

INSTRUCTIONS TO FILE FOR GRANDPARENT OR GREAT-GRANDPARENT VISITATION

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 forms necessary to file for grandparent or great-grandparent visitation.
- ◆ A grandparent or great-grandparent of a child **might be eligible to obtain reasonable visitation rights** when: (i) there is or has been judicial intervention into the marriage or civil union of the child's parents; (ii) there is or has been a judicial placement of the child outside the family; or (iii) there has been a death of the grandparent's child or the great-grandparent's grandchild. A grandparent or great-grandparent may seek a visitation order from the court in the following cases:
 1. Where the child's parents have a Domestic Relations (DR) Case that involves a Dissolution of Marriage or Civil Union, Legal Separation (Marriage or Civil Union), Allocation of Parental Responsibilities or Invalidity of Marriage or Civil Union (Annulment).
 2. Where the child is the subject of a Juvenile (JV) case that involves the Allocation of Parental Responsibilities or determination of paternity.
 3. If the child is the subject of a Juvenile (JV) case that involves Dependency and Neglect and the child has been placed outside of and does not reside in the home of the child's parent.
 4. Where the child's parent who is the child of the grandparent or the grandchild of the great-grandparent seeking visitation has died and a Probate (PR) guardianship case is pending or closed.
 5. Where the child's parent who is the child of the grandparent or the grandchild of the great-grandparent seeking visitation has died and a Probate (PR) decedent's estate case is pending or closed, or where no Probate case exists. In these situations, the Pleading Affidavit must be filed in a new Juvenile (JV) action.
- ◆ A grandparent or great-grandparent of a child **might not be eligible to obtain visitation rights** if the following circumstances exist, unless the child's parent who is the child of the grandparent or the grandchild of the great-grandparent has died:
 1. If parental rights of the child's parents have been terminated.
 2. If the child has been placed for adoption or the adoption has been legally finalized.
 3. If the parents of the child have not participated in a Domestic Relations, Juvenile or Probate case as identified in numbers 1 – 3 above.
- ◆ The grandparent(s) or great-grandparent(s) can file either a **Motion to Intervene** pursuant to Rule 24 of the Colorado Rules of Civil Procedure in an already existing case or they can file a **Pleading Affidavit** to request grandparent or great-grandparent visitation in a new Juvenile (JV) action where the child's parent, who is the child of the grandparent or grandchild of the great-grandparent seeking visitation, has died.
 1. **Where there is an existing case** (see numbers 1-4 above): The Motion to Intervene for Grandparent or Great-Grandparent Visitation must be filed in the county where the child resides. This must be followed even in the situation where the original case involving the child was filed in a different county than where the child currently lives.
 - a. If the **original DR, JV or PR** case involving the child is in a different county, you will need to file a Motion to Intervene along with a Motion for Change of Venue in the county where

the original case is. Once the Court issues an Order for Change of Venue, you can file the Order along with the Pleading Affidavit for Grandparent or Great-Grandparent Visitation in the county where the child resides.

- b. If Colorado does not have the original case, you may need to file in the originating court. This is the court that has child custody jurisdiction. If this situation applies to you consult an attorney to assist with the filing of the documents.

2. Where an Estate Case is pending, closed or no case exists (see number 5 above): The Pleading Affidavit for Grandparent or Great-Grandparent Visitation must be filed in a new Juvenile action in the county where the child resides.

- ◆ No grandparent or great-grandparent may seek an order granting visitation rights more than once every two years, without court approval.
- ◆ If there are matters or issues that you and the other parties cannot resolve, mediation or other forms of alternative dispute resolution may be an option. For more information, call the State Office of Dispute Resolution at (720) 625-5940 or check with your local Court to obtain information on local mediators.
- ◆ Review the statute on this subject matter, see §19-1-117, 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

<input checked="" type="checkbox"/> Petitioner:	The person identified in the original Petition filed with the Court.
<input checked="" type="checkbox"/> Co-Petitioner:	The person identified in the original Petition filed with the Court.
<input checked="" type="checkbox"/> Respondent:	The person identified in the original Petition filed with the Court.
<input checked="" type="checkbox"/> Intervenor:	A person who voluntarily interposes in an action or other proceeding with the approval of the court.
<input checked="" type="checkbox"/> Stipulation:	A written agreement prepared by the parties.
<input checked="" type="checkbox"/> Parental Responsibilities:	This term includes both parenting time and decision-making responsibilities regarding the children. (The term "Custody" is no longer used.)
<input checked="" type="checkbox"/> Hearing Date:	The date that the parties must appear in Court.
<input checked="" type="checkbox"/> Mediation:	A confidential process whereby a trained neutral third-party assists disputing parties to reach their own solution.
<input checked="" type="checkbox"/> Alternative Dispute Resolution:	A process that allows parties to resolve their dispute without litigating the matter 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 may also contact the Family Court Facilitator at your local courthouse, if one is available in your Judicial District.

FEES

The filing fees identified below are based on if you file a Motion to Intervene or an independent action by filing a Petition.

The filing fee for an Intervenor is \$234.00 in a Domestic Relations (DR) case or a Juvenile Paternity or Allocation of Parental Responsibilities (child custody) (JV) case. No filing fee is required in a Probate (PR) or Juvenile Dependency and Neglect (JV) case.

