



El Paso County Combined Court
4th Judicial District
270 S. Tejon St., Colorado Springs, CO 80903
Website: www.courts.state.co.us | phone: 719-452-5000

Instructions for Petition for Underage Marriage

General Information

- ❖ A court order directing the county clerk and recorder to issue a marriage license and marriage certificate is required for parties 16 or 17 years of age, regardless of parental consent. Persons under the age of 16 years old are prohibited from obtaining a marriage license.
- ❖ The Court **shall** appoint a guardian ad litem (GAL) for the underage party(ies) and direct the GAL to investigate and file a report with the court stating a position as to whether the issuance of a marriage license to the underage party would serve their best interest. The report must address the following factors:
 - The wishes of the underage party(ies)
 - The view of the parent(s) or legal guardian(s)
 - The ability of the underage party(ies) to assume the responsibilities of marriage.
 - The circumstances surrounding the marriage; and
 - The ability of the underage party(ies) to manage their financial, personal, social, educational, and non-financial affairs independent of the underage party's intended spouse during the marriage or upon dissolution of the marriage
- ❖ Pregnancy alone is not considered the best interest of the minor per HB 19-1316.
- ❖ For additional information, please see §14-2-108 C.R.S. and HB 19-1316.

Forms Needed

- FCF 450 Petition for Underage Marriage
- FCF 451 Underage Marriage Case Information Sheet
- FCF 452 Order for Underage Marriage
- JDF 208 Application for Public Defender, Court-Appointed Counsel or Guardian Ad Litem

Fees

There is no fee to file.

Common Terms

Petition for Underage Marriage:	Document filed by an underage person to request an order allowing him/her to enter into marriage while underage.
Petitioner:	The person filing the Petition with the Court.
Co-Petitioner:	The person filing the Petition with the Court along with the Petitioner.
Respondent:	The person the underage person is seeking to marry who is 18 years or older.
Guardian Ad Litem (GAL):	A court-appointed representative who is to protect the interest of the underage person; the GAL is to investigate whether the marriage is in the underage person's best interest and submits a report to the Court as to their findings.
May:	In legal terms, "may" is defined as "optional" or "can".
Shall:	In legal terms, "shall" is defined as "required".

Steps to Filing Your Case

You are filing jointly as Petitioner and Co-Petitioner if you and the person you are seeking to marry are both underage, or you are filing as Petitioner and naming your significant other as "Respondent" if he/she is 18 years of age or older.

Step 1: Complete Initial Forms

- FCF 450 Petition for Underage Marriage**
 - Complete all sections of this form.
 - You are the Petitioner. The person you are seeking to marry is the Co-Petitioner/Respondent.
 - If you and the person you are seeking to marry are both underage, then you both must sign the Petition.
 - Complete the Certificate of Service indicating when and how you are providing your parent(s) or legal guardian(s) a copy of the Petition. The Co-Petitioner must also send their parent(s) or legal guardian(s) a copy of the Petition.

- FCF 451 Underage Marriage Case Information Sheet**
 - Complete all sections of this form.
 - You are the Petitioner. The person you are seeking to marry is the Co-Petitioner/Respondent.
 - Both the Petitioner and the Co-Petitioner must sign this form.

- FCF 452 Order for Underage Marriage**
 - Complete only the caption (top box) of this form.

- JDF 208 Application for Public Defender, Court-Appointed Counsel or Guardian Ad Litem**
 - Complete all sections of this form.
 - Each underage party must complete a separate Application.

Step 2: File Documents with Court

File all completed documents in the Clerk's Office (room S101) of the courthouse. Please be sure you have made additional copies of the Petition for Underage Marriage to provide to your parent(s)/legal guardian(s) and for yourself. Please make at least 1 additional copy of all other documents.

Step 3: Provide your Parents or Legal Guardians a Copy of the Petition

After filing your documents with the Court, you must hand deliver or mail a copy of the completed Petition for Underage Marriage to your parent(s) or legal guardian(s) on the date that you indicated on the Petition.

