**The following is standard information and does 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**

**Q: How do I file documents with the El Paso County Courts?**

* Complete appropriate forms in their entirety.
* File original documents in the clerk’s office (Room S101) of the El Paso County Combined Courts. The clerk’s office is open M-F from 07:30AM to 04:30PM. Please bring copies of your completed documents with you when you file.

**OR**

* **If you live out-of-state and/or are unable to file documents in person\***, mail original filings to the Court at

El Paso County Combined Court

270 S. Tejon St.

Colorado Springs, CO 80903

* + \*If documents that you provide to the court are incomplete or contain incorrect information (ex. the court is unable to locate a case number), they may be sent back to you for corrections.
	+ If required, please be sure you send a copy of your completed documents to all interested parties.
	+ Make sure your forms and mailing contain:

✓Case Number, if applicable

✓Original signatures

✓Completed Certificate of Service on forms

✓Make an additional copy of forms to keep for your records

✓Single-sided documents

✓Check or money order for the filing fee made payable to “Clerk of Court”, if applicable

**Q: Does the court accept filings by email or fax?**

* No, the Court only accepts filings in person or by mail.
* File in person in the clerk’s office (Room S101) of the El Paso County Combined Court.

**OR**

* Mail original filings to the Court at:

El Paso County Combined Court

270 S. Tejon St.

Colorado Springs, CO 80903

**Q: Where can I find court forms that I need for my case?**

* For JDF and CRCCP forms: [www.courts.state.co.us](http://www.courts.state.co.us) → Self Help/Forms
* For FCF forms and El Paso County Court forms: [www.gofourth.org](http://www.gofourth.org) → El Paso County Forms and Flowcharts
* Some forms are not provided by the Court and must be drafted by you or your attorney.
* You can also obtain forms in the clerk’s office (Room S101) of the courthouse. A fee for the forms may apply.

**Q: How do I change my address with the Court?**

* A separate change of address form must be filed for each case that you have.
* For criminal/misdemeanor/traffic offenses:
	+ Obtain form *Notice of Change of Address and/or New Name (JDF 88)* and file the completed document with the Court.
* For family law cases (custody/divorce/legal separation/invalidity of marriage):
	+ Obtain form *Notice of Change Regarding Contact Information (JDF 1312)* and file completed document with the Court.
	+ You must make a copy of this document for each interested party and send them a copy.
* For probate cases (estates/trusts/guardianships/conservatorships):
	+ Obtain form *Notice of Change Regarding Contact Information (JDF 725)* and file completed document with the Court.
	+ You must make a copy of this document for each interested party and send them a copy.
* You can obtain forms in the clerk’s office (Room S101) or online here: <https://www.courts.state.co.us/Forms/By_Alphabetical.cfm>.

**Q: How do I find out the decision the Magistrate or Judge has made on my filings?**

* All Court Orders and Notices are mailed out to interested parties.
* Make sure that your mailing address is up to date in your court case(s).
* To update address with the Court, complete appropriate change of address form and file it with the Court, as indicated above.
* To obtain a copy of a Court Order or other court document, either\*:

1. Come in person to the Records Department (Room B3).

2. Submit online Records Request Form [here](https://www.courts.state.co.us/Courts/County/Index.cfm?County_ID=6) and email it to 04ResearchRequest@judicial.state.co.us.

 \*Fees may apply.

**Q: I live out of state. How do I appear by phone for an upcoming hearing?**

* In most cases, you are required to file a written Motion and Proposed Order to appear by phone for an upcoming hearing. You must file the request **in advance** of your court hearing.
* For a Dissolution of Marriage (divorce), Legal Separation, Allocation of Parental Responsibilities (custody), Invalidity of Marriage (annulment) Case obtain forms here (<https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=202>).
	+ You will need forms *Motion for Absentee Testimony Pursuant to CRCP 43 (JDF 1309)* and *Order for Absentee Testimony (JDF 1310)*.
	+ If you are seeking to appear by phone for your Initial Status Conference, contact the Family Court Facilitator’s Office at 719-452-5104 for your options.
* For civil cases (evictions, small claims, money cases), obtain forms here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=118>.
	+ You will need forms *General Motion (JDF 76)* and *General Order (JDF 77)*.
	+ Please see “Q: How do I complete a blank motion form?” for additional information.
* For probate cases (trusts, estates, guardianship, conservatorship cases), obtain forms here: <https://www.courts.state.co.us/Forms/By_JDF.cfm>.
	+ You will need forms *General Motion (JDF 724*) and *General Order (JDF 77).*
	+ Please see “Q: How do I complete a blank motion form?” for additional information.
* Complete the Motion in its entirety, including the Certificate of Service. Complete the Certificate of Service indicating when and how you are going to send a copy of the Motion to the other party or parties in your case. It is your responsibility to send a copy of the Motion and any attachments to all interested parties. On the Proposed Order, you would only need to complete the caption (top box) of the document. File the documents with the Court.
* You will receive a response back from the Judge or Magistrate by mail. It will ultimately be up to the Judge or Magistrate to determine if you are allowed to appear by phone.

**Q: I do not want the other party in my case to know my address. What do I do?**

* There must be a Court Order from a Judicial Officer, indicating that your address is ordered to be confidential from the other party. This is typically ordered in a civil protection order case. Please provide this Order to the court for the case in which you want your address kept confidential.
* The other party should have access to a valid mailing address to send you court documents, as they are required to provide you a copy of all documents that they file.
* Other options for confidential addresses:
	+ Obtain a PO Box so that the other party does not have your residential address.
	+ Apply for the Address Confidentiality Program if you are the victim of domestic violence, sexual offenses, and/or stalking. You can find information about this program online here: <https://www.colorado.gov/dcs/acp/>.
	+ If you have applied for services through Child Support Services, then they may be able to provide a confidential address that you can use for court purposes.

**Q: How can I ask for an interpreter?**

* Contact the division in which you are scheduled to make the request. You can obtain a list of Judges, divisions and phone numbers online here <https://www.courts.state.co.us/Courts/County/Contact.cfm?County_ID=6>.
* You can also submit the online request for an interpreter here <https://www.courts.state.co.us/Administration/language/request/index.cfm>.

**Q: How can I ask for ADA accommodations?**

* Find information about requesting American Disabilities Act (ADA) accommodations online here <https://www.courts.state.co.us/Courts/County/ADA.cfm?County_ID=6>.

**Q: What do I need in order to get married?**

* Marriage licenses are issued by the Clerk and Recorder’s Office. You can obtain additional information on their website here <https://clerkandrecorder.elpasoco.com/recording/marriage-licenses/>.
* If you are seeking to be married by a Judge, then you can obtain the list of Judges who perform weddings online here <https://www.courts.state.co.us/Courts/County/Custom.cfm?County_ID=6&Page_ID=179>. Please contact any of the Judicial Officers and arrange an appointment with their staff.

**Q: I was served with a Court Summons but I am deployed. How can I put the case on hold until I get back from deployment?**

* File a written motion and proposed order with the Court requesting a stay of the case or to enact the stay provisions of the Service Members Civil Relief Act, and it will be up to the Judge or Magistrate to determine if they can grant your request.
* Obtain additional information about the Service Members Civil Relief Act by reviewing 50 USC §§3901-4043 and 50 USC §520, et seq.
* For civil cases, you can file forms *General Motion (JDF 76)* and *Order (JDF 77*) to make your request.
* For traffic tickets, you can file form *General Motion (JDF 76)* to make your request.
* For family cases (divorce, custody, legal separation, etc.), you can file forms *Motion for (JDF 1314)* and *Order (JDF 1316)* to make your request.
* Please see “Q: How do I complete a blank motion form?” for additional information.
* You should also complete a change of address form if your mailing address is different than what is indicated on your court paperwork – *Notice of Change of Address and/or New Name (JDF 88*).
* Obtain forms online here <https://www.courts.state.co.us/Forms/By_JDF.cfm>.
* Complete documents as appropriate. Make an additional copy of documents for your records. Make an additional copy of documents for the other party or their attorney.
* File original documents with the Court. The Judicial Officer will send you a response back by mail.
* Attach a copy of your deployment orders or proof of deployment to your Motion.

**Q: Do the documents that I am filing need to be notarized?**

* Most court documents do not need to be notarized.
* If there is a section that indicates a line for a court clerk or a notary public, then that document must be notarized.

**Q: I have Power of Attorney for my friend/relative/etc. Can I file documents on their behalf?**

* The court does not recognize Power of Attorney. Therefore, you cannot file on someone else’s behalf or sign a document on behalf of another person. In some situations, the court may consider an Order for Guardianship that was previously issued by a Judicial Officer, but it is ultimately up to the Judicial Officer to determine if it is permissible.
* Only licensed attorneys can represent someone else in court.

**Q: How do I request a transcript of a hearing?**

* To order a transcript, download Transcript Request Form here <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=238>.
* Completed form(s) may be submitted by mail, fax 719-452-5010, email 04TranscriptRequest@judicial.state.co.us, or in person at the clerk’s office, Room S101.

