INSTRUCTIONS TO REGISTER A FOREIGN DECREE PURSUANT TO §14-11-101, C.R.S.

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

GENERAL INFORMATION

- This information provides a guide to the process and forms necessary to file/register a foreign decree in Colorado.
- **DO NOT USE THESE INSTRUCTIONS, if you wish to register/modify/enforce your foreign support order (§14-5-601 - 615, C.R.S.) or seek to register/modify a foreign order regarding child-custody determination (§14-13-305, C.R.S.)**
- Where to file the Petition to Register Foreign Decree (referred to in these instructions as Petition) depends on your personal circumstances. Normally, the Petition should be filed in the county/state where the Petitioner or Co-Petitioner/Respondent resides.
- Once a foreign decree is registered and no objection is made by the other party, you have completed the first required step prior to filing any motions to modify or enforce the decrees, judgments, and orders of the other state. Prior to filing any motions, your may wish to seek the advice of an attorney as these matters can be complicated.
- If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website: **http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm**

COMMON TERMS

⌦ Petitioner:	The person identified as Petitioner in the first document filed with the out-of-state court.
⌦ Co-Petitioner/Respondent:	The person identified as Co-Petitioner/Respondent in the first document filed with the out-of-state court.
⌦ Decree:	A final order of the Court.
⌦ Service of Process:	The official means by which a party is notified that a document has been filed involving him/her and provided a copy of the document and a description of the person's rights and obligations as a party to the case.
⌦ Hearing Date:	The date that the Petitioner and Co-Petitioner/Respondent must appear in Court.
⌦ Mediation:	A confidential process whereby a trained neutral third party assists disputing parties to reach their own resolution.
⌦ Alternative Dispute Resolution:	A process that allows parties to resolve their dispute without litigating the matter in court.
⌦ Exemplified Copy:	Copy of a court document with court seals from the out-of-state Court verifying the authenticity of the document(s).
⌦ May:	In legal terms, "may" is defined as "optional" or "can".
⌦ Shall:	In legal terms, "shall" is defined as "required".

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

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FEES

The filing fee is $166.00. If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide if you need to pay the filing fee.

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

❑ Response	$116.00
❑ Fee when filing Motion to modify, amend or alter decree or order	$105.00
❑ Service Fees	Varies (not payable through or to the Court)
❑ Certification Fee	$20.00
❑ Copies of Documents (Documents on File)	$ .75 per page or $1.50 if double-sided
❑ Copies of Documents (Documents not on File)	$ .25 per page or $.50 if double -sided

FORMS

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

- ❑ JDF 1000 Case Information Sheet
- ❑ JDF 1221 Petition to Register Foreign Decree
- ❑ JDF 1222 Summons for Registration of Foreign Decree
- ❑ JDF 1222(a) Waiver and Acceptance of Service
- ❑ JDF 1222(b) Return of Service

STEPS TO FILING YOUR CASE

Step 1: Obtain exemplified copies of all of the written pleadings and court orders, judgments, and decrees in the case you wish to register in Colorado.

This includes all written pleadings and court orders, judgments, decrees issued by another Court. Keep a copy of all documents for your own records and make a copy to provide to the other party. An exemplified copy of a document/record may have a cover page with two or three court seals stating that the document/record is a true and correct copy.

Step 2: Complete Forms.

You must identify yourself in the same manner that you are identified in the out-of-state case i.e. (Petitioner or Co-Petitioner/Respondent). It is important to remember that your role in the case does not change based on who files the Petition. The caption area below needs to be completed on all forms filed. **Keep a copy of each form for your own records and make a copy to provide to the other party.**

District Court _____County, Colorado Court Address: _____ In re: ☐The Marriage of: ☐The Civil Union of: ☐Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent:	▲ **COURT USE ONLY** ▲

Attorney or Party Without Attorney (Name and Address):		Case Number:
Phone Number: FAX Number:	E-mail: Atty. Reg. #:	Division Courtroom
(NAME OF FORM)		

- ❑ **Case Information Sheet (JDF 1000):**
  - ❑ Please complete all sections of this form.

- ❑ **Petition to Register Foreign Decree (JDF 1221):**
  - ❑ Please complete all sections of this form.
  - ❑ Attach exemplified copies of all written pleadings and court orders, judgments and decrees from the originating court.

- ❑ **Summons for Registration of Foreign Decree (JDF 1222):**
  - ❑ Only complete the Summons if other party did not sign the Petition.
  - ❑ Complete all sections in the caption. The Court will date and sign the form when it is filed.

Step 3: You are Ready to File your Case with the Court. .

- ❑ Pay the filing fee of $166.00
- ❑ Provide the Court with the Petition, Case Information Sheet, Summons if applicable, and exemplified copies of all documents.
- ❑ Provide the Court with a self-addressed stamped envelope to receive a copy of the Summons, if applicable. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.

Step 4: Serve the Notice, Summons and Exemplified Documents <u>only</u> if both parties did not sign the Petition.

Once you have filed your Petition, the Court will provide you with a signed Summons to serve the other party. The Colorado Courts do not have jurisdiction over the subject matter until personal service is complete pursuant to Colorado Rules of Civil Procedure - Rule 4. Service options:

Waiver and Acceptance of Service:

- ❑ If the other party agrees, have him/her sign the Waiver and Acceptance of Service form – JDF 1222(a) before a Court Clerk or Notary Public.
- ❑ This is the easiest form of service. However, the other party must be willing to accept the Notice and sign the waiver.
- ❑ File the signed original waiver with the Court.

Personal Service:

- ❑ Select the Sheriff's Department, a private process server, or someone you know over the age of 18 who is not involved in the case, and who knows the rules of service to serve the other party.
- ❑ Provide the process server with the Petition, exemplified copies, and Summons.
- ❑ The process server will need to return the completed Return of Service – JDF 1222(b) to the Court for filing, or return it to you to bring and file with the Court.

OTHER PARTY FILES A RESPONSE

The other party may file a response to the Petition. The filing fee is $116.00. The purpose of the response is for the other party to state in writing if he/she agrees or disagrees with the information in the Petition. All fees paid are non-refundable.

- ❑ The Response form is JDF 1103.
- ❑ The other party must file the original with the Court a mail a copy to the party who filed the Petition.

COURT REVIEW

The Court will review the documents. If an objection is filed, the Court may require a hearing to determine whether the decree or any orders should be registered.

Once a foreign decree is registered, the Colorado Court has the ability to enforce or modify the decrees, judgments, and orders. When filing a motion to modify, amend or alter a decree or order, a $105.00 filing fee must be paid to the Court.

Please Note:

Properly registering a foreign decree is a required step before a request can be made before a Colorado Judge to enforce or modify the prior state's orders, judgments, or decrees. However, the Colorado Court must be satisfied that due process has been afforded to the other party before an order can be enforced or modified. Please seek legal counsel to assist you in filing any motions to enforce or modify a registered foreign decree, judgment, or order.

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