

<input type="checkbox"/> <b>District</b> <b>El Paso</b> County, Colorado Court address: <b>270 South Tejon, PO Box 2980</b> <b>Colorado Springs, CO 80901</b>		<b>Court Use Only</b>
<b>In re the marriage of:</b> <b>Petitioner:</b>  <b>And</b>  <b>Co-Petitioner/Respondent:</b>		
Attorney or Party without Attorney(Name and Address):   Phone Number:                      Email: FAX Number:                         Atty.Reg#:		Case Number:   Division                      Courtroom
<b>STANDARD ORDER TO PARENTS—FOURTH JUDICIAL DISTRICT</b>		

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This Order shall be automatically entered upon the filing of any proceeding under the Colorado Uniform Dissolution of Marriage Act involving minor children, and any proceeding to Determine the Parent Child Relationship under the Colorado Uniform Parentage Act (Article 4 of the Children's Code), to include any post-decree motions filed after February 1, 1999, pertaining to proceedings initiated at any time before February 1, 1999. This Order shall also be entered in any proceedings to modify the decree or orders of another state affecting the parent-child relationship for a child residing in Colorado.

**A. ENFORCEMENT & CONTEMPT**

Because you are now involved in a domestic relations action, the best interest and welfare of your minor children are subject to the jurisdiction and concern of this Court. Therefore, to help avoid problems and to assist you in your approach to the situation, this Order is entered and requires your compliance. **This Order specifically establishes rules and requirements that will remain in effect throughout the proceedings unless, and until, modified by another Court Order.**

**You are expected to read all of this Order at least once. Failure to obey this Order may result in Contempt of Court proceedings. Persons held in contempt may be punished by jail time or fine, or both. Contempt proceedings will also involve the probable additional expense of attorney's fees and Court costs; money that could be better used for the benefit of your children. More significantly, a pattern of consistent and intentional violation of this Order may convince the Court that you are incapable of placing the needs of your child(ren) first and could result in significant limitation of your parental rights.**

**B. PROCEDURAL REQUIREMENTS**

**1. Service Of This Order.** The Petitioner, or moving party (as appropriate) is responsible for ensuring service of a copy of this Order upon the other party at the same time the Petition or post-decree Motion is served. **IF YOU ARE A PETITIONER IN A DIVORCE CASE, AND YOU ARE NOT REPRESENTED BY AN ATTORNEY, YOU MUST ARRANGE TO HAVE A COPY OF THIS ORDER SERVED ON RESPONDENT. BOTH PARTIES WILL NEED A COPY OF THIS ORDER.**

**2. Mandatory Parenting Through Divorce Class.** All parents who are involved in a domestic relations case must attend a mandatory parenting through divorce class within forty-five (45) days of service. Classes are held each month on the second and fourth Wednesdays starting at 5:30 p.m. and the third Friday starting at noon. Classes will be held in the Jury Assembly Room (Room W113) at the El Paso County Courthouse, 270 South

Tejon,

Colorado Springs, Colorado 80903. You do not need sign up or make reservations in advance, but each parent must bring a copy of their case number to the class.

**\*\*DO NOT BRING YOUR CHILDREN WITH YOU TO THE CLASS.**

**\*\*BRING A COPY OF YOUR CASE NUMBER WITH YOU TO THE CLASS.**

You must attend even if you think you have an agreement on such issues as child support, allocation of decision-making responsibility and parenting time. Attendance is recorded in the computer court record and you will not be provided written proof of attendance.

Parents must attend initial Status Conference prior to obtaining a final orders hearing date. It is preferable that you attend before your mediation session.

The cost is \$25.00 per person (for a total of \$50.00) and must be paid at the time the Petition is filed. Petitioner is entitled to a \$25.00 reimbursement from the Respondent.

When a parent resides outside El Paso County, he/she must attend a comparable class offered by an agency or Court within his/her county or state of residence and obtain proof of such attendance.

