

# INSTRUCTIONS TO FILE A MOTION OR STIPULATION TO MODIFY OR TERMINATE MAINTENANCE (SPOUSAL/PARTNER SUPPORT)

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

## GENERAL INFORMATION

- ◆ You must have an existing court order concerning maintenance and circumstances have changed that are substantial and continuing so that either a change in the amount of maintenance or termination of the maintenance is appropriate.
- ◆ Unless otherwise agreed in writing or identified in the Decree, the obligation to pay future maintenance is terminated upon death of either party or the entry into a civil union or remarriage of the party receiving maintenance.
- ◆ Within 49 days of the date your Motion is filed, the Court will review the matter and determine whether the case will be scheduled and resolved under the provisions of Colorado Rule of Civil Procedure 16.2(c) or will be handled based on the documents provided with no hearing.
- ◆ If granted by the Court, the Obligor can provide copies of the Order to Modify or Terminate Maintenance to his/her employer to terminate an income assignment.
- ◆ For additional information, please review Colorado Revised Statute §14-10-122.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:

[http://www.courts.state.co.us/Administration/HR/ADA/Coordinator\\_List.cfm](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## COMMON TERMS

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

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

## FEES

A filing fee of \$105.00 is required for all motions/stipulations filed 60 days or more after the original decree or order is issued.

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:

- |   |  |
|---|--|
| <input type="checkbox"/> Response (Required, unless previous filing fee paid by party). | \$ 116.00                                    |
| <input type="checkbox"/> Service Fees   | Varies (not payable through or to the Court) |
| <input type="checkbox"/> Certification of Documents                                     | \$20.00                                      |
| <input type="checkbox"/> Copies of Documents (Documents on File)                        | \$.75 per page or \$1.50 if double sided     |
| <input type="checkbox"/> Copies of Documents (Documents not on File)                    | \$.25 per page or \$.50 if double sided      |

## FORMS

To access a form online go to [www.courts.state.co.us](http://www.courts.state.co.us) and click on the “Forms” tab. The packet/forms are available in PDF or WORD by selecting **Divorce, Family Matters, Civil Unions – “Divorce” or “Civil Union” - Maintenance & Alimony**. You may complete a form online and print or you may print it and type or print legibly in black ink.

- |                                   |   |
|-----------------------------------|---|
| <input type="checkbox"/> JDF 1401 | Motion/Stipulation to Modify or Terminate Maintenance |
| <input type="checkbox"/> JDF 1402 | Order to Modify or Terminate Maintenance              |

## STEPS TO FILING YOUR MOTION/STIPULATION

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

### Step 1: Complete Forms.

- Motion/Stipulation to Modify or Terminate Maintenance (JDF 1401):**
  - Please complete all sections of this form.
  - The Motion/Stipulation will be filed in your existing dissolution/legal separation case. Make sure you identify the case number in the caption.
  - Make sure you have copies of all documents for the Court and the other party.
  - If your address or the other party’s address has changed since the original case was filed, please provide current contact information to the Court in writing.**
  - This form must be notarized or signed in the presence of a court clerk or Notary Public. If this is a stipulation, both parties must sign the document

**Order to Modify or Terminate Maintenance (JDF 1402):**

- Complete the caption only on this form.
- The Magistrate or Judge will complete the remaining sections of this Order and give you and the other party a signed copy.

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

- Pay the \$105.00 filing fee, if applicable.
- Provide the Court with the Motion/Stipulation (JDF 1401) and Order (JDF 1402).
- Provide the Court with a self-addressed stamped envelope for each party to receive a copy of the Order. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.

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

If you and the other party are filing a stipulation, this step does not apply.

- You must provide a copy of the Motion to all parties to the case.
- Complete the Certificate of Service portion on the form. The purpose of the Certificate of Service is to notify the Court when and how you provided copies of the motion to all parties in the case. This is very important, because the Court must have knowledge that all parties involved are aware of the motion prior to any Court action being taken.

**Step 4: Court Review of Motion/Stipulation or Hearing.**

Within 49 days of the date your Motion/Stipulation is filed, the Court will review the matter and determine whether it will be approved.

- The Judge or Magistrate will review all documents filed and enter an Order regarding your Motion/Stipulation to Modify or Terminate Maintenance.

or

- The Court may set the case for a hearing at which time both parties will have the opportunity to appear to make statements to the Court and present any evidence.

**Remember: If granted, it is the responsibility of the Obligor to provide copies of the Order to Modify or Terminate Maintenance to his/her employer to modify or terminate the existing income assignment.**