may provide you with a Case Management Order which describes the rules your case will follow in the Jurisdiction in which you have filed your Petition, including information on Colorado Rules of Civil Procedure (16.2, 26.2 and 121). *Please read the information to inform you about the various procedures and timelines.*
- 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.

Step 3: Serving the Petition and Summons (Only if both parties did not sign the Petition.)

It is important that you have the other party served as quickly as possible. You must serve the other party 20 days prior to the hearing or status conference.

- Once you have filed your Petition, the Court will provide you with a signed summons to serve the other party (the Respondent).
- 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 either 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 they agree or disagree to the information identified in the Petition. 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:

The forms below can be completed and filed any time between the filing date and setting your hearing date, unless a date for filing these documents has already been established by the Case Management Order issued in the case, or by the date established during a status conference. 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 and parenting time, etc.

Step 1: Complete all forms identified below.

Affidavit with Respect to Financial Affairs (JDF 1111):

An Affidavit is your sworn statement to the Court that all the information on the document is true to the best of your knowledge. 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 document must be signed before 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 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”.
- Each party should re-read the parenting plan to be sure that it accurately represents what has been agreed on in regards to the children.
- If there are contested issues concerning your proposed parenting plan that the parties cannot resolve, each party will file a separate plan representing that parties own position on any contested issues.
- You can complete the form separately or together, with each party signing the signature page of the same document if there are no contested issues.
- This form must be signed in the presence of a Court Clerk or Notary Public by both parties, if filing together, or by the party filing the form.

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 Petitioner and Co-Petitioner/Respondent informational sections on this form.
- 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 Petitioner and Co-Petitioner/Respondent informational sections on this form.
- Complete the party information on the first page.
- The Magistrate or Judge will complete the remaining sections of the Order and give you and the other party a signed copy.

Step 2: Appointment of a Representative for the Child or 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.

- 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 or otherwise, follow those procedures.
- If the Court provides you with a date for a status conference when you file your petition or at an initial status conference and both parties are not present, follow step 3 only. It is important to notify the other party of the future status conference or hearing.
- If you need to set a hearing follow all 3-steps below.

4. Notice to Set (JDF 1123):

- If a date is not set at the time you file your petition, ask the Court for the days and times to call the division assigned your case to get a hearing date. Allow 7 to 10 working days from the date you file this document to the date you plan to call the Court or appear at Court to set the date. This time is necessary so that the Court knows when you plan to call or appear.
- Estimate the amount of time you will need, unless the Court pre-determines the amount of time you will be given.
- Complete the Certificate of Service portion identifying how you plan to provide the other party with a copy of this document. If you do not know the other party's current address, fill out the Certificate of Service using the last address you have for the party and then send out the notice.
- Sign the Certificate of Service.
- File the original with the Court. Some courts may require that you also file a copy.

5. Contact the Court:

- Notify the Clerk that you need a date for your hearing. Give the Clerk your case number.
- Have your calendar available when you contact the Clerk.

- If both parties/attorneys contact the Clerk by phone or in person at the specified setting date and time, the Clerk will suggest available dates. A date will be decided upon that is agreeable with all parties' calendars and the Court's calendar.
- If you filed the notice to set and you are the only party calling or appearing for the setting date, the Clerk will set a date that is agreeable with your calendar and the Court's calendar.

6. Notice of Hearing (JDF 1124) or Notice of Domestic Relations Status Conference (JDF 1121):

- Enter in the date that was provided by the Court.
- Complete the Certificate of Service portion identifying how you plan to provide the other party with a copy of this document. If you do not know the other party's current address, fill out the Certificate of Service using the last address you have for the party and then send out the notice.
- Sign the Certificate of Service.
- File the original with the Court. Some courts may require that you also file a copy.

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. You will receive a copy of the Order for Allocation of Parental Responsibilities following the hearing.
- If your address has changed since you initially filed your case, you must provide this information to the Court in writing.

JDF 14131 R4/04 INSTRUCTIONS FOR ALLOCATION OF PARENTAL RESPONSIBILITIES

INSTRUCTIONS TO ESTABLISH PATERNITY

JDF 1500 3/04

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.

Please view the relevant statute - [Colorado Children's Code §19-4-105 -§26-13-101](#).