Step 4: Status Conference

After filing your documents with the Court, a status conference may be set. You **and** your parent(s) or legal guardian(s) must appear at this conference. The Judge will ensure that parties would like to proceed with the appointment of a guardian ad litem. You may be responsible for costs involved in the appointment of a guardian ad litem.

Step 5: Appointment of Guardian Ad Litem

After submitting form JDF 208, the Judge will appoint a guardian ad litem to investigate as to whether the issuance of a marriage license and marriage certificate is in your best interest. The GAL will contact you to obtain information related to the factors listed under General Information. They may contact your significant other, your parent(s)/legal guardian(s), and any other friends or family members in order to complete their report. The GAL must file a report with the Court as to their findings. If both parties are underage, then the court may appoint a separate GAL for each underage person.

Step 6: Court Order or Hearing

Once the GAL files their report with the Court, the Judge may either set a hearing or issue an order granting or denying your request for the issuance of a marriage license/marriage certificate. You will receive this notice or order by mail.

<input type="checkbox"/> District Court El Paso County, Colorado Court Address: 270 S. Tejon St. Colorado Springs, CO 80903			
In Re the Petition of: Petitioner: _____			
Co-Petitioner/Respondent: _____		▲ COURT USE ONLY ▲	
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number: Division _____ Courtroom _____	
PETITION FOR UNDERAGE MARRIAGE			

The Petitioner, _____,

CHECK THE BOX THAT APPLIES TO YOUR AGE (§ 14-2-108)

- Is 16 years of age.
- Is 17 years of age.

Petitioner hereby requests an order allowing him/her to enter into marriage while underage. The Petitioner also requests that the Court order the County Clerk and Recorder to issue a marriage license and marriage certificate form for marriage by the Petitioner.

The Co-Petitioner/Respondent, _____,

CHECK THE BOX THAT APPLIES TO YOUR AGE (§ 14-2-108)

- Is 16 years of age.
- Is 17 years of age.
- Is 18 years of age or older.

If Co-Petitioner/Respondent is under the age of 18:

Co-Petitioner hereby requests an order allowing him/her to enter into marriage while underage. The Co-Petitioner also requests that the Court order the County Clerk and Recorder to issue a marriage license and marriage certificate form for marriage by the Co-Petitioner.

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

SIGNATURE(S)

Dated: _____

(printed name of Petitioner)

Petitioner Signature

Address

City, State, Zip Code

(Area Code) Telephone Number (home)

Dated: _____

(printed name of Co-Petitioner if under the age of 18)

Co-Petitioner Signature

Address

City, State, Zip Code

(Area Code) Telephone Number (home)

CERTIFICATE OF SERVICE

I certify that on _____ (date) a true and accurate copy of the **Petition for Underage Marriage** was served by:

Hand Delivery E-filed Faxed to this number _____ or

by placing it in the United States mail, postage pre-paid, and addressed to the following:

To:

Petitioner's Parent/Legal Guardian (1):

Petitioner's Parent/Legal Guardian (2):

To be completed only if Co-Petitioner/Respondent is under 18 years of age:

Co-Petitioner's Parent/Legal Guardian (1):

Co-Petitioner's Parent/Legal Guardian (2):

Your Signature(s) _____

<input type="checkbox"/> District Court El Paso County, Colorado Court Address: 270 S. Tejon St. Colorado Springs, CO 80903	
Petitioner: And Co-Petitioner/Respondent:	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
UNDERAGE MARRIAGE CASE INFORMATION SHEET	

Full name of Petitioner: _____

Date of birth: _____

Residential address: _____ Apt. # _____

City: _____ State: _____ Zip Code: _____

Mailing address (if different from residential address): _____ Apt. # _____

City: _____ State: _____ Zip Code: _____

Telephone Numbers: Home _____ Work _____ Cell _____

Full name of Co-Petitioner/Respondent: _____

Date of birth: _____

Residential address: _____ Apt. # _____

City: _____ State: _____ Zip Code: _____

Mailing address (if different from residential address): _____ Apt. # _____

City: _____ State: _____ Zip Code: _____

Telephone Numbers: Home _____ Work _____ Cell _____

Full name of Petitioner's Parent/Legal Guardian (1): _____

Parent or Legal Guardian (circle one)

