

# Instructions to File A Motion or Stipulation to Modify Child Support

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.

## 1. General Information

- ◆ Use these instructions if you already have obtained a Court order for Child Support and want to modify the amount (either to increase or decrease the amount paid).
- ◆ Child support is calculated under statutory guidelines. If there has been a “substantial and continuing” change in circumstances, then you may file for a modification. The change in circumstances must amount to a 10% increase or decrease in the current child support order. Two examples of situations that may cause substantial and continuing change are:
  - a permanent, significant increase or decrease in the income of either party; and
  - the emancipation of a child when support is ordered for two or more children. If you are paying child support for only one child who is currently emancipated and you wish to terminate child support, please complete the Motion to Terminate Child Support (JDF 1408).
- ◆ You may also file for a modification if your current order does not contain a provision regarding medical/dental support, such as insurance coverage, payment for medical/dental insurance deductibles and co-payments, or unreimbursed medical/dental expenses.
- ◆ Added expenses (such as a new car, house, etc.) do not qualify for a modification.
- ◆ If the child support is modified, the change can be applied retroactively to the date of the filing of the Motion.
- ◆ Within 49 days of the date your Motion is filed, the Court will review the matter and determine whether the case will be scheduled and resolved under the provisions of Colorado Rule of Civil Procedure 16.2(c) or will be handled based on the documents provided with no hearing.
- ◆ For additional information, please review Colorado Revised Statute § 14-10-122.
- ◆ 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)

## 2. Common Terms

- |  |   |
|--|---|
| <input type="checkbox"/> Petitioner:               | The person identified in the original Petition filed with the Court.  |
| <input type="checkbox"/> Co-Petitioner/Respondent: | The person identified in the original Petition filed with the Court.  |
| <input type="checkbox"/> Stipulation:              | A written agreement prepared and signed by both parties.  |
| <input 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 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 type="checkbox"/> Emancipation:             | Emancipation occurs when the last or only child reaches the age of 19, unless the child is still in high school, in which case  |

support continues until the end of the month following graduation; or until the child(ren) otherwise emancipate as may be determined by the Court. Child support may be changed or amended upon motion of a party when any of the children reach 19. See §14-10-115(13), C.R.S. for exceptions.

- May:
- Shall:

In legal terms, “may” is defined as “optional” or “can”.  
In legal terms, “shall” is defined as “required”.

If you do not understand this information, please contact an attorney.  
You may also contact the [Self-Help Center](#) at your local courthouse.

### 3. Fees

Fees you may encounter:

- |                          |   |   |
|--------------------------|---|---|
| <input type="checkbox"/> | Filing Fee                                  | \$105.00                                |
| <input type="checkbox"/> | Service Fees                                | Varies                                  |
| <input type="checkbox"/> | Certification Fee                           | \$20.00                                 |
| <input type="checkbox"/> | Copies of Documents (Documents on File)     | \$.75 per page or \$1.50 if doublesided |
| <input type="checkbox"/> | Copies of Documents (Documents not on File) | \$.25 per page or \$.50 if doublesided  |

- Filing Fee is not required if you are filing your motion/stipulation in a juvenile support case under Title 19, Article 6.
- Filing Fee is not required if the motion/stipulation is being filed less than 60 days after the original decree or order is issued.
- If you are unable to pay, submit a Motion to File without Payment (JDF 205) and Proposed Order (JDF 206). The Court will decide if you need to pay the filing fee.

### 4. Forms

You may need all or some of these forms:

#### *Starting Forms*

- |                          |          |  |
|--------------------------|----------|--|
| <input type="checkbox"/> | JDF 1403 | Motion to Modify Child Support                   |
| <input type="checkbox"/> | JDF 1404 | Stipulation Regarding Child Support Modification |
| <input type="checkbox"/> | JDF 1315 | Response to Motion                               |

#### *Supporting Forms*

- |                          |          |   |
|--------------------------|----------|---|
| <input type="checkbox"/> | JDF 1104 | Certificate of Compliance with Mandatory Financial Disclosure |
| <input type="checkbox"/> | JDF 1111 | Sworn Financial Statement                                     |
| <input type="checkbox"/> | JDF 1820 | Child Support Worksheet                                       |

#### *Other Forms*

- |                          |          |  |
|--------------------------|----------|--|
| <input type="checkbox"/> | JDF 1117 | Support Order <i>(required in some counties)</i>                           |
| <input type="checkbox"/> | JDF 1405 | Order re: Modification of Child Support <i>(required in some counties)</i> |

To access a form online go to [www.courts.state.co.us/Self-Help/](http://www.courts.state.co.us/Self-Help/). Click on the “Family Cases” category. Then, click on the “Change Court Orders” section.

## 5. Steps

Selecting these instructions indicates that you are planning to file a motion or stipulation to modify child support. 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 to reopen a case. The caption needs to be completed on all forms filed. Make a copy for your own records and one to provide to the other party.

Pick Option 1 (pg. 3) or Option 2 (pg. 4) below. Complete the remaining steps.

### Option 1 – Stipulation to Modify Child Support

You have an existing child support order. **Both parties agree** that a change to the child support is needed **and you agree on the new amount.**

#### Step 1: Complete Forms

- Required:** any document filed with the Court must also be mailed to every party in the case and the County Office of Child Support Services, if they are involved.
- Stipulation Regarding Child Support Modification (JDF 1404):**
  - Please complete all sections of this form.
  - Please provide current addresses and contact information for all parties.
- 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 1111SS) only if applicable to your case.
  - Each party **must** complete their own Financial Statement and all sections **must** be completed.
- Child Support Worksheet:**

Use the information from each of your Sworn Financial Statements to complete the appropriate worksheet.