The filing fee for a Petitioner is \$234.00. The Pleading Affidavit is filed in a Juvenile case.

If you are unable to pay the filing fee, 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. Some Courts require mediation and may require these fees to be paid upon the filing of the case.

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

- 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 “Self-Help/Forms” tab. The packet/forms are available in PDF and WORD by selecting **All Court Forms and Instructions - Divorce, Family Matters, Civil Unions – Grandparent or Great-Grandparent Visitation**. You may complete a form online or you may print it and type or print legibly in black ink.

The forms and process identified below, only apply if you have elected to file as an Intervenor. If you file as a Petitioner, you may wish to consult with an attorney.

- JDF 1704 Motion to Intervene
- JDF 1705 Order to Intervene
- JDF 1701 Pleading Affidavit for Grandparent or Great-Grandparent Visitation
- JDF 1702 Order re: Pleading Affidavit for Grandparent or Great-Grandparent Visitation

STEPS TO FILING

Step 1: Complete Initial Forms.

Selecting these instructions indicates that you plan to intervene in a case. You must identify the parties as the Petitioner or Co-Petitioner/Respondent depending on their “title/role” in the original case. You will need to identify yourself as the “Grandparent(s)/Great-Grandparent(s)Intervenor(s). The caption area 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"/> Juvenile Court _____ County, Colorado Court Address: _____ In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent:	▲ COURT USE ONLY ▲
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and concerning: <input type="checkbox"/> Grandparent(s) <input type="checkbox"/> Great-Grandparent(s) Intervenor(s)		
Attorney or Party Without Attorney (Name and Address):		Case Number:
Phone Number:	E-mail:	
FAX Number:	Atty. Reg.#:	Division Courtroom
Name of Form		

Motion to Intervene (JDF 1704):

The purpose of this Motion, filed in pursuant to Rule 24 of the Colorado Rules of Civil Procedure, is for the parties to state why they wish to intervene in the case. Approval of the Motion allows the Court to add the parties to the case.

Please complete all sections of this form.

Order to Intervene (JDF 1705):

Complete the caption only on this form.

The Magistrate or Judge will complete the rest of the Order and give you and the other party a signed copy.

Pleading Affidavit for Grandparent or Great-Grandparent Visitation (JDF 1701):

The purpose of this Pleading Affidavit is for the parties to state the visitation being requested. It is important to provide details, for example, including times, days or dates, means of transporting the children and any other details specific to address your visitation.

Please complete all sections of this form.

You must provide a copy of the Pleading Affidavit for Grandparent or Great-Grandparent Visitation to the party who has legal custody of the child or the party with parental responsibilities as determined by the Court.

Complete the Certificate of Service portion. 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.

Order Re: Pleading Affidavit for Grandparent or Great-Grandparent Visitation (JDF 1702):

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 \$20.00 per certified copy.

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 your Documents with the Court.

- Pay the Intervenor filing fee of \$234.00, if applicable.
- The Motion to Intervene will be filed in the existing (JV, PR – Guardianship action, DR) case related to the child.
- If you are filing a Motion to Intervene and there is an existing Paternity or Dependency and Neglect case, a new Juvenile (JV) case will be established, since such cases are confidential and considered a non-public case.
- Provide the Court with all the documents identified in **Step 1**.
- Provide the Court with a self-addressed stamped envelope to receive a copy of the Order to Intervene, unless they are a mandatory e-file Court.

Step 3: Provide All Documents Filed with the Court to the Other Part(ies).

- You must provide a copy of all documents filed with the Court to the part(ies) who have legal custody of the child or to the part(ies) with parental responsibilities as determined by the Court.
- Complete the Certificate of Service portion on both forms. The purpose of the Certificate of Service is to notify the Court when and how you provided copies of the Motion and Pleading Affidavit 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 to Intervene and the Pleading Affidavit regarding grandparent/great-grandparent visitation prior to any Court action being taken.

Step 4: Court Review of Motion to Intervene.

A hearing is not required. If you believe a hearing is necessary, please check with the Court to determine what their procedures are for the setting of a hearing. The Judge or Magistrate will review the Motion to Intervene and enter an Order as appropriate.

Step 5: File Pleading Affidavit and Order.

The Pleading Affidavit and Order re: Pleading Affidavit for Grandparent or Great-Grandparent Visitation must be filed in the county where the child resides.

- If the original DR, JV or PR case involving the child is in a different county, you will need to file a Motion for Change of Venue (JDF 1323) and an Order for Change of Venue (JDF 1324) in the county where the original case is located. Once the Court issues an Order for Change of Venue (JDF 1324), you can file the Order along with the Pleading Affidavit for Grandparent or Great-Grandparent Visitation in the county where the child resides.
- You will receive a signed copy of the Order Re: Pleading Affidavit for Grandparent or Great-Grandparent Visitation.

Step 6: Court Review of Pleading Affidavit for Grandparent or Great-Grandparent Visitation.

A hearing shall be held if either party requests a hearing or if the Court determines that a hearing is in the best interests of the child. If you believe a hearing is necessary, please check with the Court to determine what their procedures are for the setting of a hearing.

- The Judge or Magistrate will review the Pleading Affidavit for Grandparent or Great-Grandparent Visitation and enter an Order as appropriate.

If your visitation has been ordered and it is not being granted by the custodian, you have certain rights of enforcement, pursuant to §19-1-117.5, C.R.S.