**Q: How do I reschedule my court date?**

* If it is your first appearance on a traffic ticket or misdemeanor offense, you can come in to the First Appearance Center (Room W119), in advance of your hearing, to reschedule. They will have you sign for another court date. You are only allowed to reschedule 1 time.
* For all other cases, you can file a written Motion and Proposed Order with the court making your request in writing, in advance of your hearing. Please see below question - “Q: How do I complete a blank motion form?”. If the Judge does not grant your request to reschedule before your court date, then you must appear for your scheduled court date.

**Q: How do I complete a blank motion form?**

* A blank motion form is a fill in the blank template form that is used when the court does not offer a specific form to meet your request.
* For criminal cases:
	+ Obtain forms *General Motion (JDF 76*) and *General Order (JDF 77*).
	+ Complete form JDF 76 in its entirety, including the Certificate of Service. Make 2 additional copies of this form – 1 copy for you and 1 copy for the District Attorney’s Office.
	+ You must provide the DA’s Office a copy of your Motion. In the Certificate of Service, you must indicate when and how you are providing a copy of your Motion to the District Attorney’s Office. Their address is:

El Paso County District Attorney’s Office

105 E. Vermijo Ave.

Colorado Springs, CO 80903

* + Complete only the caption (top box) of JDF 77 to include names in the case and case number.
	+ File the original documents with the Court. The Judicial Officer will send you a response back by mail.
* For civil cases:
	+ Obtain forms *General Motion (JDF 76)* and *General Order (JDF 77*).
	+ Complete form JDF 76 in its entirety, including the Certificate of Service. Make 2 additional copies of this form – 1 copy for you and 1 copy for the other party(ies) to your case.
	+ You must provide the other party(ies) a copy of your Motion. In the Certificate of Service, you must indicate when and how you are providing the other party(ies) a copy of your Motion.
	+ Complete only the caption (top box) of JDF 77 to include names in the case and case number.
	+ File the original documents with the Court. The Judicial Officer will send you a response back by mail.
* For family law cases:
	+ Obtain forms *Motion for (JDF 1314)* and *Order (JDF 1316).*
	+ Complete form JDF 1314 in its entirety, including the Certificate of Service. Make an additional copy for each interested party.
	+ You must provide the other party(ies) a copy of your Motion. If Child Support Services is a party to your case, you must provide them a copy. In the Certificate of Service, you must indicate when and how you are providing a copy of your Motion to the other party(ies).
	+ Complete only the caption (top box) of JDF 1316 to include names in the case and case number.
	+ File the original documents with the Court. The Judicial Officer will send you a response back by mail.
* For probate cases
	+ Obtain forms *General Motion (JDF 724)* and *Order (JDF 77).*
	+ Complete form JDF 724 in its entirety, including the Certificate of Service. Make an additional copy for each interested party.
	+ You must provide all other parties a copy of your Motion. In the Certificate of Service, you must indicate when and how you are providing a copy of your Motion to the other parties.
	+ Complete only the caption (top box) of JDF 77 to include names in the case and case number.
	+ File the original documents with the Court. The Judicial Officer will send you a response back by mail.
* You can obtain forms in the clerk’s office (Room S101) or online here: <https://www.courts.state.co.us/Forms/By_Alphabetical.cfm>.

**Q: Do I fill out the Certificate of Service on my form, or does the Court complete that section?**

* It is your responsibility to complete the Certificate of Service indicating **when** and **how** you are going to deliver a copy of your completed form to all other interested parties.
* You can either hand deliver, fax, or mail a copy of the document to the other party(ies).
* Emailing a copy to the other party(ies) is not a sufficient form of service.
* If you have a criminal, misdemeanor, or traffic matter, then you must send a copy of your documents to:

District Attorney’s Office

105 E. Vermijo Ave.

Colorado Springs, CO 80903

* If you have a divorce, legal separation, custody, paternity, and/or child support case **and Child Support Services is a party to your case**, then you must send them a copy of all documents that you file, in addition to the other party(ies). Their mailing address is:

El Paso County Child Support Services

1675 Garden of the Gods Rd., Suite 1107

Colorado Springs, CO 80907

* If you fail to complete the Certificate of Service, then the Judge may deny your request or order that you re-complete the form(s).
* If there is an active protection order in place between yourself and the person who you need to provide a copy to and you are the restrained party, then the Court will mail the copy on your behalf, as long as you complete form *Clerk’s Office Certificate of Mailing*.

**Q: How I can find out my upcoming court date?**

* All public dockets are available here <https://www.courts.state.co.us/Courts/County/Dockets.cfm?County_ID=6>.

**Q: How can I find out my court case number?**

* If you know that you have an upcoming hearing, you can search the public dockets here <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=14>, and it will provide the court case number in which you have an upcoming hearing.
* You can come in person to the Records Department (Room B3) of the courthouse with valid identification.
* You can submit a records request to our records department. Please see the Question “RESEARCH REQUESTS - Q: How do I request documents out of my case?”

**Q: A warrant has been issued for my arrest through the El Paso County Combined Courts, but I live in another state. How can I resolve this?**

* You have 3 options.
* 1. Turn yourself in to local law enforcement in El Paso County, Colorado. If a bond has been set in your case, then you can post the bond upon turning yourself in. You can also contact a bondsman to assist you in posting the bond. Once you turn yourself in, a new court date will be set to attempt to resolve your case.
* 2. Hire an attorney to represent you in this matter.
* 3. File a Motion and Proposed Order with the court requesting that the Magistrate or Judge quash/cancel the warrant or any action that you see applicable. Please see “Q: How do I complete a blank motion form?”. In your forms, you would need to indicate what you are requesting from the Judge and your reasons for that request. You can make any appropriate attachments. Once those documents are filed with the court, they would be forwarded to the Judge for review. It would be up to the Judge to determine if they can grant your request or not. You would receive the response back from the Judge by mail. You should also file form *Notice of Change of Address and/or New Name (JDF 88)* to ensure that you receive a response back from the Judge.

**Q: I mailed documents to the court, but they were returned back to me. What do I need to do?**

* If documents were returned back to you, then there should also be a letter that was sent to you that indicates what your documents or mailing was missing.
	+ Some of the reasons may have been that the documents were missing your original signature(s) (where needed), a check or money order for the filing fee was not included, the documents were missing a case number, etc.
* Once you make the appropriate changes, mail the documents to the court for filing.

**Q: Where can I find the Colorado Revised Statutes and the Colorado Court Rules?**

* Colorado Revised Statutes: <https://advance.lexis.com/container?config=0345494EJAA5ZjE0MDIyYy1kNzZkLTRkNzktYTkxMS04YmJhNjBlNWUwYzYKAFBvZENhdGFsb2e4CaPI4cak6laXLCWyLBO9&crid=86ee9e32-a3bc-405f-8b35-b1c904b1aeb4&prid=da5c5546-e09c-45e1-904c-51c0202f45f7>
* Colorado Court Rules: <https://advance.lexis.com/container?config=0345494EJAA5ZjE0MDIyYy1kNzZkLTRkNzktYTkxMS04YmJhNjBlNWUwYzYKAFBvZENhdGFsb2e4CaPI4cak6laXLCWyLBO9&crid=86ee9e32-a3bc-405f-8b35-b1c904b1aeb4&prid=da5c5546-e09c-45e1-904c-51c0202f45f7> → Colorado – Local, State and Federal Court Rules

**Q: Where can I find other resources to help me navigate the legal process?**

* Colorado Legal Help Center: [www.coloradolegalhelpcenter.us](http://www.coloradolegalhelpcenter.us)
* Self Help Resources: <https://www.courts.state.co.us/Self_Help/resources.cfm>
* Pikes Peak Library District Research: [www.ppld.org](http://www.ppld.org) → Research → Law & Legal Resources
* Colorado Legal Services: [www.coloradolegalservices.org](http://www.coloradolegalservices.org)
* Colorado Checkerboard: [www.checkerboard.co](http://www.checkerboard.co)

**RESEARCH REQUESTS**

**Q: How do I request documents from my case?**

* Come in to the Records Department (Room B3) of the courthouse with valid identification. The Records Department is open M-F from 07:30AM – 05:00PM.

**OR**

* Complete Records Request form online here <https://www.courts.state.co.us/Courts/County/Index.cfm?County_ID=6> and submit, as indicated on the website.

**Q: How can I pay for my research request?**

* If you obtain documents **in person** in the Records Department, then all payments are accepted, except for American Express and temporary checks.
* If a Records Request is submitted electronically or by mail, then you will receive a Notice of Fees from the Records Department. Once you receive the Notice of Fees, you can send check or money order made payable to “Clerk of Court” for the appropriate fee.

**Q: Can I have my requested documents sent to a 3rd party?**

* No, you cannot have your requested documents send to a 3rd party.