  - Automatic Calculation Option: (Most Common)**

Software for electronically calculating child support based on the child support guidelines can be found at [www.courts.state.co.us](http://www.courts.state.co.us) – Go to “Self Help/Forms” > “All

Forms and Instructions” > “Divorce, Family Matters, Civil Unions.” The link for [Calculate Child Support/Maintenance](#) is located under the “Custody & Child Support” section. You can also click [here](#).

- Complete a Certificate of Service (JDF 1313) indicating that you have provided the other party with a copy of your completed Child Support Worksheet.
- Proposed Orders for Child Support (JDF 1405 & 1117):** *(if required)*
  - Some counties required proposed orders. Check with the local self-help center.
  - Complete only the caption on these forms and the Judge will fill out the rest.

## Step 2: File Stipulation

- Pay the \$105.00 filing fee, if applicable.
- Provide the Court with the Stipulation and all other appropriate documents.
- Please provide your current address to the Court in writing.

## Step 3: Court Review of Stipulation

Within 49 days of the date a post decree matter is filed, the Court will review the matter and determine whether the Stipulation will be approved or not.

- No hearing is required; however, the Court will use the Child Support Guidelines to review the adequacy of child support order negotiated by the parties as well as the financial affidavits.
- You will receive a signed Order Re: Modification of Child Support.
- If child support is modified, you will also receive an updated Support Order.

**Remember:** if you change the child support amount, you must also modify any income assignment to reflect that change.

## Option 2 – Motion to Modify Child Support

If you have an existing order for child support and both **parties do not agree** that child support should be increased or decreased.

## Step 1: Complete Forms

- Required:** any document filed with the Court must also be mailed to every party in the case, including the County Office of Child Support Services, if they are involved.
- Motion to Modify Child Support (JDF 1403):**
  - Please complete all sections of this form. It is very important that you describe the change in circumstances to justify why you are requesting to modify child support.
  - Please provide current addresses and contact information for all parties.

**Certificate of Compliance with Mandatory Financial Disclosures (JDF 1104):**

The mandatory disclosure documents, listed in the form, must be provided to the other party. File the Certificate of Compliance form (JDF 1104) **within 42 days** after the Motion to Modify Child Support was served on the other party.

- Each party must submit a Certificate of Compliance with the Court when the mandatory disclosures documents have been provided to the other party. If you did not provide all of the mandatory disclosure items, please state why on this form.
- Complete all sections on this form.
- Complete the Certificate of Service portion identifying the method selected to provide the other party with a copy of this document.
- Send the other part(ies) the Certificate of Compliance form as well as copies of all of the mandatory disclosure documents that you have identified on the form.

**Sworn Financial Statement (JDF 1111):**

You must provide true and complete information to the Court and the other part(ies) 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 1111SS) only if applicable to your case.
- Each party **must** complete their own Financial Statement and **all sections** must be completed.
- The Financial Statement must be sent to the other part(ies) and filed with the Court within 42 days after the Motion to Modify Child Support was served on the other party.

**Child Support Worksheet:**

Use the information from each of your Sworn Financial Statements to complete the appropriate worksheet. You may not be able to complete the Child Support Worksheet before you file your Motion to Modify Child Support if you do not have financial information from the other party.

- Automatic Calculation Option:** *(Most Common)*  
Software for electronically calculating child support based on the child support guidelines can be found at [www.courts.state.co.us](http://www.courts.state.co.us) – Go to “Self Help/Forms” > “All Forms and Instructions” > “Divorce, Family Matters, Civil Unions.” The link for [Calculate Child Support/Maintenance](#) is located under the “Custody & Child Support” section. You can also click [here](#).
- Complete a Certificate of Service (JDF 1313) indicating that you have provided the other party with a copy of your completed Child Support Worksheet.

- Proposed Orders re Child Support (JDF 1405 & 1117):** *(if required)*
  - Some counties required proposed orders. Check with the local self-help center.
  - Complete only the caption on these forms and the Judge will fill out the rest.

## **Step 2: File your Motion**

- Pay the \$105.00 filing fee, if applicable.
- Provide the Court with the Motion to Modify Child Support and all other appropriate documents.
- You do not need to file your Child Support Worksheet when you file your Motion to Modify Child Support if you do not have financial information from the other party. However, you will need to complete the Child Support Worksheet and file it with the Court once you have received financial information from the other party.
- If your address has changed since you originally filed your case, please provide your current address to the Court in writing.

## **Step 3: Send a Copy**

- You must provide a copy of the Motion to Modify Child Support to all parties to the case.
- Complete the Certificate of Service portion on the form. Without a complete certificate of service, your request may be rejected. The Court must have knowledge that all parties involved are aware of the case. If the Department of Human Services – Office of Child Support Services is involved with your case, provide a copy of the Motion to them as well.

## **Step 4: Court Review of Motion or Hearing**

Within 49 days of the date a post-decree matter is filed, the Court will review the matter and determine whether the motion will be approved or not.

- The Judge or Magistrate will review the documents and enter an Order. The Court may also send out a Case Management Order that explains the financial information that must be exchanged between the parties and 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 and make statements to the Court. The Court may also require parties attend mediation or a status conference before the hearing date.
- If child support is modified, you will also receive an updated Support Order.

**Remember:** if you change the child support amount, you must also modify any income assignment to reflect that change.