

# INSTRUCTIONS TO ESTABLISH PATERNITY

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. When you file your case the Court may provide you with a Case Management Order and other information about the procedures to be followed. Please review that information carefully.

## GENERAL INFORMATION

- ◆ This information provides a guide to the forms necessary to file a case to establish paternity. Each judicial district may have special requirements. You should contact the Court where you plan to file to find out about any special requirements the Court may have.
- ◆ Legal action can be commenced at any time to prove a parent-child relationship until the child is 18. If you are seeking to disclaim paternity, please see the specific instructions and the Colorado Children's Code §19-4-107, C.R.S.
- ◆ The case should be filed in the county where the child or the alleged father resides or is found, or in any county where public assistance was or is being paid on behalf of the child. If the alleged father is deceased, the case should be filed in any county in which proceedings for probate have been or could be filed.
- ◆ The party filing the case **must** disclose any restraining/protection or emergency orders entered by a Court against either party **within 90 days prior** to the filing of a paternity case.
- ◆ An automatic temporary injunction will be in effect upon service of the Petition and Summons on the Respondent, or upon the signing of a Waiver and Acceptance of Service by the Respondent. The temporary injunction will be in effect for 120 days after its effective date unless all parties consent to a modification of the temporary injunction. The Court may, upon the motion of a party or on its own motion, modify the time the temporary injunction is in place.
- ◆ The party can request the Court to address allocation of parental responsibilities, (including decision-making and parenting time), child support, medical support, and other issues in the best interests of the child.
- ◆ For additional information, please review §19-4-105 of the Colorado Children's Code and §26-13-101, 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](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## COMMON TERMS

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Petition:                  | Document officially commencing the paternity process.   |
| <input checked="" type="checkbox"/> Petitioner:                | The person filing a Petition for Paternity.   |
| <input checked="" type="checkbox"/> Respondent:                | The person served a Petition for Paternity who must respond to the allegations of the Petition in order to have his/her claims considered. When he/she files a response to the allegations of the Petition he/she becomes the Respondent. |
| <input checked="" type="checkbox"/> Parental Responsibilities: | This term includes both parenting time and decision-making responsibilities regarding the children.   |
| <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 Respondent must appear in Court.   |
| <input checked="" type="checkbox"/> Guardian ad litem:         | A court-appointed individual who will evaluate independently the issues for the best interest of the child and report his/her findings to the 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 may also contact the Family Court Facilitator at your local courthouse, if one is available in your Judicial District.**

## FEES

The filing fee of \$227.00 is required. 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 whether you need to pay the filing fee.

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

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|--|--|
| <input type="checkbox"/> Response                                    | \$ 158.00                                    |
| <input type="checkbox"/> Service Fees                                | Varies (not payable through or to the Court) |
| <input type="checkbox"/> Certification Fee                           | \$ 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 \$.75 if double-sided     |
| <input type="checkbox"/> Genetic Testing                             | Varies (Not payable through or to the Court) |
| <input type="checkbox"/> Guardian ad Litem                           | Varies                                       |

## 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 - Family - Establishing Paternity**. You may complete a form online or you may print it and type or print legibly in black ink. **Read these instructions carefully to determine what forms you may need, as you may need all or some of the listed forms.**

- |                                      |   |
|--------------------------------------|---|
| <input type="checkbox"/> JDF 1000    | Case Information Sheet                      |
| <input type="checkbox"/> JDF 1501    | Petition for Paternity                      |
| <input type="checkbox"/> JDF 1502    | Summons for Paternity                       |
| <input type="checkbox"/> JDF 1502(a) | Waiver of Service                           |
| <input type="checkbox"/> JDF 1502(b) | Return of Service                           |
| <input type="checkbox"/> JDF 1504    | Admission of Paternity                      |
| <input type="checkbox"/> JDF 1505    | Motion for Genetic Testing                  |
| <input type="checkbox"/> JDF 1506    | Agreement for Genetic Testing               |
| <input type="checkbox"/> JDF 1507    | Order for Genetic Testing by Agreement      |
| <input type="checkbox"/> JDF 1508    | Order for Genetic Testing                   |
| <input type="checkbox"/> JDF 1511    | Motion for Appointment of Guardian ad Litem |
| <input type="checkbox"/> JDF 1512    | Order of Appointment of Guardian ad Litem   |
| <input type="checkbox"/> JDF 1516    | Final Order for Paternity                   |