### **3. Mandatory Parenting Plan.**

a. Colorado statutes require that a Parenting Plan be adopted by the Court in every case. There are three ways that a Parenting Plan can be developed:

(1) The preferred method that is most likely to be effective is for the parents to discuss and decide how the plan should be structured. A parent developed plan following the guidelines of the statute and the Court approved model may be submitted to the Court at any time and, if it is in the best interests of the child(ren), will be approved.

(2) When the parents are unwilling or unable to mutually develop a Parenting Plan, outside experts may be employed by the parents, or the Court, to make recommendations to the parents and/or the Court. Typically, such recommendations may be obtained from parents' attorneys, a guardian ad litem (children's attorney), a mental health professional appointed to conduct a formal evaluation, a mediator selected by the parents or the Court, a mental health professional selected by the parents or the Court to function as a Parenting Coordinator, or any combination of outside authorities. *A lists of such professionals is available in the Self-Help Center located in Room 105.*

(3) If a Parenting Plan is not submitted by one or both parents, the Court will adopt its own basic parenting plan, after hearing the arguments and testimony from both parents.

**b. This Order is the required Parenting Plan until a more specific Plan is adopted by the Court and will be incorporated into all Parenting Plans.**

c. The Colorado Supreme Court has adopted a Model Parenting Plan. This form, JDF 1113, is available for purchase in the Court Clerk's office. It is also contained within the pro se packet. This form will be used by the Fourth Judicial District. Parenting Plans will be developed to achieve the following goals:

(1) To assure that a child of parents who do not live together has an opportunity to develop and maintain a healthy, loving, and meaningful relationship with each parent.

(2) To permit each parent to spend as much quality time with the child(ren) as is consistent with the child's developmental needs.

(3) To provide each parent with guidance as to what is expected of them regarding their obligations to each other and to the child(ren).

(4) To encourage the use of common sense, rational thinking, and financial practicality in resolving disagreements.

(5) To encourage flexibility in dealing with the inevitable changes in circumstances and the needs of children at different ages.

d. Written separation agreements, including agreements submitted with a Request for Decree by Nonappearance Affidavit, must include a Parenting Plan substantially in compliance with the Model Plan and applicable statutes.

### **C. BASIC PRINCIPLES OF SHARED PARENTING.**

To eliminate the perception of children as "possessions" to be won or lost in a legal battle, judicial proceedings affecting children now focus on the allocation of responsibilities, decision-making, and parenting time between the parents in order to reinforce the concept that a healthy relationship between a child and a parent requires that each parent have a clear and understandable role in "shared parenting".

a. As parents involved in the break-up of a family relationship, you may tend to overlook the fact that minor children are often the real losers. They are deprived of the full-time, proper guidance that two parents can give as a unit. Cooperative guidance and direction are essential to the moral, emotional, and developmental growth and well-being of a child of separated parents. If parents are not sensitive to those issues, and simply ignore the problems, there are significant risks to the child.

b. Although there may be some bitterness between parents, it is important not to inflict it upon the children. Every child needs the model of two good parents, and he or she must maintain respect for them in order to maintain his or her own self-respect. Continuing hostility and anger between the parents can injure children far more than the divorce. Some experts suggest these emotional injuries can continue for years, well into adulthood.

c. Always work for the well-being, health, happiness and safety of your child(ren) and place the child(ren)'s needs and well-being ahead of your own.

d. Seek outside help if you are unable resolve your anger and bitterness toward your spouse or to communicate with your spouse about the best interests of your children. A counselor, therapist, pastor, or mediator may be helpful. Mediation services are available either through a private mediator or through the Fourth Judicial Office of Dispute Resolution, (719) 448-7777. A reference listing of private mediators is located in the law library.

e. Encourage contact between your child, your extended family, and your spouse's extended family. Especially in the early stages of your separation, do everything you can to minimize the number of changes in the child(ren)'s normal lifestyle.

f. Recognize that the transition from a single-family unit to separate parental households is an evolutionary process. With proper care and love, children can adjust over time, but they are seldom able to realize that and the first few months of separation will be the hardest. How you handle those first few months may be the most important part of the entire process.

g. Most people do not "plan" for divorce. But, there are many useful publications and programs designed to assist parents and children in understanding and coping with a family break-up. Take the time and make the effort to learn, and to help you children learn, about what to expect and how to deal with the situation.

