

Tips for what to do when your child is taken out of the state by the non-custodial parent

These tips are for the following situation:

→When there is an order for custody (whether the order is in a custody or divorce case) from the State of Colorado, the custodial parent and child live in Colorado so Colorado is the home state of the child and the non-custodial parent removes the child from the State of Colorado to another state.

In this situation, the Colorado Court does not have the ability to make any orders directing officers in other states what to do. You will need to file something with the Court in the state where the child has been taken. Most states, including Colorado, have adopted the UCCJEA and here are the steps for what that law typically requires. Colorado District Court jurisdiction ends at the border so Colorado is unable to issue a warrant for another state to take and return the child.

Step 1: Obtain a certified copy of the court order from the Records Department at the Justice Center.

Step 2: Seek legal advice from an attorney in the state where your child is currently located.

Step 3: Take the certified order to the court in the other state. Ask the court what their procedure is for this type of situation, let them know that you have a certified court order from Colorado and ask if there are forms that you can file so that the court can issue a warrant to order the authorities in that state to pick up and return the child to the custodial parent.

Step 4: If the state does not have forms for this type of situation, refer to Larimer County forms as an example of what could be filed in the other state but be sure to conform the forms to comply with the rules for that state.