**Q: What documents can I have if I am not a party to the case?**

* Only “public access” documents.
* Generally speaking, this **does not** include juvenile records, mental health records, medical records, victim information, or documents containing sensitive information.
* Please review Chief Justice Directive 05-01 for additional information. You can find that CJD online here: <https://www.courts.state.co.us/Courts/Supreme_Court/Directives/05-01_Amended%202016%20Oct18%20Web.pdf>.

**Q: What does it mean to validate your identity?**

* The Court may need to validate your identity to ensure that you can have access to the records that you have requested.
* The Court may request to see a copy of your ID, or request that you verify information from the case.
* The Court may also require a notarized statement from yourself validating your identity (a statement saying you are who you say you are).

**Q: What does authenticated/exemplified mean? What does certified mean?**

* An authenticated document is the same as an exemplified document. This is a document that contains a cover page with 3 court signatures and 3 seals. This may also be called a triple certified document.
* An exemplified document is different from a certified document.
* A certified document is a copy from the court that is guaranteed with one stamp on the document(s) by the clerk to be a true copy of the court record.
* The records department may not be able to certify court Orders that are expired or no longer valid.

**Q: Where can I receive a copy of my Marriage License?**

* All Marriage Licenses are kept by the Clerk and Recorder’s Office. You can find additional information online here: <https://clerkandrecorder.elpasoco.com/recording/marriage-licenses/#1512407587758-4147a480-a8c4>.

**Q: What is a Register of Action (ROA)?**

* A Register of Action is a court record of every action that happened in your case and brief information pertaining to that action. An ROA does not contain copies of the documents that were filed into your case, only an outline of the actions that occurred.

**CIVIL PROTECTION ORDERS**

**If you are in a dangerous or life-threatening situation and you need immediate protection, you should call 911, contact a local law enforcement agency, or contact the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or TTY 1-800-787-3224.**

**Q: What is a civil protection order?**

* A Protection Order means any Order that prohibits the Restrained Person from contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, sexually assaulting or abusing any Protected Person, or from entering or remaining on premises, or from coming within a specified distance of a Protected Person or premises, or from taking, transferring, concealing, harming, disposing of, or threatening harm to an animal owned, possessed, leased, kept, or held by a Protected Person, or any other provision to protect the Protected Person from imminent danger to life or health.
* A civil protection order refers to a protection order that was entered at the request of a written Complaint by one person against another person.

**Q: How do I file a civil protection order?**

* Obtain the instructions and forms for obtaining a civil protection order here <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=24>.
* Read through *Instructions for Obtaining a Protection Order (JDF 400)* in their entirety. The instructions will indicate what forms are needed for filing.
* You can also obtain the protection order packet/forms in the clerk’s office (room S101) of the El Paso County Combined Court.
* The El Paso County Combined Court accepts new protection order filings Monday through Friday from 07:30AM – 09:30AM in Room S101. The office opens at 07:30AM. The forms must be completely filled out and filed by 09:30AM.
* A hearing is held the same morning that you file. The hearing is held at 10:30AM. When you file your forms in Room S101, the clerk will give you more information about your court appearance.

**Q: Is there a fee to file a civil protection order?**

* A filing fee of $85.00 is required EXCEPT when the person seeking a protection order is a victim of domestic abuse, stalking, sexual assault or unlawful sexual contact.

**Q: How do I modify or dismiss a civil protection order?**

* Obtain the instructions and forms to request to modify a civil protection order here <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=24>.
* If you are the Protected Person seeking to modify or dismiss a civil protection order, please read through *Instructions for Protected Person Motion to Modify/Dismiss Protection Order (JDF 396)* and complete the appropriate forms.
* If you are the Restrained Person seeking to modify or dismiss a civil protection order, please read through Instructions for *Restrained Person Motion to Modify/Dismiss Protection Order (JDF 395)* and complete the appropriate forms. In addition to completing the forms, please make sure that you have completed Step 1 of the Instructions. You will need to file the background check from the FBI and the CBI.
* Once you have completed the appropriate forms, file your completed forms and documents with the Court.

**FINANCIAL – COURT COSTS, FINES, and FILING FEES**

**Q: I cannot afford to pay the filing fee required by the Court. Can the Court waive the fee or set me up on a payment plan?**

* If you are seeking to waive a filing fee or you are requesting a payment plan for a filing fee, file forms *Motion to File Without Payment and Supporting Financial Affidavit (JDF 205)* and *Finding and Order Concerning Payment of Fees (JDF 206)*. Fill out JDF 205 in its entirety and **attach proof of income**. Complete only the caption (top box) of JDF 206.
* Find the forms online here <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=176>.
* If you are receiving government assistance, then you should provide the Court a copy of your award letter that states what assistance you are receiving.
* Examples of proof of income list <https://www.courts.state.co.us/userfiles/file/Self_Help/Checklist%20to%20Apply%20for%20Motion%20to%20Proceed%20In%20Forma%20Pauperis.pdf>.
* A Collections Investigator will review the documents provided and determine if the fee can be waived, if they can put you on a payment plan or if you are required to pay the filing fee in full.
* If you are put on a payment plan, it is your responsibility to ensure those payments are made by the appropriate date(s). If you do not make payments timely, then additional fees may be assessed.

**Q: How much is the filing fee for my case?**

* Filing fees vary.
* Obtain a general list of filing fees on the Colorado Judicial Branch website here <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=176>.
* Most filing fees will be listed in the instructions for the court action that you are filing.

**Q: What forms of payment do the El Paso County Courts accept?**

* Cash, checks, money orders, most credit cards, and debit cards.
* We **do not** accept American Express, temporary checks, post-dated checks, checks made out to other agencies.
* Make checks or money orders payable to “Clerk of Court.”
* Proof of ID may be required for credit card and debit card transactions.
* The court cannot accept credit card payments over the phone.

**Q: I am unable to pay my court costs and fines. Is there a process to request to waive those fees?**

* File forms *Motion to File Without Payment and Supporting Financial Affidavit (JDF 205)* and Finding and *Order Concerning Payment of Fees (JDF 206).* Fill out JDF 205 in its entirety and **attach proof of income**. Complete only the caption (top box) of JDF 206.
* Find the forms online here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=176>.
* If you are receiving government assistance, then you should provide the Court a copy of your award letter that states what assistance you are receiving.
* Examples of proof of income list: <https://www.courts.state.co.us/userfiles/file/Self_Help/Checklist%20to%20Apply%20for%20Motion%20to%20Proceed%20In%20Forma%20Pauperis.pdf>.
* A Collections Investigator will review your request and determine whether you are considered indigent. Ultimately, the Judge assigned to your case will make the final decision as to whether your court costs and fines can be waived.
* This process will not waive restitution. Please see the next question for information regarding restitution.

**Q: Can the courts waive restitution?**

* You can file a blank Motion and Proposed Order requesting that the court waive restitution.
* It is unlikely that a Judicial Officer will waive restitution based on an inability to pay.
* Please see the FAQ – “Q: How do I complete a blank motion form (criminal)?”.

**NAME CHANGE**

**Q: The name on my birth certificate is not the name that I have been going by, and the Department of Vital Statistics is saying that I need a Court Order to change my birth certificate. What do I do?**

* Obtain the instructions and forms for the adult legal name change process here <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=25>.
* Read through *Instructions for Filing a Change of Name – Adult (JDF 432).*
* Complete and file the appropriate forms with the Court.

**Q: Does my name change have to be published in the newspaper?**

* After the Order for Publication is entered, the change of name must be published at least 3 times within 21 days from the date of the publication order in a local newspaper, by using the Public Notice (JDF 427) form, unless pursuant to §13-15-102, C.R.S., you have been:
	+ The victim of a crime, the underlying factual basis of which has been found by the Court; to include an act of domestic violence as defined in §18-6-800.3(1), C.R.S.; or
	+ The victim of child abuse as defined in §18-6-401, C.R.S., or
	+ The victim of domestic abuse as defined in §13-14-101(2), C.R.S.
* To request that publication of the name change be waived based on the criteria above, file a motion and proposed order with the C ourt making the request in writing. You can obtain these forms in the clerk’s office (Room S101) of the courthouse.

**Q: I want to change the name of my minor child. What is the process?**

* Obtain the forms and instructions here <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=26>.
* Read through *Instructions for Filing a Change of Name-Minor (JDF 420).*
* File the appropriate forms with the Court.

**Q: Do I have to send notice to the non-custodial parent if they are not a part of the child’s life?**

* Yes, you must provide the non-custodial parent notice of your request to change your child’s name, unless there has been a court order **terminating** the rights of the non-custodial parent.
* To give the non-custodial parent notice, you must mail a copy of the *Petition for Change of Name of Minor Child (JDF 421)* and a blank C*onsent of Non-Custodial Parent (JDF 423)* to the non-custodial parent at their current address by **certified mail, return receipt requested. This must be done after you have filed a case with the Court.**
	+ If you do not know the current address of the non-custodial parent, then you must send it to their last known address.