GENERAL INFORMATION

- This information provides a guide to the forms necessary to file a case to establish paternity. Each judicial district may have special requirements. You should contact the Court where you plan to file to find out about any special requirements the Court may have.
- Legal action can be commenced at any time to prove a parent-child relationship until the child is 18. If you are seeking to disclaim paternity, please see the specific instructions and the Colorado Children's Code §19-4-107, C.R.S.
- The case should be filed in the county where you, the Respondent, or the child resides.
- The party filing the case **must** disclose any restraining/protection or emergency orders entered by a Court against either party **within 90 days prior** to the filing of a paternity case.
- The party can request the Court to address allocation of parental responsibilities, (including decision-making and parenting time), child support, medical support, and other issues in the best interests of the child.
- If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator.

COMMON TERMS

- Petition: Document officially commencing the paternity process.
- Petitioner: The person filing a Petition for Paternity.
- Respondent: The person served a Petition for Paternity who must respond to the allegations of the Petition in order to have his/her claims considered. When he/she files a response to the allegations of the Petition he/she becomes the Respondent.
- Parental Responsibilities: This term includes both parenting time and decision-making responsibilities regarding the children.
- 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.
- Guardian ad litem: 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 \$139.00. 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, the Court will decide whether you need to pay the filing fee.

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

- | | |
|--|--|
| <input type="checkbox"/> Response | \$70.00 |
| <input type="checkbox"/> Service Fees | Varies (not payable through or to the Court) |
| <input type="checkbox"/> Certification Fee | \$10.00 |
| <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 |
| <input type="checkbox"/> Genetic Testing | Varies (Not payable through or to the Court) |
| <input type="checkbox"/> Guardian ad litem | Varies |

FORMS

Select those forms required for your case, as outlined on the following pages. (To access the form online, please click either PDF or WORD by the title of the form). You may complete a form online or you may print it and type or print legibly in black ink. (website: www.courts.state.co.us) Then click on the "Self-Help Center".

Forms You May Need to Complete to Establish Paternity:

- | | |
|-----------------------------------|---|
| <input type="checkbox"/> JDF 1501 | Petition for Paternity |
| <input type="checkbox"/> JDF 1502 | Summons |
| <input type="checkbox"/> JDF 1503 | Waiver of Service |
| <input type="checkbox"/> JDF 1504 | Admission of Paternity |
| <input type="checkbox"/> JDF 1505 | Motion for Genetic Testing |
| <input type="checkbox"/> JDF 1506 | Agreement for Genetic Testing |
| <input type="checkbox"/> JDF 1507 | Order for Genetic Testing by Agreement |
| <input type="checkbox"/> JDF 1508 | Order for Genetic Testing |
| <input type="checkbox"/> JDF 1511 | Motion for Appointment of Guardian ad Litem |
| <input type="checkbox"/> JDF 1512 | Order of Appointment of Guardian ad Litem |
| <input type="checkbox"/> JDF 205 | Motion to File Without Payment and Supporting Financial Affidavit |

STEPS TO FILING YOUR CASE

Step 1: Complete Initial Forms Required for All Cases. Selecting these instructions indicates that you are planning on filing a case to establish paternity. You are filing as Petitioner and naming the other party as the "Respondent". The caption on page 3 needs to be completed on all forms filed. Make sure that you make a copy of all of the forms you file with the Court for your own records.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ In the Interest of: Identify Name of Child(ren) Petitioner: v. Respondent:		▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number: _____ Division Courtroom
NAME OF FORM		

JDF 1500 3/04 INSTRUCTIONS TO ESTABLISH PATERNITY

- Petition for Paternity (JDF 1501):**
Please complete all sections of this form.

- 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 Respondent.

- Summons (JDF 1502):**
 - Complete all sections in the caption.
 - The Court may enter a date and time for the hearing and sign the form at the time you file or you may need to provide a self-addressed stamped envelope to receive the summons back with the hearing date.

- Step 2: You are Ready to File your Case with the Court.**
 - Provide the Court with the Petition and the Summons. If the Petition has not been signed in the presence of a Notary Public, you will sign the Petition requiring signature verification in front of the Court Clerk who will verify your signature.
 - The Court may provide you with a hearing date at the time you file your Petition and Summons or you will receive the summons returned to you in the mail. You should note the date on your calendar to ensure that you complete service and file all the documents timely.
 - Pay the \$139.00 filing fee.

- Step 3: Serving the Petition and Summons.** It is important that you have the Respondent served as quickly as possible. You must complete service 20 days prior the hearing. Once you have filed your Petition and Summons, the Court will provide you with a signed Summons to serve the Respondent.
 - Service options:
 - Waiver and Acceptance of Service:**
 - This is the easiest way to serve the Respondent. However, the Respondent must be willing to accept service of the paternity papers in order to use this method.
 - Have the Respondent complete the Original Waiver of Service (JDF 1503) form.
 - Make sure the Respondent 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 either the Sheriff's Department, a private process server, or someone you know over the age of 18, who is not involved in the case and who knows the rules of service, to serve the Respondent.
 - You can locate private process servers in the yellow pages under Process Servers.
 - Provide the process server with the Petition and Summons
 - The process server will need to return the completed return of service, page 2 of the summons, to the Court for filing, or return it to you to file with the Court.