Residential address: _____ Apt. # _____

City: _____ State: _____ Zip Code: _____

Mailing address (if different from residential address): _____ Apt. # _____

City: _____ State: _____ Zip Code: _____

Telephone Numbers: Home _____ Work _____ Cell _____

Full name of Petitioner's Parent/Legal Guardian (2): _____

Parent or Legal Guardian (circle one)

Residential address: _____ Apt. # _____

City: _____ State: _____ Zip Code: _____

Mailing address (if different from residential address): _____ Apt. # _____

City: _____ State: _____ Zip Code: _____

Telephone Numbers: Home _____ Work _____ Cell _____

To be completed only if the Co-Petitioner/Respondent is under the age of 18:

Full name of Co-Petitioner's Parent/Legal Guardian (1): _____

Parent or Legal Guardian (circle one)

Residential address: _____ Apt. # _____

City: _____ State: _____ Zip Code: _____

Mailing address (if different from residential address): _____ Apt. # _____

City: _____ State: _____ Zip Code: _____

Telephone Numbers: Home _____ Work _____ Cell _____

Full name of Co-Petitioner's Parent/Legal Guardian (2): _____

Parent or Legal Guardian (circle one)

Residential address: _____ Apt. # _____

City: _____ State: _____ Zip Code: _____

Mailing address (if different from residential address): _____ Apt. # _____

City: _____ State: _____ Zip Code: _____

Telephone Numbers: Home _____ Work _____ Cell _____

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

SIGNATURE

Date

Signature of Petitioner

Printed name of Petitioner

Date

Signature of Co-Petitioner

Printed name of Co-Petitioner

<input type="checkbox"/> District Court El Paso County, Colorado Court Address: 270 S. Tejon St. Colorado Springs, CO 80903	
In Re the Petition of: Petitioner: v. Respondent/Co-Petitioner:	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
ORDER GRANTING PETITION FOR UNDERAGE MARRIAGE	

The Court has reviewed the Petition for Underage Marriage and finds the following:

- The court finds that a reasonable effort has been made to notify the parents or legal guardians of each underage party;
- The Petitioner is sixteen (16) or seventeen (17) years old;
- The Co-Petitioner is sixteen (16) or seventeen (17); and
- The Court has reviewed the report from the Guardian Ad Litem appointed to this case;

WHEREFORE, the court has considered all relevant factors and finds that the underage party(ies), the Petitioner/Co-Petitioners, is/are capable of assuming the responsibilities of marriage, and that the issuance of a marriage license is in the best interest of the Petitioner/Co-Petitioners. The Court hereby GRANTS the Petition for Underage Marriage.

The Court further orders that the County Clerk and Recorder issue a marriage license and a certificate of marriage for the marriage of the underage Petitioner/Co-Petitioners.

Dated: _____

BY THE COURT:

 Judge Magistrate

APPLICATION FOR PUBLIC DEFENDER, COURT-APPOINTED COUNSEL, OR GUARDIAN AD LITEM

Pursuant to §21-1-103(3), C.R.S., a processing fee of \$25.00 may be collected by the court upon final disposition of this case.

Case number: _____ Court Room: _____ District: _____

Most serious charge: _____ Next hearing date/Type: _____

All sections must be completed. Print neatly. If an item does not apply, write N/A.

Applicant	Applicant's Employer
Name _____	Company _____
Mailing Address _____	Mailing Address _____
Street Address (if different) _____	Street Address (if different) _____
City, State, Zip _____	City, State, Zip _____
Phone number _____	Phone Number _____ Position _____
Soc. Sec. No. _____ Birthdate _____	Length of Employment _____ Hours/Week _____
Driver's License No. _____ State _____	Pay Dates: _____ Pay Rate: \$ _____

