

INSTRUCTIONS TO DISCLAIM 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 using the forms necessary to file a case to disclaim 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.
- ◆ As provided by §19-4-107, C.R.S., legal action may be taken to declare the non-existence of (disclaim) the parent-child relationship within a reasonable time after obtaining knowledge of relevant facts but no later than five years after the child's birth. If you are seeking to establish paternity, please see the specific instructions (JDF 1500).
- ◆ 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.
- ◆ For additional information, please review §19-4-107 of the Colorado Children's Code.
- ◆ 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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Petition: | Document that officially commencing the process for disclaiming paternity. |
| <input checked="" type="checkbox"/> Petitioner: | The person filing a Petition to Disclaim Paternity. |
| <input checked="" type="checkbox"/> Respondent: | The person served a Petition to Disclaim 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"/> 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 to determine 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

A 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:

- | | |
|--|--|
| <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 |
| <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 and click on the "Forms" tab. The packet/forms are available in PDF or WORD by selecting **Divorce, Family Matters, Civil Unions – Family – Disclaiming 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 1503 | Waiver of Service |
| <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 1514 | Petition to Disclaim Paternity |
| <input type="checkbox"/> JDF 1515 | Summons to Disclaim Paternity |
| <input type="checkbox"/> JDF 1515(a) | Waiver of Service |
| <input type="checkbox"/> JDF 1515(b) | Return of Service |
| <input type="checkbox"/> JDF 1516 | Final Order for Paternity |

STEPS TO FILING YOUR CASE

Step 1: Complete Initial Forms.

Selecting these instructions indicates that you are planning on filing a case to disclaim paternity. You are filing as Petitioner and naming the other party as the "Respondent". The caption below 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: _____ <hr/> In the Interest of: Identify Name of Child(ren) Petitioner: _____ v. Respondent: _____		▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
NAME OF FORM		Case Number: _____ Division Courtroom

Case Information Sheet (JDF 1000):

- Please complete all sections on this form.

Petition to Disclaim Paternity (JDF 1514):

- 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 to Disclaim Paternity (JDF 1515):

- 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 and the Petitioner and Respondent informational sections 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 or the Summons will be returned to you in the mail. 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 disclaimer papers in order to use this method.
- Have the Respondent complete the Waiver of Service form – JDF 1515(a).
- Make sure the Respondent signs and dates the Waiver 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 1515(b) to the Court for filing, or return it to you to file with the Court.

COURT APPROVED GENETIC TESTING

Step 1: Complete Appropriate Genetic Testing Forms

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 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 forms under number 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 Genetic Testing Forms with the Court.

- 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 as ordered by the Court. You and the Court will be notified of the results.

COURT HEARING

The Judge or Magistrate will review all documents filed and enter an Order to disclaim or establish paternity.

- If the Petitioner/Respondent is not the biological father of the children, the Court will enter an Order finding that you or the other party is not biological father.
- If the genetic testing identifies the Petitioner/Respondent to be the biological Father, you or the Respondent may want to review the Instructions for Allocation of Parental Responsibilities (JDF 1413I) to address parenting time, decision-making responsibility, child support, and other financial issues, if any.
- If your address or telephone number has changed since you initially filed your case, you must provide current information to the Court in writing.