### **D. RULES OF PROPER CONDUCT**

1. Do not make the children choose between the two of you. No child should be turned against the other parent by discussing that parent's shortcomings. Do not "compete" with the other parent for the child's love and affection.

2. Do not discuss the dissolution case or issues of the case with your children. No child should be

permitted to see or review any of the documents related to the case. No child should be brought to court unless specifically requested by the Judge or the guardian ad litem (children's lawyer).

3. Involve step-parents or significant others in a sensitive fashion. As a general rule, step-parents or significant others should not be part of the transportation or child-care process during parenting time, at least until this issue has been decided by the court or both parties have signed a stipulation.

4. Do not encourage, permit, or require a child to refer to any person other than the child's parents as "mom" or "dad". A clear distinction in name should be established.

5. Parents and the court, if necessary, set schedules for parenting time. No child should be informed of any conflict regarding parenting time nor should any child mediate or become involved in any such disputes. Schedules are an important part of reassuring a child of the continued relationship with both parents and providing stability and predictability.

6. Parents must deal directly and simply with each other unless prohibited by a court. Each parent must keep the other informed of his or her current address and phone number.

7. Be sensitive to the fact that your children may try to manipulate the situation. This is a natural response in children. Inconsistency in rules and expectations can create behavioral problems and create or aggravate conflict between the parents.

8. Do not tell your child(ren) you can't buy them something or take them someplace because the other parent (a) won't pay child support or (b) gets all of my money.

9. Do not use the child(ren) to relay messages to, or ask questions of, the other parent that imply you are unwilling or afraid to do it yourself.

10. Never forget that the break up of a family is a frightening experience for children. Because any change in lifestyle, even if it is for the better, can be scary to a child, he or she will need extra attention, love, and affection to provide reassurance that things will be OK.

11. Do not believe that you necessarily "know" how a child feels about the separation. Children do not always tell the truth about their feelings on this subject (especially to parents) and they may not even know how they feel. Watching and "interpretative" listening become even more important parental responsibilities. Consider counseling or support group programs designed specifically for children in divorce situations if there are significant changes in behavior.

12. Do not "abandon" your child(ren) because of your grievances or disputes with the other parent. Never do anything to create or contribute to a child's belief that he/she is responsible for the breakup or the loss of parental relationship.

13. When exchanging children for parenting time, the parent delivering the child(ren) is responsible for also delivering or returning necessary clothing, toys, etc.

14. Neither parent may take the child{ren} out of the State of Colorado without the advance knowledge and consent of the other parent or the Court. Even short overnight out-of-town trips must be reported to the other parent.

## **E. CARE AND DECISION MAKING**

When parents no longer reside together with their children, basic ground rules for new living arrangements and decision-making are essential to avoid conflict and to ensure that the children's basic needs are met. In establishing those ground rules through a meaningful Parenting Plan, understanding of the following terminology and concepts is necessary.

**1. Decision-Making.** Parenting requires so many decisions that it is impossible to anticipate or list all of them. And, it is unrealistic to expect 100% agreement between a Mother and Father 100% of the time. Even in

long-term, happy marriages, men and women have different outlooks on parenting and disagree on many things. Usually, the difference between married parents and separated parents is simply how they resolve those disagreements. Unfortunately, after separation the only effective motivation for resolving differences is the mutual interest in the child's well-being. Without that mutual interest, conflict is inevitable and usually results in a one-to-one vote. Because the judicial process necessarily requires the judge to be the "tie-breaker", the allocation of parental responsibility and decision-making requires a distinction between mutual and individual decision-making

