


Custody
is known as
Allocation of
Parental
Responsibilities
within the Court
system



ALLOCATION OF PARENTAL RESPONSIBILITIES



The following instructions are informational only. This video is not a substitution for legal advice. Please ask the Court for any additional local policies or procedures.

Allocation of Parental Responsibilities



The legal process in Colorado designed to address parenting rights is called Allocation of Parental Responsibilities (“APR”).


It is comprised of two main components: parenting time and decision-making responsibility.

Allocation of Parental Responsibilities



Parenting time refers to who gets to see the child(ren) and when.

Decision-making responsibility refers to which parent has the authority to make important decisions for the child(ren) (i.e., religious, medical, educational decisions, etc.)



**Parental
Responsibility cases
can be filed by a
Parent of the Child
or a Party interested
in the Childs well
being in which the
child has lived
within the previous
6 months.**

- ▶ **The most common type of custody case is when the unmarried biological parents file to structure and determine child support, decision making and parenting time.**
- ▶ **Non-Parental Custody can only be determined when the Child does not physically reside with either Parent. The case can be filed by an interested party in which the child has resided for the previous 6 months.**

Important criteria for establishing Custody/Jurisdiction of the Court



- ▶ The Child must have lived in Colorado for a minimum of 186 days prior to the filing of the Petition or since birth if under six months of age.
- ▶ Your case should be filed in the County where the Child currently resides.

- ▶ If you are financially unable to pay the filing fee (\$222), you may complete the Motion to file without payment and submit the supporting documents (3 months of bank statements and 3 months of proof of income) along with the Motion and proposed Order (JDF 205 and JDF 206) to the Court to see if you qualify to have the fee waived.

**A FILING
FEE WILL
BE
REQUIRED
TO
INITIATE
YOUR
CASE.**

ALLOCATING PARENTAL RESPONSIBILITIES

- ▶ **Parenting Time/Visitation**
- ▶ **Child Support**
- ▶ **Decision Making Responsibilities**
 - ▶ **Medical care**
 - ▶ **Educational matters**
 - ▶ **School selection**

Allocation of Parental Responsibilities



If you and the other party agree on how to divide parenting time and decision-making responsibility with the child(ren), and that this court has jurisdiction to hear the case, you can file your case as Petitioner and Co-Petitioner, meaning you both sign the petition in front of a Notary or a Clerk of the Court.

Allocation of Parental Responsibilities



If the other party does not agree to sign the paperwork, the person who files is called the Petitioner, and the other party will be called the Respondent.

In this case, it is the Petitioner's responsibility to have the Respondent properly served.

Allocation of Parental Responsibilities



If paternity of the Children is at issue, you will have to see the website for information on starting a Paternity case to request DNA testing.

Paternity must be determined prior to any decision regarding APR.

PLEASE CHOOSE ONE OF THE FOLLOWING
OPTIONS:

I AM AN INTERESTED
PARTY SEEKING
CUSTODY THAT IS
NOT THE
BIOLOGICAL PARENT

I AM ONE OF THE
BIOLOGICAL
PARENTS OF THE
CHILD(REN)

ALLOCATION OF PARENTAL RESPONSIBILITIES - PARENTAL

The Child(ren) must have lived in Colorado for at least 6 consecutive months prior to the filing date or since birth if the Child(ren) is under six months of age.

The time which passes between the filing of the Petition and any Hearing is **not** included within the six months calculation.

FORMS REQUIRED TO START YOUR CASE

- ▶ You will need
 - ▶ Petition for Allocation of Parental Responsibilities **JDF 1413**
 - ▶ Case Information Sheet **JDF 1000**
 - ▶ Summons for Allocation of Parental Responsibilities **JDF 1414**
 - ▶ Order for Allocation of Parental Responsibilities **JDF 1422**

COMPLETING THE CAPTION OF THE FORMS

The Party filing the case is the “Petitioner”

The other Party is called the “Respondent”

or

“Co-Petitioner” if the Parties are filing together

In re: the Parental Responsibilities concerning: The Child/ren name would go here

Attorney or Party without Attorney box: The Party filing the form with the Court would put their information in this box

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court County, Colorado	
Court Address: 	
In re the Parental Responsibilities concerning: 	
Petitioner: and Co-Petitioner/Respondent:	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): 	Case Number:
Phone Number: E-mail: FAX Number: Atty. Reg. #:	Division Courtroom
PETITION FOR ALLOCATION OF PARENTAL RESPONSIBILITIES	

YOU ARE READY TO FILE YOUR PAPERWORK WITH THE COURT



- ▶ Bring your paperwork along with 2 copies of all documents to the Clerk of Court window to file your paperwork
- ▶ The Clerk will assign a case number and give you a date for your Initial Status Conference with the Family Court Facilitator (scheduled about 42 days from the filing date)
- ▶ You will then need to arrange service on the other Party

SERVICE

- ▶ If only one Party is filing the case with the Court they must get the other Party served.
- ▶ This must be done by the Sheriff, a Non Interested Third Party who knows about the rules of service or a Private Process Server. This **CANNOT** be completed by the Petitioner.
- ▶ The only exception to Personal Service is if the other Party signs a “Waiver of Service” this means they are waiving the Service only, not their right to participate.
- ▶ You should use caution if relying on this method of service. If the other Party does not sign the Waiver you will need to start at the beginning and have the other Party served.