ADMISSION OF PATERNITY OR COURT APPROVED GENETIC TESTING

Step 1: Complete Appropriate Paperwork Based on the Circumstances of your Case.

- Admission of Paternity:** After the Respondent receives the Petition and Summons, he may admit to being the biological father of the child(ren). By admitting to paternity, the Respondent gives up the right to genetic tests.
 - Provide the Respondent the Admission of Paternity form (JDF 1504).
 - The Respondent must have this form signed in the presence of a Notary Public or Court Clerk.
 - Once signed and notarized, the Respondent should return to you to file with the Court.
 - Make copies for yourself and for the other party.

OR

- Genetic Testing:** The Petitioner or Respondent has the right to ask the Court to order genetic testing on all parties. It is the responsibility of the person requesting the tests to prepare the forms. If there is agreement among the parties, prepare JDF 1506, Agreement of Genetic Testing. If one of the parties does not agree, prepare JDF 1505, Motion for Genetic Testing. It is the responsibility of the party completing JDF 1505 or JDF 1506 to contact a court approved testing agency to schedule the date and time for the collection of the genetic specimens. The fee for the test is the responsibility of the parties being tested and should be paid to the agency at the time of the test(s). The price of genetic testing varies with each lab.
 - Helpful hints to locate a laboratory that performs genetic testing, either HLA or DNA testing. There are a number of national laboratories that perform this service. You can locate a laboratory in the yellow pages under Paternity.
 - Questions to ask the lab when contacting to schedule an appointment.
 - ✓ Type of genetic testing performed.
 - ✓ Cost for genetic testing, per person and total cost.
 - ✓ Address for the Lab, as you will need the complete address when completing the forms.
 - ✓ Identification required for the parties completing the tests.
- If you are filing a Motion with the Court to order genetic testing, make sure you schedule the testing a month out. Once you have scheduled a date and time for the lab test, you are ready to complete and file the appropriate motion and order as described below. If you think the Respondent will not agree to the genetic tests, complete the motion and order forms under section 2 below.

1. If the Petitioner and Respondent **agree** to Genetic Testing, complete the two forms below:

- Agreement for Genetic Testing (JDF 1506):**

- Complete all sections on this form.
- Both parties should sign in the presence of a Notary Public or Court Clerk.
- Make copies for your own records.

- Order for Genetic Testing by Agreement (JDF 1507):**

- Complete the caption only on this form.
- The Court will complete the remaining sections.

2. If the Petitioner and Respondent **do not agree** to Genetic Testing, complete the two forms below:

- Motion for Genetic Testing (JDF 1505):**

- Complete all sections on this form.
- File the signed original with the Court, mail a copy of the completed form to the Respondent and complete the Certificate of Service portion on the form. (Page 2 on the form)
- Make copies for your own records.

- Order for Genetic Testing by Agreement (JDF 1508):**

- Complete the caption only on this form.
- The Court will complete the remaining sections.

- Step 2: File Completed Admission of Paternity Form or the Appropriate Genetic Testing Forms as Identified above Whether you both agree or you do not agree to Genetic Testing with the Court.**

- Admission of Paternity form.**

- If the Admission of Paternity form has not been signed in the presence of a Notary Public, you will sign the Petition before the Court Clerk at this time.
- Provide the Court with the appropriate Agreement and Order forms
- Provide the Court with a self-addressed stamped envelope to receive the Order once reviewed and approved by the Court.

- Make sure you made copies for your records.

OR

- Genetic Testing forms.**
 - Provide the Court with the appropriate Motion and Order forms.
 - Provide the Court with a self-addressed stamped envelope to receive the Order once reviewed and approved by the Court.
 - Make sure you made copies for your records.

GENETIC TESTING

Complete the genetic testing if ordered by the Court. You will be notified of the results. If the Petitioner or Respondent is the biological father of the child(ren), additional documents can be filed, as identified below, to request an order for allocation of parental responsibilities, child support and other financial issues.

ADDITIONAL DOCUMENTS TO FILE WITH 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 enter an order establishing parenting time, child support, and other financial issues.
- ◆ The forms below should be completed before you contact the Court to obtain a hearing date.
- ◆ Parenting education classes may be required by the Court. Please contact the Clerk's Office to find out and to get a list of parenting classes in your area.

Step 1: Complete Additional Forms.

