INSTRUCTIONS TO FILE A MOTION TO TERMINATE CHILD SUPPORT

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

GENERAL INFORMATION

- For child support orders entered on or after July 1, 1997, unless a court finds that a child is otherwise emancipated, **emancipation** occurs and child support terminates when the child attains nineteen years of age unless one or more of the following conditions exist:
  - The parties agree otherwise in a written stipulation.
  - If the child is mentally or physically disabled, the court or the delegate child support enforcement unit may order child support, including payments for medical expenses or insurance or both, to continue beyond the age of nineteen.
  - If the child is still in high school or an equivalent program, support continues until the end of the month following graduation. A child who ceases to attend high school prior to graduation and later reenrolls is entitled to support upon reenrollment and until the end of the month following graduation, but not beyond age twenty-one.
- Emancipation occurs upon a valid marriage or civil union of a child, when a child has moved from the family residence and is capable of providing for his/her own care and support with his/her own earnings, or as determined by the Court.
- Within 49 days of the date your Motion is filed, the Court will review the matter and determine whether the case will be scheduled and resolved under the provisions of Colorado Rule of Civil Procedure 16.2(c) or will be handled based on the documents provided with no hearing.
- The Obligor can provide copies of the Order to Terminate Child Support to his/her employer to terminate an income assignment.
- For additional information, please review Colorado Revised Statute §14-10-122.
- If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website: **http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm**

COMMON TERMS

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

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

FEES

A filing fee of $105.00 is required, unless you are filing your motion in a juvenile support case under Title 19, Article 6 or the motion/stipulation is being filed less than 60 days after the original decree or order is issued.

If you are unable to pay 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 and a blank Order (JDF 206), 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:

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

FORMS

To access a form online go to **www.courts.state.co.us** and click on the **"Forms"** tab. The packet/forms are available in PDF or WORD by selecting **Divorce, Family Matters, Civil Unions – Custody & Child Support – Child Support Termination.** You may complete a form online and print or you may print it and type or print legibly in black ink.

❑ JDF 1408	Motion to Terminate Child Support
❑ JDF 1409	Order to Terminate Child Support

STEPS TO FILING YOUR MOTION

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

Step 1: Complete Forms.

- ❑ **Motion to Terminate Child Support (JDF 1408):**
  - ❑ Please complete all sections of this form.
  - ❑ Make sure you have copies of all documents for the Court and the other party.
  - ❑ Send a copy of the Motion (JDF 1408) to the County Department of Human Services if they are involved in your case. **This is required.**
  - ❑ **If your address or the other party's address has changed since the original case was filed, please provide your current address to the Court in writing.**

- ❑ **Order to Terminate Child Support (JDF 1409):**
  - ❑ Complete the caption only on this form.
  - ❑ The Magistrate or Judge will complete the remaining sections of this Order and give you and the other party a signed copy.

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

- ❑ Pay the $105.00 filing fee, if applicable.
- ❑ Provide the Court with the Motion and all other appropriate documents.
- ❑ Provide the Court with a self-addressed stamped envelope for each party to receive a copy of the Order.

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

- ❑ You must provide a copy of the motion to all parties to the case.
- ❑ Complete the Certificate of Service portion on the form. The purpose of the Certificate of Service is to notify the Court when and how you provided copies of the motion to all parties in the case. This is very important,

because the Court must have knowledge that all parties involved are aware of the motion prior to any Court action being taken.

Step 4: Court Review of Motion or Hearing.

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

- ❑ The Judge or Magistrate will review all documents filed and enter an Order regarding your Motion to Terminate Child Support based on the pleadings filed with the Court.

  or

- ❑ The Court may set the case for a hearing at which time both parties will have the opportunity to appear to make statements to the Court and present any evidence.
- ❑ If any addresses have changed since the original case was filed, please provide current address information to the Court in writing.
- ❑ Provide the Court with a self-addressed stamped envelope to receive a copy of the Order. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.

Remember: It is the responsibility of the Obligor to provided copies of the Order to Terminate Child Support to his/her employer to terminate the income assignment.