### Forms You May Need to Complete to Allocate Parental Responsibilities:

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> JDF 1111  | Sworn Financial Statement                |
| <input type="checkbox"/> JDF 1113  | Parenting Plan                           |
| <input type="checkbox"/> JDF 1117  | Support Order                            |
| <input type="checkbox"/> JDF 1313  | Certificate of Service                   |
| <input type="checkbox"/> JDF 1820E | Child Support Worksheet A                |
| <input type="checkbox"/> JDF 1820M | Child Support Worksheet A – Manual       |
| <input type="checkbox"/> JDF 1821E | Child Support Worksheet B                |
| <input type="checkbox"/> JDF 1821M | Child Support Worksheet B – Manual       |
| <input type="checkbox"/> JDF 1822  | Manual Instructions for Worksheets A & B |

## STEPS TO FILING YOUR CASE

### Step 1: Complete Initial Forms.

Selecting these instructions indicates that you are planning on filing a case to establish paternity. You are filing as Petitioner and naming the other party as the "Respondent". The caption on page 3 needs to be completed on all forms filed. **Make sure that you make a copy of all of the forms you file with the Court for your own records.**

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ _____		<b>▲ COURT USE ONLY ▲</b>
In the Interest of: <b>Identify Name of Child(ren)</b> Petitioner: v. Respondent:		
Attorney or Party Without Attorney (Name and Address):  Phone Number:                      E-mail: FAX Number:                          Atty. Reg. #:		Case Number:  Division                      Courtroom
<b>NAME OF FORM</b>		

**Case Information Sheet (JDF 1000):**

- Please complete all sections on this form.

**Petition for Paternity (JDF 1501):**

- Please complete all sections on this form.
- 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 Respondent.

**Summons (JDF 1502):**

- Complete all sections in the caption.
- The Court may enter a date and time for the hearing and sign the form at the time you file or you may need to provide a self-addressed stamped envelope to receive the Summons back with the hearing date.

**Final Order for Paternity (JDF 1516):**

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

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

Provide the Court with the Petition, Case Information Sheet, Summons, and Order. If the Petition has not been signed in the presence of a Notary Public, you will sign the Petition requiring signature verification in front of the Court Clerk who will verify your signature.

- The Court may provide you with a hearing date at the time you file your Petition and Summons. You should note the date on your calendar to ensure that you complete service and file all the documents timely.
- Pay the \$227.00 filing fee.

### Step 3: Serving the Petition and Summons.

It is important that you have the Respondent served as quickly as possible. The hearing shall be set for a day not less than ten days after service is completed or on such later date as the Court may order. Once you have filed your Petition and Summons, the Court will provide you with a signed Summons to serve the Respondent. Service options:

#### Waiver and Acceptance of Service:

- This is the easiest way to serve the Respondent. However, the Respondent must be willing to accept service of the paternity papers in order to use this method.
- Have the Respondent complete the Waiver of Service form – JDF 1502(a).
- Make sure the Respondent signs and dates the Waiver and Acceptance of Service before a Court Clerk or Notary Public.
- File the signed original with the Court.

#### Personal Service:

- Select the Sheriff's Department, a private process server, or someone you know who is 18 years or older, who is not involved in this action, and who knows the rules of service to serve the Respondent.
- You can locate private process servers in the yellow pages under Process Servers.
- Provide the process server with the Petition and Summons
- The process server will need to return the completed Return of Service – JDF 1502(b) to the Court for filing, or return it to you to file with the Court.

