

MODIFY Custody or Decision-Making Responsibility

General Information

PLEADINGS/ACTIONS	JDF #	ADDITIONAL INFORMATION
Purchase packet from Clerk of Court's Office or download from the Judicial website.		Packet price \$4.75 at the court <u>OR</u> download free at: www.courts.state.co.us → Self Help/Forms → All Court Forms → Divorce, Family Matters, Civil Unions → Modify Child Custody
Filing Fee		\$105.00
<ul style="list-style-type: none"> There must be an existing court order concerning custody before you can request to modify custody/decision-making responsibilities. Either party can ask the court to modify custody/decision-making responsibilities if the modification is in the best interest of the children. 		a. If a previous motion to modify custody/decision-making has been filed by either party, whether it was granted or not, NO NEW modification may be filed within two years of the last order. b. Exception, if the court decides based on any affidavit filed by either party that there is reason to believe that the current custody/decision making order may endanger the child's physical health or significantly impair the child's emotional development.
A Motion to Modify Custody/Decision-Making Responsibilities MUST be filed in the same case, in the same county , where your current order exists regarding the children.		Consider whether you will also need to file a child support modification based on the changes you are requesting. See instructions JDF 1403I.
The court will consider the following factors when determining modification of custody/decision-making:		1. Both parties agree to the modification. 2. The home for which the child primarily lives has changed to the home of the parent filing this motion with the consent of the other parent. 3. There has been a previous order modifying parenting time that gives good cause to modify custody/decision-making responsibilities. 4. One parent who makes individual decisions regarding the child and who continually agrees that the other parent can make those decisions or to allow the other parent to solely make decisions when decisions are to be made by both parents. 5. When keeping the current custody/decision-making responsibility would endanger the child's physical or emotional health and development.
If your address has changed, please complete the Notice of Change of Address and/or New Name form.	88	Available on the Judicial website: www.courts.state.co.us .
Step 1 – Complete All Forms		
<ul style="list-style-type: none"> All sections must be complete, including the caption at the top of each form. If something does not apply, use "N/A." Complete the <u>Certificate of Mailing</u> at the bottom of each form, indicating how and when you provided a copy of the forms to the other party. 		<ul style="list-style-type: none"> Enter your name in the appropriate field based on which party you were at the time the original case was filed: <ul style="list-style-type: none"> If you filed the original case, you are the Petitioner. If you were served papers, you are the Respondent. If you filed papers together, you are the Co-Petitioner.
Verified Motion/Stipulation to Modify Decision-Making Responsibilities	1415	a. Motion : One party, no agreement, filing individually. b. Stipulation : All parties in agreement, filing together and both are signing the form.

Affidavit in Support of Motion to Modify	1416	<ul style="list-style-type: none"> Describe why the modification is in the best interest of the child.
Parenting Plan	1113	<ul style="list-style-type: none"> Complete and provide information relating to the changes requested for parenting time, decision-making responsibilities, holidays, relocation, child support, medical insurance, and who will claim the children on taxes.
Order Re: Modification/Restriction of Parenting Time	1424	1. Complete only the caption area at the top of this form.
Make two copies of the following forms: (1) A copy for you (2) A copy to be sent to the other party: 1. Verified Motion/Stipulation to Modify Decision-Making Responsibilities 2. Affidavit in Support of Motion to Modify 3. Parenting Plan	1415 1416 1113	Bring the original <u>and</u> two copies with you to the court to file.
STEP 2: File with the Court		
File all forms listed above at the Clerk of Court's Office and pay the \$105.00 filing fee.		
STEP 3: Provide Copy to Other Party		
You must mail or hand-deliver a copy of the forms to the other party. Note: If the other party has an attorney, you must mail the copies to the attorney instead of the other party.	1415 1416 1113	<ul style="list-style-type: none"> The other party has 21 days from the day they receive the modification forms to file a Response with the court. The court will not take action on your Motion until either a Response has been filed or the 21 day requirement has passed.
STEP 4: Court Review of Motion or Setting		
The Judge or Magistrate will review all forms filed and either: 1. Issue an Order regarding the forms filed OR 2. Issue an Order for both parties to attend Mediation OR 3. Set a court date, called a Setting, at which time both parties will come before the court to receive a future date and time to appear for the actual hearing to discuss the modification request and/or issues.		