- Motion for Appointment of Guardian ad Litem (JDF 1511 and JDF 1512): This is optional.**

The Court has authority to appoint an attorney for the minor child(ren). This attorney is called Guardian ad Litem (GAL). The GAL is appointed to represent the best interests of the child(ren) and to make recommendations to the Court about issues that effect the child(ren). Some of those issues are allocation of parental responsibilities, parenting time and child support. It is important that you understand that the GAL does not represent either you or the other parent. The GAL will, however, probably meet with both of you to discuss the child(ren). You or the other party may be responsible for paying for the GAL.
- Motion for Appointment of Guardian ad Litem (JDF 1511):**
 - Complete this form **only** if you would like an attorney to represent your child(ren) in the case.
 - Complete the Certificate of Service portion identifying the method selected to provide the other party with a copy of this document.
 - File the original with the Court.
- Order for Appointment of Guardian ad Litem (JDF 1512):**
 - Complete the caption only on this form.
 - File the original with the Court when you file the Motion for Appointment of Guardian ad Litem.
- Affidavit with Respect to Financial Affairs (JDF 1111):**

An Affidavit is a sworn statement to the Court that all the information on the document is true to the best of your knowledge. Both parties must provide true and complete information to the Court about their assets and income. Both parties can be assessed a fine or jailed for providing false information. In addition, the case can be later reopened due to fraud.

 - The Affidavit must contain current personal and financial information to determine whether the Child Support Order is fair to each party. Failure of a party to file an Affidavit with Respect to Financial Affairs may result in the Court imputing income to that party 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.
 - Each party may be required to provide copies of pay stubs and tax returns.

- 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 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”.
 - Each party should re-read the parenting plan to be sure that it accurately represents what has been agreed on in regards to the child(ren).
 - If there are contested issues concerning the proposed parenting plan that the parties cannot resolve, each party will file a separate plan representing that party's own position on any contested issues.
 - You can complete the form separately or together, with each party signing the signature page of the same document if there are no contested issues.
 - This form must be signed in the presence of a Court Clerk or Notary Public by either both parties if filing together or by the party filing the form.
- 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 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 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's 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 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 parent with a copy of your completed Child Support Worksheet.
- Support Order (JDF 1117):**
- Complete the caption and the Petitioner and Respondent informational sections on this form. Also complete the section about information regarding your children on the second page.
 - The Magistrate or Judge will complete the remaining sections of the Support Order and give you and the other party a signed copy.

COURT HEARING

- The Judge or Magistrate will review all documents filed and enter an Order establishing parenting time and child support, and addressing other financial issues, if any. You will receive a copy of the Support Order following the hearing.
- If your address has changed since you initially filed your case, you must provide this information to the Court in writing.

What You Need to Know About Representing Yourself in Court

**"Excellence in Customer Service"
Colorado Judicial Branch
<http://www.courts.state.co.us>
September 2002**

You have a right to represent yourself (appear "pro se") in any kind of legal case. You will be expected to know and follow the rules just as lawyers are. If you do not follow the rules that apply in your case, the court may not be allowed to give you what you want, even if it makes sense. You can also be fined, have to pay the other person's attorney, or be found in contempt of court.

Before you decide to represent yourself, ask yourself whether it wouldn't be a better use of your time and money to consult with or hire an attorney who knows the law and can give you advice about what to do, how to do it, and what your chances are of getting what you want.

What you have seen on TV and in the movies is not real, even if it is called "real TV." You must dress and behave appropriately. Many courthouses have signs posted about what you may and may not do. Read and follow the signs and any orders the court gives you.

This brochure is in English; the court operates primarily in English. If you do not speak English, bring your own interpreter for all civil cases or call the courthouse ahead of time to find out what arrangements are necessary.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

Coming to court and asking a judge or magistrate to make decisions about your life is one way to resolve disputes; this is called litigation. However, this is not the only way to resolve disputes. ADR is often less expensive and less time-consuming, and it gives you more control over your life. Sometimes the court will order you to try ADR (mediation and arbitration are just two types) before you can litigate your case.

You and the other party know your lives/children/the facts of your case better than anyone else. You can be creative and flexible in making your own agreements; the court can only do what the law allows. You and the other party will be happier with agreements you make yourself, and therefore more likely to comply with them than with decisions made for you by the court.

GOING TO COURT

If you do decide to go to court, filing your motion or petition is just the first step. In order to get what you want from the court, you may need to schedule a hearing or conference, make efforts to resolve the problem without the court, and file additional documents.