a. **Mutual Decision-Making** involves a process of parents exchanging information and opinions, and sharing responsibility for the affect of the decision on the child's welfare. For most decisions affecting the child, mutual decision-making responsibility requires that both parents carry out the decision consistently regardless of whether they disagree. Any decision affecting the child that is made without considering the views of the other parent invites conflict and conflict between the parents will never benefit the child. Mutual decision-making is therefore always better for the child regardless of which parent's view prevails and regardless of whether one parent is given specific individual decision-making responsibility for a particular subject. Whether parents are given mutual decision-making responsibilities will depend upon the Judge's belief that it will work. Mutual decision-making is usually applied only to major or significant decisions concerning the child's education, health care, and religious training or related matters having long-term consequences.

b. **Individual Decision-Making** involves one parent having both the right and duty to make the decision and the deciding vote when the other parent disagrees or is not available for consultation. Most daily parenting decisions necessarily must be made individually. Other, more significant decisions, can be handled mutually or individually" Even if one parent has individual decision-making responsibility, however, the best interest of the child usually requires mutual consistency in carrying out those decisions and that consistency requires some mutual discussion. Unless decision-making authority has been specifically allocated to one parent or specifically designated as requiring a joint, mutual decision, the parent with whom the child resides the majority of the time shall retain individual decision-making responsibility.

2. **Physical Care.** Responsibility for physical care refers to the situation in which a parent is expected to provide for the needs and welfare of a child as a direct result of the physical location of the child. Responsibility for physical care, based upon a parenting time schedule, is significant in applying child support Guidelines and necessarily includes important individual decision-making. However, responsibility for physical care does not automatically include the right to make every decision. Many decisions affecting the child must be carried out by the parent responsible for physical care, even if the other parent has the decision-making responsibility. Because a child can only be in one place at a time, after separation a division of time between the parents is unavoidable. An equal division of time is usually impractical and is not necessarily always the best thing for a child, so one parent will usually be responsible for physical care more often than the other.

3. **Parenting Time.** Colorado has abandoned the term "visitation" in recognition of the importance of "shared parenting". Generally, parenting time is any time one parent is responsible for the physical care of the child. Specifically, parenting time usually refers to periods spent with the parent with whom the child does not reside the majority of the time. In either sense, parenting time involves much more than mere "possession" of the child. Both parents have a "right" to parenting time and that "right" includes the duty to be a "parent"—not just a caretaker. Unless specifically restricted by the Court, parenting time schedules and arrangements necessarily require cooperation and mutual decision-making. Likewise, unless specifically restricted by the Court, while exercising parenting time a parent necessarily must have some individual decision-making responsibility. To be effective and beneficial to the child(ren), parenting time must be planned, predictable, and consistent with the age and needs of the child. Schedules are important to provide stability and planning, but flexibility to adapt to changing needs and circumstances is also expected. The details of parenting time usually change as a child matures.

4. **Residence.** When their parents no longer live together, children should be encouraged to feel that they have two homes. But, for many other reasons unrelated to the parents' separation (such as child support, automobile and health insurance, school attendance or tuition rules, and tax matters), a child can normally have only one legal residence. For purposes of any such classification, therefore, the child(ren)'s residence is the same as the parent that is responsible for the child's physical care the majority of the time. Because the place of

residence can significantly affect the parent-child relationship and financially impact the parents, changes in a child's residence necessarily require some mutual decision-making. Even in cases where children may spend equal time in the home of each parent, designation of a primary residence will usually be required.

## **F. PARENTING TIME**

1. In all cases, the Court will not deny parenting time to a parent or require it to be supervised unless the Judge finds that parenting time or unsupervised parenting time with that parent will endanger the child's physical health or significantly impair the child's emotional development. If the child is living with you, you are expected to follow that same rule and, if you deny parenting time to the other parent, you will be expected to present credible evidence to support your denial. Denial of parenting time for reasons unrelated to the child's physical health or emotional development will not be supported by the Court. You are required to follow the Court's parenting time order.