Other Household Members (Spouse, Partner, Parent, etc.)	Other Household Member's Employer
Name _____	Company _____
Relation to Applicant _____	Mailing Address _____
Mailing Address _____	Street Address (if different) _____
Street Address (if different) _____	City, State, Zip _____
City, State, Zip _____	Phone Number _____ Position _____
Phone number _____	Length of Employment _____ Hours/Week _____
Soc. Sec. No. _____ Birthdate _____	Pay Dates: _____ Pay Rate: \$ _____
Driver's License No. _____ State _____	

Marital Status: Single Married Partner in a Civil Union Separated Divorced/Civil Union Dissolved Total Number of Dependents (including yourself): _____

Gross Monthly Income (See definitions on reverse for further information.)	Amount	Monthly Expenses (See definitions on reverse for further information.)	Amount
Self (wages, salary, commission)	\$ _____	Rent/Mortgage	\$ _____
Spouse/Partner/Other Household Members		Groceries	
Parents (if same household)		Utilities	
Unemployment Benefits		Clothing	
Social Security/Retirement Funds		Maintenance (Spousal/Partner Support) and/or Child Support	
Maintenance (Spousal/Partner Support)		Medical/Dental	
Other Income (see Page 2)		Other Expenses (identify source)	
Other Income (see Page 2)		Other Expenses (identify source)	
Total Household Income	\$ _____	Total Expenses	\$ _____

Assets	Amount	Description
Savings Account Balance	\$ _____	Name of Bank: _____
Checking Account Balance		Name of Bank: _____
Value of Vehicles		Year and Model: _____
Value of Recreation Vehicles		Amount Owed: \$ _____
Value of House		Type: _____
Value of Other Property		Type: _____
Value of Stocks, Bonds, Mutual Funds		Type: _____
Value of Other Investments		Year and Model: _____
Total Assets	\$ _____	Convertible to Cash = \$ _____

References:
 1. Name/Address/Phone _____
 2. Name/Address/Phone _____

Guidelines:
At or below or Above or
Automatically eligible for PD/GAL/RPC (In custody &/or bond allowed Out on bond) or
Refer to scoring instrument (Criminal, Misdemeanor, Traffic, Juvenile Delinquency cases)

Signature of investigator/clerk/PD: _____ Date: _____

I swear under penalty of perjury that the above-contained information is true and complete. I also understand that if the court grants this request, I may later be ordered to reimburse the State of Colorado for attorney fees spent on my behalf.

Client signature _____ Date: _____

Signature of judicial officer: _____ Date: _____

Request: granted or denied

APPLICATION FOR PUBLIC DEFENDER, COURT-APPOINTED COUNSEL, OR GUARDIAN AD LITEM

General Information

It is important that you accurately complete all sections of this form as appropriate based on your personal circumstances. If a section does not apply, please write N/A.

A. Gross Monthly Income. Includes income from all members of the household who contribute monetarily to the common support of the household.

♦ **Income categories to include:**

Wages, including tips, salaries, commissions, payments received as an independent contractor for labor or services, bonuses, dividends, severance pay, pensions, retirement benefits, royalties, interest/investment earnings, trust income, annuities, capital gains, unemployment benefits, Social Security Disability (SSD), Social Security Supplemental Income (SSI), Workman's Compensation Benefits, and alimony.

Note: Income from roommates should not be considered if such income is not commingled in accounts or otherwise combined with the applicant's income in a fashion which would allow the applicant proprietary rights to the roommate's income.

♦ **Income categories do not include:**

TANF payments, food stamps, subsidized housing assistance, veteran's benefits earned from a disability, child support payments, or other public assistance programs.

B. Liquid Assets. Includes cash on hand or in accounts, stocks bonds, certificates of deposit, equity, and personal property or investments which could readily be converted into cash without jeopardizing the applicant's ability to maintain home and employment.

C. Expenses. Nonessential items such as cable television, club memberships, entertainment, dining out, alcohol, cigarettes, etc., **shall not** be included. Allowable expense categories are listed on JDF 208.

If you are applying to have your filing fee waived, you may be asked to supply:

- Copies of the previous three months' bank statements, including checking and savings. **DO NOT provide originals.**
- Copies of the previous three months' pay stubs and/or proof of income must be included. **DO NOT provide originals.**