## ADMISSION OF PATERNITY OR COURT APPROVED GENETIC TESTING

### Step 1: Complete Appropriate Paperwork Based on the Circumstances of your Case.

- Admission of Paternity:** After the Respondent receives the Petition and Summons, he may admit to being the biological father of the child(ren). By admitting to paternity, the Respondent gives up the right to genetic tests.
  - Provide the Respondent the Admission of Paternity form (JDF 1504).
  - The Respondent must have this form signed in the presence of a Notary Public or Court Clerk.
  - Once signed and notarized, the Respondent should return to you to file with the Court.
  - Make copies for yourself and for the other party.

or

- Genetic Testing:** The Petitioner or Respondent has the right to ask the Court to order genetic testing on all parties. It is the responsibility of the person requesting the tests to prepare the forms. If there is agreement among the parties, prepare JDF 1506, Agreement of Genetic Testing. If one of the parties does not agree, prepare JDF 1505, Motion for Genetic Testing. It is the responsibility of the party completing JDF 1505 or JDF 1506 to contact a court approved testing agency to schedule the date and time for the collection of the genetic specimens. The fee for the test is the responsibility of the parties being tested and should be paid to the agency at the time of the test(s). The price of genetic testing varies with each lab.

- Helpful hints** to locate a laboratory that performs genetic testing, either HLA or DNA testing. There are a number of national laboratories that perform this service. You can locate a laboratory in the yellow pages under Paternity.

- Questions to ask the lab** when contacting to schedule an appointment.

- ✓ Type of genetic testing performed.
- ✓ Cost for genetic testing, per person and total cost.
- ✓ Address for the Lab, as you will need the complete address when completing the forms.
- ✓ Identification required for the parties completing the tests.

If you are filing a Motion with the Court to order genetic testing, make sure you schedule the testing a month out. Once you have scheduled a date and time for the lab test, you are ready to complete and file the appropriate Motion and Order as described below. If you think the Respondent will not agree to the genetic tests, complete the Motion and Order under Section 2 below.

1. If the Petitioner and Respondent **agree to Genetic Testing**, complete the two forms below:

**Agreement for Genetic Testing (JDF 1506):**

- Complete all sections on this form.
- Both parties should sign in the presence of a Notary Public or Court Clerk.
- Make copies for your own records.

**Order for Genetic Testing by Agreement (JDF 1507):**

- Complete the caption only on this form.
- The Court will complete the remaining sections.

2. If the Petitioner and Respondent **do not agree to Genetic Testing**, complete the two forms below:

**Motion for Genetic Testing (JDF 1505):**

- Complete all sections on this form.
- File the signed original with the Court, mail a copy of the completed form to the Respondent.
- Complete the Certificate of Service portion on the form indicating that you have provided the other party with a copy of the Motion.
- Make copies for your own records.

**Order for Genetic Testing (JDF 1508):**

- Complete the caption only on this form.
- The Court will complete the remaining sections.

**Step 2: File Completed Admission of Paternity Form or the Appropriate Genetic Testing Forms as Identified Above Whether you Both Agree or you do not Agree to Genetic Testing with the Court.**

**Admission of Paternity form.**

- If the Admission of Paternity form has not been signed in the presence of a Notary Public, you will sign the Petition before the Court Clerk at this time.
- Provide the Court with the appropriate Agreement and Order forms
- Provide the Court with a self-addressed stamped envelope to receive the Order once reviewed and approved by the Court.
- Make sure you made copies for your records.

**or**

**Genetic Testing forms.**

- Provide the Court with the appropriate Motion and Order forms.
- Provide the Court with a self-addressed stamped envelope to receive the Order once reviewed and approved by the Court.
- Make sure you made copies for your records.

## GENETIC TESTING

Complete the genetic testing if ordered by the Court. You will be notified of the results. If the Petitioner or Respondent is the biological father of the child(ren), additional documents can be filed, as identified below, to request an order for allocation of parental responsibilities, child support, and other financial issues.