**CRIMINAL CASES, MISDEMEANOR CASES, and TRAFFIC CASES**

**Q: Can I pay my ticket instead of going to Court?**

* Some tickets are payable in advance of your court date. It is important that you read the back (or bottom) of your ticket for payment information, and follow the instructions to help ensure your ticket is paid in a timely manner. If you do not pay the ticket in a timely manner, a court appearance will be required on the date indicated on the ticket or summons.

**Q: My plea agreement states that I need to complete classes (Anger Management, driving, Victim Impact Panel, Parenting). Where can I get these classes done?**

* Anger Management/Parenting Programs/Nurturing Programs: [Class list here](SRLC/ClassesPrograms%20for%20Customers/Anger%20Management%2C%20Parenting%20Programs%2C%20Nurturing%20Programs.pdf)
* Theft Class/Cognitive Skills Classes: [Theft Class/Cognitive Skills Classes](SRLC/ClassesPrograms%20for%20Customers/Cognitive%20Skills%20Theft%20Class%20Referrals.pdf) and [Theft Classes](SRLC/ClassesPrograms%20for%20Customers/Theft%20Classes%20updated%205-2-14.doc)
* If you do not see information about the type of class that you are required to take, then you can contact the division that sentenced you for additional information.

**Q: I need more time to complete the terms of my deferred sentence. Can the Judge give me more time?**

* To request more time to complete your deferred sentence, complete form *Motion for Extension of Time to Complete Terms of Probation/Deferred Sentence (FCF 700)*.
* Complete the form in its entirety and make 2 additional copies – 1 copy for you and 1 copy for the District Attorney’s Office.
* You would file the original Motion with the Court. Once the Motion is filed, it will be forwarded to the Judge for review, and you will receive a response back by mail. Deliver a copy of your Motion to the District Attorney’s Office. While waiting for a response, it is important that you continue to work towards completing your deferred sentence (community service, class completion, etc.).

**Q: I received a ticket in Colorado Springs, but I lost the ticket. How can I take care of the ticket?**

* Some of the law enforcement agencies that can write tickets in the State of Colorado are Colorado State Patrol, Colorado Springs Police Department, and the El Paso County Sheriff’s Office. However, there are other agencies that may write tickets as well, such as the Fountain Police Department and Manitou Springs Police Department.
* **If the ticket is for a payable offense,** then you can pay the agency listed on the back of the ticket or at the bottom of the ticket within 20 days to avoid a court appearance. The agency that you pay varies depending on which agency wrote you the ticket. Therefore, if you don’t remember who wrote you the ticket, then you will need to call the law enforcement agencies in Colorado Springs to determine if they have issued you a ticket. You should ask them for the agency case number, if the ticket is still payable and what agency you can pay.
* If you are outside of the time frame to pay the ticket, then the ticket will come to the Court and become a part of the court record. Keep in mind, tickets may either be written to the El Paso County Combined Court or Municipal Court.
* If you are ordered to appear at the El Paso County Combined Courts, then your ticket will usually not appear in our records until a couple weeks before your court date. You cannot take care of this ticket through the Court until it is in the court record.
* If the Court has received the ticket, you can make a plea of guilty or not guilty the ticket on you court date or any day prior to your court date. If you plead guilty, the amount you have to pay will usually be more than what your ticket states to account for additional court costs.

**Q: I have moved to another state since I received a ticket in Colorado Springs. Can I have the case transferred to the state that I live in, or can I appear by phone for the hearing?**

* Cases cannot be transferred between states. In some cases, if you are put on probation, your probation may be able to be transferred to another state. This is something that you would discuss with your Probation Officer.
* For some tickets, you may be able to make a plea by mail. For additional information, please contact the First Appearance Center at 719-452-5500. They are open M-F from 08:00AM – 12:00PM and 01:00PM – 04:00PM.
* Some tickets can be taken care of over the phone. For additional information, please contact the First Appearance Center at 719-452-5500. They are open M-F from 08:00AM – 12:00PM and 01:00PM – 04:00PM.

**Q: I missed my court date. What do I do?**

* **If you missed a court date in the First Appearance Center (Room W119):** If this is your first time missing a court date, then you can come to the court within 3 business days for the court to quash the warrant. If you missed court on a traffic ticket, then you may need to pay a $30.00 fee to the finance department prior to the court quashing the warrant. You would report to the First Appearance Center (Room W119) of the El Paso County Combined Court. If you report to a department or division other than the First Appearance Center, then you may be arrested. For additional questions, please contact the First Appearance Center at 719-452-5500.
* **If you were scheduled to appear in a division other than the First Appearance Center,** then you would need to turn yourself in to local law enforcement. If the Judge has set a bond, then you may want to contact a bondsman prior to turning yourself in to arrange the posting of the bond, so that you do not need to stay in jail. If the Judge issued a no bond warrant, then you must stay in jail until your next court date. It would then be up to the Judge to determine if a bond will be set. Once you turn yourself in, the court will set another court date for you to take care of your case. You can also contact the Division in which your hearing is set to determine if you have any other options.

**Q: I have a criminal action pending against me in the Court. Can I leave the state?**

* Depending on the charges and status of your case, you may need to obtain permission from the Court to leave the state.
* If you would like to request permission to leave the state, then you would need to file a blank motion and proposed order with the court. Please see the question “Q: How do I complete a blank motion form?”.
* If you are on bond, then you must abide by your bond conditions. If you are on bond, then you also need to obtain a Consent of Surety from your bondsman, and file that document with your Motion and Proposed Order.

**Q: Will the case on my record prevent me from owning a firearm?**

* Certain charges and convictions could prevent you from owning a firearm. However, court staff cannot advise you of your rights. It is recommended that you consult with an attorney if you have questions about your right to owning a firearm.
* If your right to owning a firearm is affected by a court case, the Judicial Officer or your attorney will typically advise you of such.
* You can obtain additional information about firearm laws on the Colorado Bureau of Investigation website here <https://www.colorado.gov/pacific/cbi/firearmstatutes>.
* You can obtain additional information about obtaining a concealed handgun permit on the El Paso County Sheriff’s website here <https://www.epcsheriffsoffice.com/services/concealed-handgun-permit>.

**Q: How do I provide proof to the court that I have relinquished my firearm?**

* Complete and file form *Affidavit of Compliance with Firearm and Ammunition Relinquishment Order.*
* You can obtain that form online here [https://www.courts.state.co.us/userfiles/file/Court\_Probation/04th\_Judicial\_District/El\_Paso/Criminal/FirearmRelinquishmentAffidavit12-2-14%20(2).pdf](https://www.courts.state.co.us/userfiles/file/Court_Probation/04th_Judicial_District/El_Paso/Criminal/FirearmRelinquishmentAffidavit12-2-14%20%282%29.pdf)
* You may need to attach a completed Bill of Sale or Transfer of Firearms/Ammunition to a Private Party here <https://www.courts.state.co.us/userfiles/file/Court_Probation/04th_Judicial_District/El_Paso/Criminal/BILL%20OF%20SALE%20OR%20TRANSFER%20OF%20FIREARMS%20120914.pdf>.
* File appropriate documents with the Court.

**SMALL CLAIMS**

**Q: I live in another state. How can I file a small claims case in El Paso County?**

* Read through *Instructions for Filing a Small Claims Case (JDF 248)* <https://www.courts.state.co.us/Forms/SubCategory.cfm?Category=Small>.
* Complete *Notice, Claim & Summons to Appear for Trial (JDF 250)* – all 7 pages.
* Mail all 7 pages of JDF 250 to the court for filing. Please see “General – I live out of State, how do I file documents with El Paso Courts?” for additional information about filing from out of state.
	+ Send check or money order with your documents made payable to “Clerk of Court” for the appropriate filing fee.
* If you are filing a small claims case from another state and do not plan on appearing in person for court, please ensure that you include 1 copy of all your Exhibits with your filing.
	+ It is recommended that you make an Exhibit List and organize your Exhibits in a way that will make sense to you and to the Magistrate. Please ensure that you keep a copy of all exhibits for your records. Plaintiffs should label each exhibit in numerical order. Defendants should label their exhibits in alphabetical order.
	+ You are required to have the Defendant served with a copy of all your Exhibits.
* When you submit your documents from out-of-state, you will be returned, by mail, Part 2, Part 3, and Part 4 of your completed *Notice, Claim and Summons to Appear for Trial (JDF 250)*. Part 3 is the plaintiff’s (your) copy to keep. You must have the Defendant personally served with both pages of Part 2. Part 4 must be completed by the person who serves the documents (not you), and it must be filed with the court in advance of your court date. You can read more about personal service in *Instructions for Filing a Small Claims Case (JDF 248).* Please see Step 3 of these instructions in regards to personal service.