2. Parenting time is for the child and the parent to enjoy each other and maintain close contact. This is particularly important during the period immediately following separation. The child will likely need to reassure himself or herself of the continued love and support of each parent. Make your parenting time as pleasant as possible for your children by not questioning them regarding the activities of the other parent. Do not make promises which you know you cannot, or will not, keep. Keep the promises you make. Don't disappoint your child by failing to show up for scheduled parenting time.

3. As a general rule, subject to specific family and employment circumstances and the age of the child(ren), until a specific parenting time schedule is agreed to or ordered by the Court, a child should not be deprived of the opportunity to spend time with each parent on at least a once-each-week basis. In most cases, weekend parenting time should be allocated equally between the parents and regular overnight stays with both parents should be expected as soon as physical accommodations and the best interests of the child permit.

4. Major holidays and special occasions (e.g. Christmas, Hanukkah, birthdays, Mother's & Father's Days) must be shared equitably. Continuing established family traditions as much as possible is important to children and special attention to arranging for each parent to share these events with the child as much as possible is expected.

5. The parent with whom the children live must prepare them, both physically and mentally, for the parenting time. The children should be available promptly at the time mutually agreed upon, or ordered and returned promptly at the time agreed upon or ordered. The residential parent has no duty to wait longer than 30 minutes except upon an agreement with the non-residential parent. The non-residential parent should also be prompt in returning the children, with a 30 minute window being the standard.

6. Do not use your parenting time as an excuse or opportunity to continue arguments with the other parent.

7. You are not to have parenting time with your children if you have been drinking, using drugs, or even prescribed medications that affect your ability to operate a motor vehicle or your good judgment. Parenting time with your children at unreasonable hours is not permitted. All child-restraint and seat belt laws must be complied with by any person driving the children. Only licensed and insured drivers may transport the children. Smoking in the vicinity of children is a bad idea. If you do smoke, it should be done outside.

8. You are to notify the other parent as soon as possible (no less than 24 hours is acceptable), if you are unable to keep your parenting time appointment. It is unfair to your children to keep them waiting, and worse, to disappoint them by not coming at all.

9. If one parent has plans for the children that conflict with the scheduled parenting time, and these plans are in the best interests of the children, be adults and work out the problem together. Scheduled parenting time shall not be delayed or denied because a child has other scheduled activities (lessons, sports, school activities, etc.). The non-custodial parent should continue activities if at all possible. Also, the non-custodial parent may be present at scheduled activities unless prohibited by Court order.

10. You may not reduce nor deny parenting time for failure of one parent to pay support, nor may the one parent withhold support payments ordered because of problems in parenting time.

11. Each parent must provide time and assistance for study, completion of homework, papers or school assigned projects while the child is in his/her physical care even if it interferes with the parents' planned activities. Parenting time is not a vacation from responsibilities for the child.

12. If a child is hospitalized or has a serious injury each parent is entitled to be immediately notified. If the child is ill or injured with the non-residential parent, that parent shall secure appropriate emergency treatment. The residential parent shall be immediately notified. Any health care precaution or medications shall be followed during any parenting time.

13. The parent with whom the child resides the majority of the time is responsible for providing sufficient and appropriate clothing for all parenting time with the other parent. Special clothing or equipment needs for the parenting time will be provided by the non-residential parent. The child's clothing and belongings must be returned at the conclusion of parenting time

14. Unless specifically given decision-making authority for mental health care, a parent exercising parenting time should not take a child to a counselor or therapist without first obtaining the agreement of the parent with whom the child lives most of the time.

15. When exchanging children for periods of parenting time, door-to-door delivery conveys an important positive message to the child(ren). Unless distance between residences is significant, the use of "neutral" exchange points should be avoided and, if necessary in the early stages of separation, eliminated as soon as possible.