TEMPORARY INJUNCTION

- ▶ An automatic Temporary Injunction will be in effect upon filing of the case, upon service of the Petition and Summons on the Respondent(s), or upon the signing of a Waiver and Acceptance of Service.
- ▶ The Temporary Injunction remains in effect until a Final Order is entered or by further Court Order.
- ▶ **Purpose:** to prevent a Party from disturbing the peace of another Party, removing minor Children from the state without consent of all Parties or Court Order, and from canceling or changing any insurance; including life insurance that names any Party as a Beneficiary.

WHO CAN FILE FOR CUSTODY

- ▶ A Petition may be filed by a person other than A Parent who has physical care of the Children **for a period of six months or more consecutively** (one after another) if such action is started within six months of physical care ending.

OR

- ▶ By a person other than a Parent who files in the County where the Children permanently live or are found, **but only if they are not in the physical care of one of the Children's Parents**

The time which passes between the filing of the Motion and any Hearing is **not** included within the six months calculation

STATUTORY FACTORS



1. Wishes of Child's parents.
2. Wishes of Child if mature enough to express reasoned and independent preferences.
3. Interaction and relationship Child has with parents or other person who affect Child's best interest.
4. Child's adjustment to home, school and community.
5. Mental & physical health of all individuals involved.
6. Ability to encourage sharing of love, affection, and contact between the Child and the other Party.

STATUTORY FACTORS CONT..



7. Physical location of the Parties to each other.
8. Whether one of the Parties has committed a crime of Child abuse or neglect of any state.
9. Whether one of the Parties has committed a crime of Domestic Violence.
10. Ability of each Party to place the needs of the Child before their own.
11. Past involvement of the Parties with the Child that reflects values, time commitment, and mutual support.

FORMS REQUIRED TO START THE CASE

- ▶ You will need
 - ▶ Petition for Allocation of Parental Responsibilities to Grandparents **JDF 1703** if you **are not the Grandparent JDF 1413**
 - ▶ Case Information Sheet **JDF 1000**
 - ▶ Summons for Allocation of Parental Responsibilities **JDF 1414**
 - ▶ Order for Allocation of Parental Responsibilities **JDF 1422**

COMPLETING THE CAPTION OF THE FORMS

The Party filing the case is the “Petitioner”

The other Party are called the “Respondents”

or

“Co-Petitioner” if the Parties are filing together

In re: the Parental Responsibilities concerning: The Child/ren name would go here

Attorney or Party without Attorney box: The Party filing the form with the Court would put their information in this box

The Court will assign a case number

<input type="checkbox"/> District Court _____ County, Colorado Court Address: _____	
In re the Parental Responsibilities concerning: _____ Petitioner(s): _____ v. Respondent(s): _____	
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	▲ COURT USE ONLY ▲ Case Number: _____ Division _____ Courtroom _____
PETITION FOR ALLOCATION OF PARENTAL RESPONSIBILITIES TO GRANDPARENT(S) (PURSUANT TO §14-10-123, C.R.S.)	

YOU ARE READY TO FILE YOUR PAPERWORK WITH THE COURT



- ▶ Bring your paperwork along with 2 copies of all documents to the Clerk of Court window to file your paperwork
- ▶ The Clerk will assign a case number and give you a date for your Initial Status Conference with the Family Court Facilitator (scheduled about 42 days from the filing date)
- ▶ Once you receive your ISC date after filing you will then need to arrange service on the other Party(s)



The Party filing the case (Petitioner) with the Court must get the other Party(s) served.



This must be done by either the Sheriff, a Non interested third Party who knows about the rules of service or a Private Process Server. This CANNOT be completed by the Petitioner.



The only exception to Personal Service is if the other Party(s) signs a "Waiver of Service" this means they are waiving their right to be served only and not their right to participate.



You should use caution if relying on this method of service. If the other Party does not sign the Waiver you will need to start at the beginning and have the other Party served.

SERVICE

TEMPORARY INJUNCTION



An automatic Temporary Injunction will be in effect upon filing of the case, upon service of the Petition and Summons on the Respondent(s), or upon the signing of a Waiver and Acceptance of Service.



The temporary injunction remains in effect until a Final Order is entered or by further Court Order.



Purpose: to prevent a Party from disturbing the peace of another Party, removing minor Children from the state without consent of all Parties or Court Order, and from canceling or changing any insurance; including life insurance that names any Party as a beneficiary.

Guardianship

- Minor child must be a resident or be present in Douglas County at the start of the case.
- A Minor or person interested in the welfare of the minor may file a case.
- A criminal history record check from the Colorado Bureau of Investigation (CBI) and a current credit report of the proposed guardian must be filed with the court.
- A guardian may be appointed for the minor, if the court finds the appointment would be in the best interest of the Minor and of the following statements apply:
 1. The parents' consent to the appointment
 2. The parents' parental rights have been terminated by a court order
 3. The parents are unwilling or unable to exercise their parental rights. For example, the parents are deceased or they have abandoned the child.
 4. Guardianship of a child has previously been granted to third party and the third party has died or become incapable and the guardian has not made an appointment of a guardian either by will or written document.
- Guardians are required to file annual reports with the court relating to the health and well-being of the child. Guardianship reports are to be filed every year up to and including the year the child turns 18 years of age or until guardianship is terminated.

Custody

- Minor child must reside in Colorado for a minimum of six months prior to the filing date or since birth if the child is under six months of age.
- A case can be filed by someone other than a parent if:
 1. The child is not in care of the parent(s) and the child is a resident of Douglas County or is found in Douglas County
OR
 2. Person seeking custody has physical care of the child for a period of six months or more. A case can still be filed if child is no longer in the physical care of the non-parent as long as the case is filed within six months of the termination of such physical care.
- A criminal history record check or credit report is not required.
- No reports are required to be filed with the court.

OPTIONS
TO
CONSIDER