**Q: How do I appear by phone for my small claims case?**

* Complete and file a blank motion making your request to appear by phone, in writing.
* Please see the question “Q: How do I complete a blank motion form?”.
* If the defendant(s) has already been personally served with the small claims documents, then you are required to mail the defendant a copy of your completed Motion. Please ensure that you fill out the Certificate of Service on the bottom of the Motion indicating when and how you are going to provide the other party a copy of that document.
* If the defendant(s) has not been personally served with the small claims case, then you are required to have the other party personally served with a copy of your completed motion at the same time that they are personally served with the small claims case (and exhibits).
* Once filed, the Motion will go to the Magistrate for review, and you will receive a response back by mail.

**Q: I won my small claims case and the other party is not paying. How do I collect the amount that they owe me?**

* You can obtain the instructions and forms for collecting a judgment, on the Colorado Judicial Branch website here <https://www.courts.state.co.us/Forms/PDF/JDF%2082%20How%20to%20Collect%20a%20Judgment%20and%20Issuing%20a%20Writ%20of%20Garnishment.pdf>.

**Q: I am the Plaintiff in a small claims case, and I cannot locate the Defendant. What do I do?**

* As the Plaintiff in the action, it is your responsibility to obtain a valid address in which the Defendant can be properly served. The court cannot assist you in locating the Defendant.
* You may need to contact family or friends to obtain a valid address. You may want to consider having the Defendant personally served at their place of employment or somewhere that you know that they spend time. You can also hire a professional investigator to assist you in locating the Defendant.
* The Defendant must be successfully served in order for the case to proceed to a trial and for the Magistrate to make any decisions in regards to your claim.

**Q: I am the Plaintiff in a small claims case, and I was not able to have the Defendant served 15 days prior to trial. How do I get another court date?**

* Complete form *Notice, Claim & Summons to Appear for Trial (JDF 250)* in its entirety, similar to the way you previously completed the form.
* Ensure that you write your case number on this document.
* Write the word “Alias” in front of the caption where it states “Notice, Claim, & Summons to Appear for Trial.”
* If you change the amount of your claim, or any other sections of form JDF 250 since the first time that you filed, then you should also write the word “Amended” in front of the word “Alias”.
* File these completed forms with the court, and the clerk will provide you a new court date to allow more time for service.

**Q: Where can I find resources for filing a small claims case?**

* [www.courts.state.co.us](http://www.courts.state.co.us) → Self Help/Forms → Small Claims Cases
* [www.courts.state.co.us](http://www.courts.state.co.us) → Self Help/Forms → All Court Forms and Instructions → Small Claims
* [www.courts.state.co.us](http://www.courts.state.co.us) → Self Help/Forms → Self Help/Resources → Videos: Small Claims
* [www.courts.state.co.us](http://www.courts.state.co.us) → Self Help/Forms → Self Help/Resources → Videos: Evidence
* [www.coloradolegalhelpcenter.us](http://www.coloradolegalhelpcenter.us) → Self Service “Process Info” → Types of Legal Issues → Small Claims
* [www.checkerboard.co](http://www.checkerboard.co) → Small Claims

**Q: How long do I have to file my civil claim in court? What is the statute of limitations?**

* You can obtain some information about statute of limitations in the Frequently Asked Questions for small claims court online here: [https://www.courts.state.co.us/userfiles/file/Self\_Help/Small\_Claims/SMALL%20CLAIMS%20FAQ's.pdf](https://www.courts.state.co.us/userfiles/file/Self_Help/Small_Claims/SMALL%20CLAIMS%20FAQ%27s.pdf).
* You may want to consult with an attorney in regards to the statute of limitations for your specific claim.

**SEALING CASES**

**Q: Is my court case eligible to be sealed?**

* Court staff cannot advise you on if your case is eligible to be sealed. Please keep in mind that some cases are eligible to be sealed and some cases are not.
* Please read through the instructions on the Colorado Judicial Branch website that pertain to sealing court cases here: <https://www.courts.state.co.us/Self_Help/sealingrecords/>.
* The Judge may also take into consideration the terms of your plea agreement and any objection made by the victim(s) or the District Attorney’s office.
* If you are unsure if you would like to file, then you may want to consult with an attorney for legal advice.
* The Court will accept any documents that you seek to file and the decision to seal your case is ultimately up to the Judge. A hearing may be required.

**Q: How do I seal a court case?**

* Obtain the instructions and forms for sealing court records on the Colorado Judicial Branch website here <https://www.courts.state.co.us/Self_Help/sealingrecords/>.
* Follow the instructions that pertain to the type of case that you are requesting to seal.
* Once you have completed the appropriate forms, you should make 2 additional copies of the forms. You would then file those forms in the clerk’s office (Room S101) of the El Paso County Combined Court.
* Once the documents are filed, they will be delivered to the Magistrate or Judge for review, and you will receive a response back by mail.

**Q: What is the difference between sealing a court case and expunging a court case?**

* The word “sealing” refers to adult criminal records.
* The word “expungement” refers to juvenile criminal records.

**Q: Do I have to pay a separate fee for every case that I am requesting to seal?**

* If there is a fee for the documents that you are seeking to file, then there is a separate filing fee for each case.
* There is no fee to file Juvenile Expungements.

**EVICTIONS**

**Q: How do I file an eviction case with the court?**

* Read through *Instructions for Forcible Entry and Detainer (FED)/Evictions (JDF 100)* in their entirety here: <https://www.courts.state.co.us/Forms/PDF/JDF%20100%20FED%20Instructions%20R01%2018.pdf>.
* Keep in mind that court staff is unable to give legal advice. The following is for information purposes and does not constitute legal advice about your case.
* Prior to filing an eviction with the Court, you must provide the tenant proper written Notice. This can be with the form *Demand for Compliance or Right to Possession Notice (JDF 101)* or *Notice to Quit (JDF 97)*.
	+ The Demand for Compliance or Right to Possession Notice is a notice that is given by a landlord (owner) to a tenant requiring them to comply or correct a violation of the lease or to pay past due rent within 10 days of giving the notice to avoid eviction.
	+ A Notice to Quit is a notice that is given by a landlord (owner) to a tenant requiring them to vacate the property. This notice can be used if the lease or contract has ended and you want the tenant to vacate the property for any reason. This can also be used if there was no agreement in place.
* Once you have given the tenant appropriate notice and the appropriate amount of time has passed per the Notice that you have provided to the tenant, you can complete the appropriate forms to file the eviction forms through the Court.
* Once you are ready to file your case through the Court, you will need the following forms. In parentheses is indicated how many copies are needed of the completed forms. In terms of the number of copies that you need, “any and all other occupants” is considered a tenant. Therefore, if you are evicting “any and all other occupants” please ensure that you make the appropriate amount of copies assuming that they are a tenant.
	+ JDF 101 or JDF 97 (1 copy for court, 1 copy for yourself plus 2 per tenant)
	+ JDF 98 Affidavit of Service (1 per tenant)
	+ JDF 99 Complaint (1 original, 1 copy for yourself, and 2 per tenant)
	+ CRCCP 1A Summons (1 original, 1 copy for court, 1 copy for yourself and 2 copies per tenant)
	+ CRCCP 3 Answer (2 per tenant)
* You would then file these documents with the Court and pay the appropriate filing fee to start your eviction case.

**Q: Can I file an eviction case if I live in another state?**

* Eviction cases are time sensitive and a hearing is set when you file the case. In addition, the tenant must be personally served at least 7 days prior to the court date. Therefore, in some instances that only gives you a couple days to serve the tenant. If you do not have a landlord or property manager to file the case for you, then you have 3 options for filing an eviction case from another state.
	+ Mail documents to the court for filing – Your first option is that you can mail documents to the court for filing. You must follow the standard rules for filing. Please see the previous FAQ – “I live out of state. How do I file documents with El Paso County Courts?”
		- If you mail documents to the Court for filing, then the appropriate documents will be mailed back to you so that you can arrange to have the other party personally served. This is sent by regular mail. Therefore, you run the risk of not having enough time to have the tenant(s) personally served.
	+ Have someone else file the forms for you in person – You can mail your documents to a friend or relative, and they can file the documents for you in the clerk’s office (room S101). The documents would then be returned to them in person, and they can then arrange to have the tenant(s) personally served. The court still requires your original signature(s) on the documents filed.
	+ Hire an attorney to represent you - If you hire an attorney to represent you in this case, then they can file the documents for you, and they can appear in court for you.

**Q: What is the difference between the Notice to Quit and a Demand for Compliance?**

* A Demand for Compliance or Right to Possession Notice is a notice that is given by a landlord (owner) to a tenant requiring them to **comply or correct a violation of** the lease or to pay past due rent within 10 days of giving the notice, to avoid eviction.
* A Notice to Quit is a notice that is given by a landlord (owner) to a tenant requiring them to vacate the property. This notice can be used if the lease or contract has ended and you want the tenant to vacate the property for any reason. This can also be used if there was no agreement in place.
* You may want to review the Colorado Revised Statutes referenced in each form, to determine which form is appropriate for your situation.

