

INSTRUCTIONS TO FILE A MOTION CONCERNING PARENTING TIME DISPUTES

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 concerning parenting disputes.
- ◆ You must have an existing court order concerning parenting time to show that one parent is not in compliance with the parenting plan or schedule.
- ◆ Both parties may be required to schedule mediation to attempt to resolve issues regarding parenting time.
- ◆ The Court may order various sanctions against the non-complying party, such as imposing a civil fine or jail sentence, posting of a bond or security to insure future compliance, requiring that parenting time for the aggrieved parent or child be made up, and any other orders to meet the best interests of the children.
- ◆ If you wish to modify parenting time (increase/decrease parenting time or to impose/remove restrictions), please refer to instructions JDF 1406I.
- ◆ If you wish to modify allocation of parental responsibilities (both decision-making and parenting time), please refer to instructions JDF 1415I.
- ◆ For additional information, please review Colorado Revised Statute §14-10-129.5.
- ◆ 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 identified as Petitioner in the original Petition filed with the Court. |
| <input checked="" type="checkbox"/> Co-Petitioner/Respondent: | The person identified as Co-Petitioner/Respondent 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. This can be completed by a process server, the sheriff, or a 3 rd party not related to the case. |
| <input checked="" type="checkbox"/> Hearing Date: | The date that the Petitioner and Co-Petitioner/Respondent must appear in Court. |
| <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.

FEES

No filing fee is required to file this Motion. If you also plan to file a motion to modify child support, parenting time, etc, a \$105.00 filing fee is required. Other fees that a party to the case may encounter are as follows:

- Response (Required, unless previous filing fee paid by party) \$116.00
- 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 or WORD by selecting **Divorce, Family Matters, Civil Unions – All Domestic Forms**. You may complete a form online and print or you may print it and type or print legibly in black ink.

- JDF 1418 Verified Motion Concerning Parenting Time Disputes
- JDF 1419 Order Re: Parenting Time

STEPS TO FILING YOUR MOTION:

Step 1: Complete Initial Forms.

Selecting these instructions indicates that you are planning to file a motion to concerning parenting time disputes. You must identify yourself as the Petitioner or Co-Petitioner/Respondent depending on your “title/role” in the original case. It is important to remember that your “title/role” in the case does not change based on who files a motion to reopen the case. 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.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: <hr/> <input type="checkbox"/> In re the Marriage of: <input type="checkbox"/> In re the Civil Union of: <input type="checkbox"/> In re the Parental responsibilities concerning: <hr/> Petitioner: and Co-Petitioner/Respondent: <hr/> Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	▲ COURT USE ONLY ▲
Case Number: Division _____ Courtroom _____	
NAME OF FORM	

- Verified Motion Concerning Parenting Time Disputes (JDF 1418):**
 - Complete all sections of this form.
 - Describe how the other party has not complied with the existing parenting time order or schedule. Attach a copy of the parenting time order or schedule.
 - Check the appropriate box(es) identifying what you are requesting from the Court. If you are requesting the Court to impose sanctions, as identified on page 3 of the Motion, please specify.
 - This form must be signed in the presence of a Court Clerk or Notary Public.**

- Make sure you have the appropriate number of copies of all documents for the Court and the other party.
- If your address or the other party's address has changed since you originally filed your case, please provide the current address to the Court in writing.**

- Order Re: Parenting Time (JDF 1419):**
 - Complete the caption only on this form.
 - The Court will complete the remaining sections.

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

- Provide the Court with the Verified Motion and Order. If the Motion has not been signed in the presence of a Notary Public, you will need to sign the Motion in front of the Court Clerk who will verify your signature.
- If any addresses have changed since the original case was filed, please provide current address information to the Court in writing.
- 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 and issue an order or require a hearing to be set. When filing the Motion, you may want to ask the Court what their procedures are for this type of court proceeding.

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

- You must provide a copy of this 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 or Hearing.

When you receive the Order Re: Parenting Time, please make sure you read and understand all issues addressed in the Order. The Court may order various sanctions for the non-complying party, such as imposing a civil fine or jail sentence, or posting a bond or security to insure future compliance. In addition, the Court may require that parenting time for the aggrieved parent or child be made-up and any other orders to meet the best interests of the child.

- The Judge or Magistrate will review all documents filed and enter an Order regarding your motion concerning parenting time based on the pleadings filed with the Court.
or
- The Court may order the parties to seek mediation and report the results of the mediation back to the Court within 63 days of the Order.
or
- The Court may set the case for a hearing at which time both parties will have the opportunity to appear and address the Court.