

INSTRUCTIONS TO FILE A MOTION OR STIPULATION TO RELOCATE MINOR CHILDREN

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 a Motion/Stipulation to Relocate Minor Children.
- ◆ **You are responsible for notifying the other party in writing of your request to relocate, the location where you plan to relocate, the reason for the relocation, and a proposed parenting plan.** This should be done either before you file a Motion to Relocate the Minor Child(ren), or as soon after as possible. This applies whether the proposed move is within or outside of the State of Colorado.
- ◆ You must have an existing court order concerning parenting time.
- ◆ If a motion has been filed seeking to relocate the child(ren) to a residence that substantially changes the geographical ties between the child(ren) and the other party, the Court shall consider the following factors.
 1. whether a party has been a perpetrator of spouse/partner abuse as that term is defined in §14-10-124(4), C.R.S. which factor shall be supported by credible evidence, whether such spouse/partner abuse occurred before or after the prior decree.
 2. reasons why the party wishes to relocate with the child(ren);
 3. reasons why the opposing party is objecting to the proposed relocation;
 4. history and quality of each party's relationship(s) with the child(ren) since any previous court approved Parenting Plan;
 5. educational opportunities for the child(ren) at the existing location and at the proposed new location;
 6. presence or absence of extended family at the existing location and at the proposed new location;
 7. advantages of the child(ren) remaining with the primary caregiver;
 8. anticipated impact of the move on the child(ren);
 9. whether the Court will be able to fashion a reasonable parenting time schedule if the change requested is permitted; and
 10. any other relevant factors bearing on the best interests of the child(ren).
- ◆ When seeking to relocate the child(ren) and to modify the parenting plan, please consider whether child support also needs to be modified. Please review the Instructions JDF 1403I. If child support needs to be modified, **check box 9** on the Motion to Relocate Minor Children. Child support is calculated under statutory guidelines. If there has been a "substantial and continuing" change in circumstances (for example, one of the parties has received a significant pay raise or pay cut), then you may file for a modification. The change in circumstances must amount to a 10% increase or decrease in the current amount of child support.
- ◆ For additional information, please review §14-10-129(1)(a)(II), C.R.S.
- ◆ 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

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| <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"/> Hearing Date: | The date that the Petitioner and Co-Petitioner/Respondent must appear in Court to present evidence in support of the Motion. |
| <input checked="" type="checkbox"/> May: | In legal terms, "may" is defined as "optional" or "can." |
| <input checked="" type="checkbox"/> Shall: | In legal terms, "shall" is defined as "required." |

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.

- Verified Motion/Stipulation to Relocate Minor Children (JDF 1407):**
 - Please complete all sections of this form.
 - This form must be signed in the presence of a Court Clerk or Notary Public
 - If child support needs to be modified, please check and complete section 13.
 - Make sure you have the appropriate number of copies of all documents for the Court and the other party, if applicable.
 - If your address or the other party's address has changed since you originally filed your case, please provide your current address to the Court in writing.**

- Parenting Plan (JDF 1113):**
 - Complete all sections of this form, as appropriate. Review section E – Child Tax Exemption to determine if the changes to the Parenting Plan affect this section. If you have any unique situations, identify them in the “Other Terms” section. The Parenting Plan should identify only those parties who will have court-ordered parenting time and decision-making responsibilities. Day care/babysitting arrangements do not need to be specifically identified on this form.
 - Please indicate if this is a full or partial parenting plan.
 - If this is a partial parenting plan you or the other party must complete JDF 1129 – Pretrial Statement.** The purpose of this form is for you or the other party to identify to the Court what issues have not been resolved
 - Please check with the Court Facilitator in your judicial district regarding what additional information the Court may need.
 - Review the terms of the Parenting Plan to determine if child support should also be modified. Pursuant to §14-10-122, C.R.S., child support can be modified if the change in circumstances is substantial and continuing, and if it would result in an order that is at least 10% different than the existing order.

If a modification to child support applies to you, complete Section D on the Parenting Plan and complete the Sworn Financial Statement (JDF 1111) and the appropriate Child Support Worksheet and file them with the Court.

- Sworn Financial Statement (JDF 1111):**

You must provide true and complete information to the Court about your assets, debts, and income. You can be assessed a fine or jailed for providing false information. In addition, your case can be reopened due to fraud.

 - The Financial Statement must contain current personal and financial information to determine whether the modification of child support is fair to each party. Failure of a party to file a Financial Statement may result in a refusal by the Court to enter an Order to Modify Child Support. The Court may impose sanctions against the party who does not file the required paperwork. Complete and file with the Court a Supporting Schedules for Assets (JDF 111SS) only if applicable to your case.
 - Each party **must** complete his/her own Financial Statement and all sections **must** be completed.
 - The form must be signed in the presence of a Court Clerk or Notary Public.

- Child Support Worksheet A or B:**

Use the information from each of your Sworn Financial Statements to complete the appropriate worksheet. You have two options to complete the worksheet.

 - Automatic Calculation Option:** If you select this option, enter your information into the appropriate data fields of the EXCEL-based data sheet. The program will automatically select the correct Worksheet (A or B) and calculate child support for you.
 - Manual Calculation Option:** Each worksheet is available in a MANUAL “M” format; you will need to obtain and calculate the Child Support Guidelines to determine your child support if you select this format. If you wish to use the Manual Worksheets, please review Instructions for Completing Worksheets A & B Manually (JDF 1822).

- Worksheet A (JDF 1820E or 1820M): Physical Care for 273 nights or more per year. If one or more of your children spends at least 273 nights with one parent they are considered to have a primary home with that parent.
- Worksheet B: (JDF 1821E or 1821M): Shared Physical Care. If one or more of your children spends more than 92 nights per year with each parent, they are considered to have two homes (one at your residence and one at the other parent's residence).
- Split Care: If each parent has primary physical care of at least one of the children because that child or children reside with that parent the majority of the time, you have a split physical care situation. Each parent should complete a separate worksheet A for the child or children for whom he/she provides primary care.
- If you and the other party agree to the terms/changes of the Parenting Plan, each party should re-read the Parenting Plan to be sure that it accurately represents what you and the other party have agreed to.
- This form must be signed in the presence of a Court Clerk or Notary Public.
- Order Re: Motion to Relocate Minor Children (JDF 1425):**
 - Complete the caption only on this form.
 - Provide the Court with the appropriate number of copies you would like. If you want any of the copies to be certified, you will need to provide the Court with a \$20.00 certified copy fee.
 - The Magistrate or Judge will complete the rest of the Order and give you and the other party a signed copy.

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

- Pay the \$105.00 filing fee
- If your address has changed since you originally filed your case, please provide your current address to the Court in writing.
- Provide the Court with the Motion/Stipulation and Order and any other documents you wish to file.
- Provide the Court with a self-addressed stamped envelope to receive a copy of the Order. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.
- The Court may review the Motion/Stipulation and issue an order or require a hearing to be set. When filing the Motion/Stipulation, you may want to ask the Court what the Court's procedures are for this type of court proceeding.

Step 3: If Not Filing a Stipulation, Provide a Completed Motion to the Other Party

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

Step 4: Court Review of Motion or Hearing.

- The Judge or Magistrate will review all documents filed and enter an Order regarding your Motion based on the pleadings filed with the Court.
- or**
- The Court may set the case for a hearing at which time both parties will have the opportunity to appear, make statements to the Court, and present evidence.
- Provide the Court with a self-addressed stamped envelope to receive a copy of the Order. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.
- You should receive a signed copy of the Order Re: Motion to Relocate Minor Children. If child support is modified, you will receive an updated Support Order.