**Q: How long does the eviction process take?**

* The eviction process can vary depending on the reasons you are evicting the tenant, if you completed the forms correctly, and if the other party objects to the eviction.
* When you file an eviction case with the court, a court date is set based on El Paso County’s Civil Return Calendar here: <https://www.courts.state.co.us/Courts/County/Custom.cfm?County_ID=6&Page_ID=243>.
	+ The court date is set about 7-14 days out from the time of filing. Multiple court dates may be required depending on the monetary claims that you make, as well as any objections or counterclaims made by the tenant.

**Q: I went to my eviction court date and judgment was entered in my favor. When can I obtain the Writ of Restitution to take to the Sheriff’s Department?**

* At least 48 hours after the Judicial Officer has granted judgment in your favor.
* Fill out form *Writ of Restitution (JDF 103)* and leave the signature line blank.
* Bring completed form JDF 103 to the clerk’s office (Room S101) of the El Paso County Combined Courts.
* Ask the clerk to issue the Writ of Restitution.
* There is no fee for this.

**RESPONDING TO AN EVICTION**

**Q: I was served with an eviction case. How can I respond?**

* Complete the form *Answer under Simplified Civil Procedure (CRCCP 3)* in its entirety.
* Once this form is completed, you should make 2 additional copies – 1 copy for you and 1 copy you must deliver to the Plaintiff, or the Plaintiff’s attorney if they have one.
* File the original Answer form with the Court.
* The purpose of the Answer is for the Defendant to respond to the allegations in the Complaint and to state any claims against the Plaintiff that the Defendant might have.
* You can file the Answer on or prior to the court date. However, you are required to attend the Return Date on the Summons.
* If you wait to file an Answer until your court date listed on your Summons, then you will have the opportunity to meet with the other party (or their attorney) to see if you can reach an agreement. If you cannot reach an agreement on the court date, then you will be given time to file an Answer that same day.

**Q: Tips for completing the Answer form?**

* It is recommended that you read through *Instructions for Filing an Answer and/or Counterclaim (JDF 96)*. You can obtain the instructions online here <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=27>. Please read through the instructions in their entirety. The instructions will also contain the filing fees for filing an Answer.
* You must provide the other party, or their attorney, a copy of your completed Answer. If the Plaintiff has an attorney, then you must provide the attorney a copy of the Answer that you file with the Court. Therefore, make sure that you fill out the Certificate of Service on the Answer form. You must fill out the Certificate of Service indicating when and how you intend to provide the other party, or their attorney, a copy of your completed Answer.
* Make sure that you complete #1 and #5 on the Answer form. These questions must be answered. If you complete #2 on the Answer form, then please ensure you check a box on #4.

**Q: Do I have to file an Answer?**

* Court staff cannot provide legal advice. Therefore, we cannot recommend that you file or don’t file an Answer. If you are unsure if you would like to file an Answer, then you may want to consult with an attorney. If you and the other party are able to come to an agreement on your court date, then you may not need to file an Answer.

**Q: I cannot attend my eviction hearing. What can I do?**

* If you do not appear for your court date, then a default judgment can enter against you.
	+ This can be what’s called a judgment for possession for eviction cases and/or a money judgment. If a judgment for possession of the property is entered against you, then that will always be on your record and may be visible to future landlords and property managers. If a money judgment enters against you, then that becomes a part of your credit report.
* You can try to come to a written agreement with the Plaintiff (or their attorney) prior to the court date. However, it is up to the Plaintiff to determine if they are willing to enter into an agreement with you.
* If you are disputing the eviction, then you can file your written Answer with the Court prior to your court date. However, the Court cannot guarantee that an Answer will be sufficient if you do not appear. A judgment could still enter against you for your failure to appear.
* In addition to filing an Answer, you can file a blank motion with the Court requesting whatever action you would like (reschedule the court date, dismiss the case, etc.). Again, the Court cannot guarantee that a Magistrate will grant your request or even review your request prior to the court date. A judgment could still enter against you for your failure to appear.
* If you miss your court date, please see the FAQ – “Q: I missed my eviction court date. What do I do?”

**Q: What is the Warranty of Habitability defense?**

* Per Colorado Revised Statute 38-12-503(1) “In every rental agreement, the landlord is deemed to warrant that the residential premises is fit for human habitation.” This statute addresses the Warranty of Habitability in detail. It is recommended that you read this statute in its entirety if you raise this as a defense to the eviction.
* If you believe that the landlord or property owner has breached the Warranty of Habitability, then you (the tenant) should review CRS §38-12-507 to determine proper remedies.
* If you do not understand these statutes, then you may want to speak to an attorney.
* In regards to court forms, if you are claiming that the landlord’s failure to repair the residential premises is a defense to the landlord’s allegation of nonpayment of rent, complete the form *Affidavit to Support Claim for a Breach of the Warranty of Habitability (JDF 109)*.
* On this form, you would need to include the Total Past Due Rent (as stated in the Complaint), as well as the Total expenses that you have incurred as a result of the property being uninhabitable. On the form, you would then take the difference between these 2 amounts. If the total rent due is greater than the total expenses incurred as a result of the property being uninhabitable, you are required to deposit funds in the Court Registry for that amount, by cash or certified funds.

**Q: I missed my eviction court date. What do I do?**

* If you miss your eviction court date, then a judgment can enter against you for possession of the property and/or a money judgment.
* If you are disputing the judgment that was entered because you failed to appear for your court date, then you can file form Motion & Order to Set Aside Default Judgment (JDF 78). You would need to complete this form in its entirety and make 2 additional copies – 1 copy for you and 1 copy for the other party (or their attorney if they have one). You would then file this form with the Court.
* If you have not already filed an Answer in your case, then you are also required to file form *Answer under Simplified Civil Procedure (CRCCP 3*). Please see the previous FAQ – “Q: I was served with an eviction case. How do I respond?”

**RESPONDING TO COUNTY COURT CIVIL MONEY CASES**

**Q: Tips for completing the Answer form?**

* It is recommended that you read through *Instructions for Filing an Answer and/or Counterclaim (JDF 96)*. You can obtain the instructions online here <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=27>. Please read through the instructions in their entirety. The instructions will also contain the filing fees for filing an Answer.
* You must provide the other party, or their attorney, a copy of your completed Answer. If the Plaintiff has an attorney, then you must provide the attorney a copy of the Answer that you file with the court. Therefore, make sure that you fill out the Certificate of Service on the Answer form. You must fill out the Certificate of Service indicating when and how you intend to provide the other party, or their attorney, a copy of your completed Answer.
* Make sure that you complete #1 and #5 on the Answer form. These questions must be answered.
* If you complete #2 on the Answer form, then please ensure you check a box on #4.

**Q: How do I file an Answer with the Court?**

* Complete the form *Answer under Simplified Civil Procedure (CRCCP 3)* in its entirety.
* Once this form is completed, you should make 2 additional copies – 1 copy for you and 1 copy you must deliver to the Plaintiff, or the Plaintiff’s attorney if they have one.
* File the completed Answer form with the Court.
* You can file the Answer on or prior to the court date. If you file the Answer prior to your court date on a civil money case, then a new court date will be scheduled and you will receive notice in the mail.
* If you wait to file an Answer until your court date listed on your Summons, then you will have the opportunity to meet with the other party (or their attorney) to see if you can reach an agreement. If you cannot reach an agreement on the court date, then you will be given time to file an Answer that same day.

**Q: Can I be set up on a payment plan for this debt?**

* The Court/Magistrate cannot set you up on a payment plan for a civil debt.
* It would be up to the Plaintiff and/or their attorney to determine if they are willing to enter into a payment plan with you.
* If you contact the Plaintiff or the Plaintiff’s attorney prior to the court date, then they may agree to a payment plan. However, it is still your responsibility to ensure that you meet all court obligations.
* If you appear on the court date, the Plaintiff or their attorney may be willing to come to a written agreement with you. If you come to an agreement, that agreement will be put in writing and presented to the Magistrate to be made an Order of the Court. It is important that you understand any agreement in its entirety before signing the agreement. You may want to speak to an attorney if you are unsure that the agreement is in your best interest.

**DIVORCE, LEGAL SEPARATION and CUSTODY**

**Q: How do I file a custody case in El Paso County?**

* Read through *Instructions for Petition for Allocation of Parental Responsibilities (JDF 1413I)* that you can find here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=15>. The instructions will indicate the process for filing.

**Q: How do I file for Divorce or Legal Separation in El Paso County?**

* Obtain the instructions and forms from the Colorado Judicial Branch website at [www.courts.state.co.us](http://www.courts.state.co.us) under Self Help/Forms→ All Court Forms and Instructions→ Divorce, Family Matters, Civil Unions→ either “Divorce or Legal Separation – NO Children” or “Divorce or Legal Separation – WITH Children”.
	+ NO Children – *Instructions for Filing a Dissolution of Marriage or Legal Separation if there are no Children of this Marriage or if the Children are emancipated (JDF 1099)*
	+ WITH Children – *Instructions for Filing a Dissolution of Marriage or Legal Separation With Children (JDF 1100)*
* The instructions will indicate the process for filing.