#### **G. IF THE COURT HAS TO MAKE A DECISION.**

1. When parents cannot agree, the Court must, and will, make a decision based solely on what is "in the best interests of the child(ren)" as required by Colorado statutes—not simply what each parent wants. Before you abandon efforts to reach an agreement, try to objectively see the situation through the eyes of the Judge. To the Judge, parents will not be "winners" or "losers." In every decision affecting parenting rights and responsibilities, the Judge will be considering the following statutory factors in an effort to make everyone, but most especially the child(ren), "winners":

a. The physical, mental, and emotional conditions and needs of the child(ren). [These conditions and needs are constantly changing and are different at different ages.]

b. The wishes of the child(ren), if the child is sufficiently mature to express reasoned and independent preferences. [Preferences expressed in response to parental interrogations are not considered independent.]

c. The interaction and interrelationships of the child with each parent, his or her siblings, and other persons who affect the child's best interests. [Disruption of normal, healthy relationships, especially soon after the parents' separation, can be even harder on children.]

d. The child's adjustment to his/her current home, school, and community. [Stability in areas unrelated to parents is important to children.]

e. The mental and physical health of all individuals involved, except that a disability alone is not a basis to deny or restrict parenting time.

f. Whether the past pattern of involvement of the parents with the child(ren) reflects a system of values, time commitment, and mutual support and whether that pattern indicates an ability as mutual decision makers to provide a positive and nourishing relationship with the child(ren). [The past is often a mirror image of the future.]

g. The physical proximity of the parents to each other as this relates to the practical considerations of scheduling parenting time and the ability to communicate in a timely fashion. [Parents who live in different cities cannot share parenting in the same way as parents who live in the same apartment complex.]

h. Whether one (or both) of the parents has been a perpetrator of child abuse or neglect or a perpetrator of spouse abuse. [Allegations and suspicions are not enough—there must be credible evidence of abuse before there will be a denial or restriction of parenting time.]

i. The ability of each parent to place the needs of the child(ren) ahead of his/her own needs and credible

evidence of the ability of the parents to cooperate and make decisions jointly. [How you handle conflicts and disagreements with the other parent before you get to the courtroom tells a lot about these two important factors.]

j. 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(ren) and each of the parents.

2. The Judge will **not** be considering ,or influenced by the following:

a. Any conduct by a parent that does not affect that parent's relationship with the child.

b. Any argument that a parent is better able to serve the best interests of a child because that parent's gender.

c. Which parent decided to end the marriage or who filed the Petition.

#### **H. PAYMENT OF SUPPORT**

1. You are to be prompt in paying child support as ordered, in cash, check, or money order. But, with or without a court order, both parents are expected to contribute to the financial support of their child(ren) and to provide for the child(ren)'s basic needs to the best of their ability. Because child support orders can be made retroactive to the date a Petition is filed, you should not use the absence of a court order to avoid meeting that obligation.

2. Unless otherwise agreed by the parents, or ordered by the Court all court ordered child support payments must be made by income assignment and paid through the Family Support Registry Fund. The payment must contain your case number. You may not receive credit for any payments made directly to the other parent, nor for payments made on purchases or expenses incurred for the children.

3. Purchase of gifts or clothes, or payment of bills, are not counted as a credit toward any court-ordered child support payment unless the Order specifically authorizes that credit.

4. Interference or denial of parenting time is not an excuse for failure to make support payments, nor is the failure to make support payments an excuse for reducing or denying parenting time.

5. The parent who receives child support payments is expected to use the money to provide for the needs of the child(ren), but is not required to account to the Court or the other parent for how they spend the money unless there is credible and convincing evidence that the child(ren)'s needs are not being met and credible and convincing evidence of irresponsible spending (e.g. excessive gambling, illegal drugs, etc.)

6. Once a child support order is entered, that obligation is considered to have the first priority—ahead of all other voluntary payments.

DATED this 15<sup>th</sup> day of October 2007.

BY THE COURT:

ROBERT LOWREY  
PRESIDING DOMESTIC COURT JUDGE