You will need to fill out paperwork. You can get forms from the court (usually for a small fee) or the Judicial Branch website (www.courts.state.co.us). Many bookstores and office supply stores also sell forms and instructions for using them. Read all the court papers and instructions. There may be a fee to file a motion or a petition.

When you visit the clerk's office to file your paperwork, remember:

- It is up to you to know what you want.

- ☑ You can handwrite or type your information, but your documents must be complete and legible. When completing a multi-part form, press firmly.
- ☑ By law, the court staff cannot fill out forms for you.
- ☑ Some courts may have additional filing requirements that may mean another trip to the courthouse.
- ☑ Keep your composure; the court staff is there to help you as much as they are allowed.
- ☑ The paperwork you file is your only means of communicating with the court and the judge or magistrate. Direct contact with the judge or magistrate is not allowed.

You will have to share. You must give everyone in the case copies of everything you file with the court. You must also submit a written form to the court identifying when and how you did so. You should keep a copy of everything you file with the court. It is best to have a “date-stamped” copy which shows when you filed the original. You will need to work with the other person, any attorneys, and the court to schedule hearings and conferences, and give written notice, so all can be present.

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 adhere to 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 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 the 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 – they will not do you any good in the car or on the kitchen counter.

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.

HELP YOURSELF

No one in the courthouse is allowed to give you legal advice, although court staff may be able to answer questions about forms and rules. Some courts, community colleges, and local bar associations offer free clinics on various types of cases; your local courthouse should have information on such clinics.

The Colorado Revised Statutes (the laws) and court rules are available in print in the reference section of any public library. The Judicial Branch website also has a link to the online statutes and rules: www.courts.state.co.us. You should also check with the court to see whether they have additional filing requirements.

COURT ETIQUETTE

Certain behaviors are required while you are in court. This behavior is either necessary to manage cases or is considered respectful of the court.

- ☑ If you have a cell phone or pager with you, turn it off before entering the courtroom, and before you begin a status conference of any kind.
- ☑ Please deposit away gum, food, and drinks in a trash can before you enter the courtroom.
- ☑ If a sign on the courtroom door tells you to, check in with the courtroom staff before entering the courtroom.
- ☑ Enter and leave the courtroom quietly, so you do not disturb others.
- ☑ Stand when the judge or magistrate enters or leaves the courtroom, and when you speak to the judge or magistrate.
- ☑ Address the judge or magistrate as “Your Honor.”

- ☑ You will be expected to treat others in the court respectfully. It is respectful to address others as “Mr.” or “Ms.” or ma’am or sir. It is not respectful to yell, curse, or cut someone off when they are speaking.
- ☑ Speak clearly and slowly. Your words are being recorded, either by a machine or a person. If you mumble, speak too quickly, too softly, or answer by shaking or nodding your head, the record will not be accurate.
- ☑ Listen carefully to what everyone says in the courtroom and wait to speak until it is your turn. Take notes so that you have a record of what the other party is saying and to help with your response.
- ☑ Please do ask questions if you do not understand something or are confused about what you are required to do.

CHILDREN IN THE COURTROOM

Please do not bring your children to the courthouse, unless the court has ordered them to be present. Children do not belong in the courtroom, where 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 feel you have no other options, you may call to find out if the courthouse you will be in has a children’s play area. If so, you will probably need to also bring an adult who is not part of the court proceedings to watch the children while they are in the play area.

A WORD ABOUT DRESS

Appropriate dress is required in the courtroom. You may not need to “dress up,” but it is important to dress nicely and with respect for the court.

Here are some things not to wear:

- hats;
- sunglasses;
- t-shirts with inappropriate messages, muscle shirts;
- gang colors/gang attire;
- tube tops/plunging necklines/bare midriff;
- shorts.

If you are not dressed properly, the court may have you leave and come back another day.

WHEN IT’S ALL OVER

Please remember that the court is not allowed to be on anyone’s side, but must give everyone a chance to tell his or her side of the story. It is unlikely you will get everything you want, whether you represent yourself or have an attorney.

Almost no one is completely happy with the outcome of a court case, regardless of who appears to “win.” The law may require the judge or magistrate to rule in a way that makes no sense to you; the law may prevent the judge or magistrate from ruling in the way you want. If you and the other party in the case cannot resolve your disagreement yourselves, for whatever reason, you will have to live with the court’s decision.

Once the court has made a ruling, that is the end of your case; you have had your chance.* Continuing to try to persuade the court, or anyone else in the case, to do what you want will not help you, and it could get you fined or put in jail. Regardless of the outcome, you should continue to treat the other people in the case and the court with respect: be a good loser and a good winner.

* In rare cases, you may be able to appeal a decision of the court.