**Q: How do I ask the court for an emergency hearing in my divorce or custody case?**

* There are few forms that can be filed with the court that are considered an emergency under Colorado Revised Statutes (Colorado laws).
* One type of emergency in a divorce or custody case, is if you feel that the children are in imminent physical or emotional danger under the current parenting time with the other parent. If you feel the children are in danger, then you can complete forms to request to restrict the parenting time of the other parent:
	+ *Motion to Restrict Parenting Time (JDF 1406)*
	+ *Order re: Modification/Restriction of Parenting Time (JDF 1424)* – fill out caption (top box) only
	+ Read through *Instructions to File a Motion to Modify/Restrict Parenting Time (JDF 1406I).*
	+ Find forms and instructions online here <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=73>.
* Another type of emergency is if you believe that the minor children are in imminent danger of abduction by the other parent, in which you believe that they will leave the state without notice to you. You would then complete forms prior to the other parent and children leaving the state:
	+ *Petition/Motion for Abduction Prevention Measures (JDF 1230)*
	+ *Order re: Abduction Prevention Measures (JDF 1231)* – Fill out caption (top box) only
* File appropriate forms with the court. The Judicial Officer will send you a response back by mail.
* If you have another issue in which you would like to request an emergency hearing, please come in to the Clerk’s Office (Room S101) or the Family Court Facilitator’s Office (Room S116) during walk-in hours to determine which forms are needed.

**Q: The other party is not following our court orders. How do I file a contempt of court action against them?**

* Read through *Instructions for Filing Motions to Enforce Orders (JDF 1800)* in their entirety that you can obtain here <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=79>. Please pay special attention to Option 4: Contempt of Court.
* Complete form *Motion and Affidavit for Citation for Contempt of Court (JDF 1816)* in its entirety.
* Complete the caption (top box) of form *Order to Issue Citation and Citation to Show Cause (JDF 1817).*
* Attach a copy of the Court Order that the other party is allegedly violating.
* File these documents with the court.
* For additional information about the Contempt of Court process, please see the videos online here <https://lawhelp.coloradolegalservices.org/resource/how-to-file-contempt-of-court-in-domestic-cas?ref=72Yq9>.

**Q: How do I calculate child support and/or maintenance?**

* Download the Family Law Software online here <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=94>.
* Once you have entered the appropriate figures in the software, the software will then generate a Child Support Worksheet and/or Maintenance Worksheet that you can then file with the court.
* For additional information about the Family Law Software, please see [www.familylawsoftware.com](http://www.familylawsoftware.com) → For Subscribers → Video Tutorials → For Your State’s Support & Affidavit - Colorado

**Q: How do I modify parenting time orders?**

* Obtain the instructions and forms to modify parenting time here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=73>.
	+ If both parties are in full agreement:

To start the modification process, you will need to complete, *at the bare minimum* –

*Stipulation Regarding Parenting Time Modification (JDF 1423)*

And

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

* + If both parties are not in full agreement/Motion filed by one party:

To start the modification process, you will need to complete, *at the bare minimum* –

*Motion to Modify/Restrict Parenting Time (JDF 1406)*

And

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

* File appropriate documents with the court.
* Make copies of any documents filed through the court – one copy for each party, and the original should be filed with the court.
* You will also need to complete *Parenting Plan (JDF 1113),* and in most cases, *Sworn Financial Statement (JDF 1111*). You will also need to complete any other forms that the Judge orders.
* After you file a motion to modify court orders, the Magistrate/Judge who reviews your motion, will typically mail out a Case Management Orderto both parties. The Case Management Order will instruct the moving party and the responding party on how to proceed, to include necessary filings, due dates of filings, and general procedures.
* It is also recommended that you read through *Domestic Relations Case Management Order (Post-Decree or Post-Final Orders) (FCF 400A)* for more information on post-decree matters. You can find the Case Management Order online here: <https://www.courts.state.co.us/userfiles/file/Court_Probation/04th_Judicial_District/El_Paso/Domestic%20Forms/FCF%20400a%20-%20Post%20Decree%20CMO%20FCF%20400a%2002-17%20restricted_121217.pdf>.
* If your address has changed since the last time you were in court, then you should also complete and file *Notice of Change of Address and/or New Name (JDF 88).*

**Q: How do I modify child support orders?**

* Obtain the instructions and forms to modify child support here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=70>.
* You should read through *Instructions to File a Motion or Stipulation to Modify Child Support (JDF 1403I)*. These instructions will walk you through the process, what forms you will need, and the filing fees involved. Keep in mind, child support is calculated under statutory guidelines. If there has been a “substantial andcontinuing” change in circumstances, then you may file for a modification. The change in circumstances must amount to a 10% increase or decrease in the current child support order.
	+ If both parties are in full agreement:

To start the modification process, you will need to complete, *at the bare minimum* –

*Stipulation Regarding Child Support Modification (JDF 1404)*

And

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

* If both parties are **not** in full agreement/Motion filed by one party:

To start the modification process, you will need to complete, *at the bare minimum* – *Motion to Modify Child Support (JDF 1403)*

And

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

* Make copies of any documents filed through the courts – one copy for each party, and the original for the court. If Child Support Services is a party to your case, you must also send them a copy of your completed documents.
* After you file a motion to modify court orders, the Magistrate/Judge who reviews your motion, will typically mail out a *Case Management Order* to both parties. The Case Management Order will instruct the moving party and the responding party on how to proceed, to include necessary filings, due dates of filings, and general procedures.
* It is also recommended that you read through *Domestic Relations Case Management Order (Post-Decree or Post-Final Orders) (FCF 400A*) for more information on post-decree matters. You can find the Case Management Order online here: <https://www.courts.state.co.us/userfiles/file/Court_Probation/04th_Judicial_District/El_Paso/Domestic%20Forms/FCF%20400a%20-%20Post%20Decree%20CMO%20FCF%20400a%2002-17%20restricted_121217.pdf>.
* If your address has changed since the last time you were in court, then you should also complete and file *Notice of Change of Address and/or New Name (JDF 88).*

**Q: How do I modify decision-making responsibilities of the child or children?**

* Obtain the instructions and forms to modify decision-making responsibilities here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=72>.
* Read through Instructions to File a *Motion or Stipulation to Modify Decision-Making Responsibility (JDF 1411)*. These instructions will walk you through the process and what forms you will need. You may need to file this in conjunction with the forms to modify child support and/or parenting time.
	+ If both parties are in full agreement:

To start the modification process, you will need to complete, *at the bare minimum* –

*Verified Motion/Stipulation to Modify Decision-Making Responsibility (JDF 1415)*

And

*Order re: Modification Re: Decision-Making Responsibilities (JDF 1417)*

* + If both parties are not in full agreement/Motion filed by one party:

To start the modification process, you will need to complete, *at the bare minimum* –

*Verified Motion/Stipulation to Modify Decision-Making Responsibility (JDF 1415)*

And

*Order re: Modification Re: Decision-Making Responsibilities (JDF 1417)*

* Make copies of any documents filed through the courts – one copy for each party, and the original for the court.
* You will also need to complete *Parenting Plan (JDF 1113*), and in most cases, *Sworn Financial Statement (JDF 1111)*. You will also need to complete any other forms that the Judge orders.
* After you file a motion to modify court orders, the Magistrate/Judge who reviews your Motion, will typically mail out a Case Management Orderto both parties. The Case Management Order will instruct the moving party and the responding party on how to proceed, to include necessary filings, due dates of filings, and general procedures.
* It is also recommended that you read through *Domestic Relations Case Management Order (Post-Decree or Post-Final Orders) (FCF 400A)* for more information on post-decree matters. You can find the Case Management Order online here: <https://www.courts.state.co.us/userfiles/file/Court_Probation/04th_Judicial_District/El_Paso/Domestic%20Forms/FCF%20400a%20-%20Post%20Decree%20CMO%20FCF%20400a%2002-17%20restricted_121217.pdf>
* If your address has changed since the last time you were in court, then you should also complete and file *Notice of Change of Address and/or New Name (JDF 88).*

**Q: I am seeking to file a modification of parenting time and/or custody in conjunction with a modification of child support. Any tips?**

* If you file all your modification documents at the same date/time, then the Court will only assess one modification filing fee. If you file a subsequent Motion to Modify at a later date, there will be an additional fee to file.
* The Instructions for each modification process indicate the required forms. If more than one set of instructions references the completion of a specific form, you only need to complete that form once (ex. Parenting Plan, Sworn Financial Statement.)

**Q: How do I file a Notice to Set Hearing?**

* + Obtain the form Notice to Set Hearing (JDF 1123) here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=172>.
	+ Obtain instructions for completing the form online here: <https://www.courts.state.co.us/Courts/County/Custom.cfm?County_ID=6&Page_ID=208>.
	+ File form with the court.