## ADDITIONAL DOCUMENTS TO FILE WITH THE COURT

- ◆ Take your time and make sure you have all current and necessary information to complete the forms accurately, as these forms provide valuable information to the Court upon which to enter an order establishing parenting time, child support, and other financial issues.
- ◆ The forms below should be completed before you contact the Court to obtain a hearing date.
- ◆ Parenting education classes may be required by the Court. Please contact the Clerk's Office to find out and to get a list of parenting classes in your area.

### Step 1: Complete Additional Forms.

- Motion for Appointment of Guardian ad Litem (JDF 1511 and JDF 1512): This is optional.**

The Court has authority to appoint an attorney for the minor child(ren). This attorney is called Guardian ad Litem (GAL). The GAL is appointed to represent the best interests of the child(ren) and to make recommendations to the Court about issues regarding the child(ren). Some of those issues are allocation of parental responsibilities, parenting time and child support. It is important that you understand that the GAL **does not** represent either you or the other parent. The GAL will however probably meet with both of you to discuss the child(ren). **You or the other party may be responsible for paying for the GAL.**
  
- Motion for Appointment of Guardian ad Litem (JDF 1511):**
  - Complete this form only** if you would like an attorney to represent your child(ren) in the case.
  - Complete the Certificate of Service identifying the method selected to provide the other party with a copy of this document.
  - File the original with the Court.
  
- Order for Appointment of Guardian ad Litem (JDF 1512):**
  - Complete this form only** if you are filing Motion (JDF 1511).
  - Complete the caption only on this form.
  - File the original with the Court when you file the Motion for Appointment of Guardian ad Litem.
  
- 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. Complete and file with the Court a Supporting Schedules for Assets (JDF 1111SS), only if applicable to your case.

  - The Financial Statement must contain current personal and financial information. Failure of a party to file a Sworn Financial Statement may result in a refusal by the Court to enter a Final Order or the Court may impose sanctions against the party who does not file the required paperwork.
  - Each party must complete their own Financial Statement and all sections must be completed.
  - The form must be signed in the presence of a Court Clerk or Notary Public
  
- Parenting Plan (JDF 1113):**
  - Please complete all sections of this form and make sure all issues are addressed. If any unique situations exist, identify them in Section 6 – “Other Terms”.
  - 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
- Each party should re-read the parenting plan to be sure that it accurately represents what you and the other party have agreed to regarding the children or what you and the other party do not agree to.
- This form must be signed in the presence of a Court Clerk or Notary Public.

**Parenting education classes may be required by the Court. This information should be in the Case Management Order or other information provided by the Court at the time the Petition is filed.**

**Child Support Worksheets A or B:**

- Select the appropriate worksheet based on decisions made in your Parenting Plan. Each worksheet is available in an EXCEL “E” format, in which your child support will be automatically calculated based on your response to each question. Each worksheet is also available in a MANUAL “M” format, which requires you to obtain the Child Support Guidelines to manually calculate your child support. If you wish to use the Manual Worksheets, please review Instructions for Completing Worksheets A & B Manually (JDF 1822)
- Use the information from each of your Sworn Financial Statement to complete the appropriate worksheet.
- 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 party they are considered to have a primary home with that party.
- 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 party, they are considered to have two homes (one at your residence and one at the residence of the other party).
- Split Care: If each party has primary physical care of at least one of the children because that child or children reside with that party the majority of the time, you have a split physical care situation. Each party should complete a separate worksheet for the child or children subject to their respective physical care arrangements.
- Complete a Certificate of Service (JDF 1313) indicating that you have provided the other party with a copy of your completed Child Support Worksheet.

**Support Order (JDF 1117):**

- Complete the caption and the sections about the parties and children.
- The Magistrate or Judge will complete the remaining sections of the Support Order and give you and the other party a signed copy.

## **COURT HEARING**

The Judge or Magistrate will review all documents filed and enter an Order Establishing Parenting Time and Child Support, and may address other financial issues. You will receive a copy of the Support Order following the hearing.

- If your address has changed since you initially filed your case, you must provide this information to the Court in writing.