**Q: The other party to my case owes me support. How can this be taken out of their paycheck automatically?**

* The automatic garnishment of child support or maintenance from wages is referred to as an income assignment.
* You can find information about completing an income assignment here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=80>.
* Please ensure that you go to the website links provided in the Instructions. This is the Office of Child Support Enforcement website. This website will provide further instructions to utilize in conjunction with the sample form.
* If you don’t understand these forms, then it is recommended that you consult with an attorney.

**Q: I am ordered to pay child support through the Family Support Registry. What is my FSR number?**

* Family Support Registry is the central payment processing center for the State of Colorado for child support and maintenance.
* In order for your FSR account to be set up, you must provide the Court names for all parties (including children), social security numbers for all parties (including children), addresses for all parties (including children), and date of births for all parties (including children).
* Once the Court receives all that information and a Support Order is ordered by the Magistrate or Judge, then an FSR account can be created.
* You can obtain your FSR number from the Clerk’s Office (Room S101) or by calling the main line at 719-452-5000 with your court case number.

**Q: What is the parenting seminar that I am required to take?**

* Obtain information about the required parenting seminar online here: <https://www.courts.state.co.us/Courts/County/Custom.cfm?County_ID=6&Page_ID=712>.

**Q: I obtained divorce orders from another state. How do I transfer those orders to Colorado?**

* Read through *Instructions for File a Foreign Decree (JDF 1220*) that you can find here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=86>. Please pay close attention to Step 1 and Step 2 in the instructions.
* File appropriate forms with the court.

**Q: I obtained custody orders from another state. How do I transfer those orders to Colorado?**

* Review *Evaluation of a Foreign Decree, a Foreign Custody-Determination, and a Foreign Support Order (JDF 1215)* which you find here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=260>.
* Review the row in reference to “Registration of Child-Custody Determination”.
* Review *Instructions to Register a Child Custody Determination (JDF 1219)* which you can find under Self Help/Forms.
* Complete forms:
	+ *Case Information Sheet (JDF 1000)*
	+ *Petition to Register a Foreign Child Custody Determination (JDF 1224)*
	+ *Order Regarding Foreign Child Custody Determination (JDF 1225)*
	+ *Notice of Registration of Foreign Child Custody Determination (JDF 1226)*
	+ Statement under penalty of perjury that the Order has not been modified to the best of their knowledge.
	+ 2 copies (1 certified) of determination/court order to be registered.
* File completed forms with the court.

**Q: How do I transfer my divorce/custody orders from Colorado to another state?**

* Your first step would be to contact the court in the state in which you seek to transfer your Orders to see what their requirements are for filing.

**SUBPOENAS**

**Q: How do I subpoena a witness to court for a civil matter? What if I just want them to produce documents to me?**

* Read through *Instructions for Issuing a Subpoena (JDF 79)* which you can find online here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=154>.
* Once you have completed the appropriate subpoena form, you would take it to the clerk’s office (Room S101) of the El Paso County Combined Courts for issuance.
* If the subpoena is filled out appropriately, then the clerk’s office will issue the subpoena and return it to you for service on a witness.
* In order for the clerk’s office to issue a subpoena, you must have an upcoming hearing.
* If you are seeking that a person produce documents to you, then they must be produced at an upcoming hearing. Please see the instructions for the subpoena requirements.

**Q: Can the Court issue a subpoena if I don’t have a court case or upcoming court date?**

* No, you must have an upcoming hearing for the clerk’s office to issue a subpoena.

**JUVENILE - STEPPARENT ADOPTION/PATERNITY/RELINQUISHMENT**

**Q: How do I file for Stepparent Adoption?**

* Obtain instructions and forms for Stepparent Adoption here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=87>.
* Read through *Instructions for Stepparent Adoption (JDF 500).* The instructions will explain the steps to filing a stepparent adoption with the court.
* You are also required to file a copy of the child’s birth certificate when you file.

**Q: My name is not on my child’s birth certificate. How do I get a court order to be added to the birth certificate?**

* If there is no case open through El Paso County or any other court regarding the child, then you can open a paternity case through the court.
* You can obtain the instructions and forms for opening a paternity case on the Colorado Judicial Branch website here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=81>.
* Read through *Instructions to Establish Paternity (JDF 1500).* The instructions will explain the process of filing a paternity case through the court.
* If you already have a divorce, custody, or child support case open through the court, then contact the court to find out what you can file to request to be added to the birth certificate.

**Q: How do I relinquish my parental rights?**

* Obtain instructions and forms for relinquishment here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=12>. The instructions will explain the process of filing for relinquishment.
* File appropriate forms with the court.

**Q: If I relinquish my parental rights, then I won’t have to pay child support, right?**

* A relinquishment of parental rights does not automatically terminate a child support order. These are typically treated as separate matters. It is recommended that you speak to an attorney if you need legal advice.

**Q: I am a juvenile. How do I file for emancipation?**

* The El Paso County Combined Court does not have a standard process for emancipation. Please find more information about emancipation here: <https://www.courts.state.co.us/Courts/Education/Youth/Laws.cfm>.

**PROBATE**

**Q: I received a letter in the mail that says “Notice of Matter Assigned to District Court Magistrate Division”. Why did I receive it and what does it mean?**

* This letter is sent by the Court to all interested parties in all probate cases that are assigned to a Magistrate.
* You may have received the Notice if you are the heir or devisee of the estate of someone who has recently passed away. In other instances, you may have received this letter if someone you know is in the process of obtaining guardianship or conservatorship over another person.
* This Notice is informing all parties that the case has been assigned to a District Court Magistrate. Any party can object to the District Court Magistrate’s assignment and can request that the case be assigned to a District Court Judge within the time frame provided in the Notice.
* You may want to contact an attorney or do research on the benefits/disadvantages of either.
* If you consent to the assignment, you do not need to do anything.

**Q: Where can I obtain the probate report forms?**

* Obtain the guardianship and conservatorship report forms online here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=130>.
* Once the appropriate forms are completed, you should file those forms with the court.

**Q: Where can I obtain a Small Estate Affidavit?**

* A Small Estate Affidavit is also referred to as an Affidavit for the Collection of Personal Property.
* Obtain the instructions and the Affidavit online here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=189>.
* This form is not filed with the court. You would present this completed form to the person or agency that has assets or property to be disbursed.

**JUDGMENTS AND GARNISHMENTS**

**Q: I went to court and a judgment was granted in my favor. How can I collect that judgment?**

* Obtain the instructions for collecting a judgment online here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=29>.
* Please see *Instructions on How to Collect a Judgment and Completing a Writ of Garnishment (JDF 82).*

**Q: I received a judgment in another state, but the judgment debtor lives in Colorado. How do I transfer that judgment to Colorado?**

* Obtain the instructions and forms to register a foreign judgment here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=229>.
* Read though *Instructions for Filing a Foreign Judgment (JDF 137)* in their entirety.
* File appropriate documents with the court.

**Q: I won a judgment from the Department of Labor. How do I register that judgment with the District Court?**

* If you received a judgment from the Department of Labor, you should have received a “Certification of Final Order” and a “Notice of Assessment”. If you do not have the “Notice of Assessment”, then please ensure that you have the “Certification of Final Order.”
* Judgments from the Department of Labor are treated as a registration of a foreign judgment.
* Obtain the instructions and forms to register a foreign judgment here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=229>.
* Read through *Instructions for Filing a Foreign Judgment (JDF 137)* in their entirety.
* Some of the forms may need to be modified to indicate that you are requesting a registration of a judgment awarded by the Colorado Department of Labor and Employment.
* You would then file your completed forms with the court with the Certification of Final Order and Notice of Assessment. Please provide at least 1 additional copy of completed forms.

**Q: I received an Acknowledgment of Satisfaction from the Department of Revenue. Do I need to file it with the Court? How do I do that? Is there a fee?**

* If you received an Acknowledgment of Satisfaction of Judgment from the Department of Revenue, then you would need to file that document with the court. There is no fee to file an Acknowledgment of Satisfaction of Judgment.
* If needed, you can purchase a Certificate of Full Satisfaction of Judgment from the court for $20.00 after you file your Acknowledgment of Satisfaction of Judgment. This is a Certificate that contains a court seal indicating that the judgment is fully satisfied.
* In some cases, you may need to file the Certificate of Full Satisfaction of Judgment with the Clerk and Recorder’s office if a lien has been placed on property.

**Q: I had the other party served with interrogatories and they did not answer. What is my next step?**

* If you had the judgment debtor personally served with interrogatories and they did not answer them in the appropriate time period, then you can file the forms to begin a contempt of court action.
* Obtain the instructions and forms for contempt of court here: <https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=32>.
* Read through *Instructions for Issuance of Contempt Citation (JDF 122*). The instructions will provide additional information about the process and procedure.
* File the appropriate forms with the court.