

INSTRUCTIONS FOR ALLOCATION OF PARENTAL RESPONSIBILITIES (Decision-Making and Parenting Time)

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. When you file your case, the Court may provide you with a Case Management Order and other information about the procedures to be followed. Please review that information carefully.

GENERAL INFORMATION

- ◆ This information provides a guide to the forms necessary to have the Court allocate parental responsibilities if you are the parent of the children or if you are a non-parent.
- ◆ A Petition may be filed by a person other than a parent who has the physical care of the child(ren) for a period of six months or more if such action is commenced within six months of the termination of such physical care.
- ◆ A Petition may be filed by a person other than a parent for the child in the county where the child(ren) is/are permanent resident or where the child(ren) is/are found, but only if the child is not in the physical care of one of the child(ren)'s parents.
- ◆ The children must reside in Colorado for a minimum of six months prior to the filing date or since birth if under six months of age.
- ◆ Your case should be filed in the county where the children reside.
- ◆ If paternity of the children is an issue, review the Paternity Instructions (JDF 1500). Paternity must be determined prior to decisions regarding allocation of parental responsibilities.
- ◆ If you are married to the children's other parent, review the Dissolution or Legal Separation instructions with Children.
- ◆ If the parties agree on all the issues, they should file the case together as Petitioner and Co-Petitioner. If the parties do not agree on all the issues, the person filing the case is the Petitioner and the other party is named as the Respondent.
- ◆ The Court may require parenting education classes. Check with the Clerk's office to get a list of parenting classes in your area.
- ◆ If either party believes that the other party is threatening, molesting, injuring, or contacting any other party that is resulting in physical or emotional harm, then a separate request for a temporary protection order to prevent domestic abuse should be filed. Forms are available in the clerk's office.
- ◆ If there are matters or issues that you and your spouse cannot resolve, mediation or other forms of alternative dispute resolution may be an option. For more information, call the State Office of Dispute Resolution at (303) 837-3672 or check with your local Court to obtain information on local mediators.
- ◆ If after the Petition is filed you change your mind about the case, you must notify the Court immediately and file a Stipulated Motion to Dismiss (JDF 1305).
- ◆ For additional information, please review, §14-10-124, C.R.S.
- ◆ 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/chs/court/ada/coordinators.htm>

COMMON TERMS

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| ☒ Petitioner: | The person filing the Petition with the Court. |
| ☒ Co-Petitioner: | The person filing the Petition with the Court together with the Petitioner. |
| ☒ Respondent: | The person served a Petition for Allocation of Parental Responsibilities who must respond to the allegations of the Petition in order to have his/her desires considered. |
| ☒ Parental Responsibilities: | This term includes both parenting time and decision-making responsibilities regarding the children. (The term "Custody" is no longer used.) |
| ☒ 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. |
| ☒ Hearing Date: | The date that the Petitioner and Respondent must appear in Court. |

- Mediation: A confidential process whereby a trained neutral third party assists disputing parties to reach their own solution.
- Alternative Dispute Resolution: A process that allows parties to resolve their dispute without litigating the matter in Court.
- Child Family Investigator: A court-appointed individual who will evaluate independently the issues for the best interest of the child and report his/her findings to the Court.
- May: In legal terms, "may" is defined as "optional" or "can".
- Shall: In legal terms, "shall" is defined as "required".

If you do not understand this information, please contact an attorney. You may also contact the Family Court Facilitator at your local courthouse, if one is available in your Judicial District.

FEES

The filing fee is \$212.00. If you are unable to pay the filing fee, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide whether you need to pay the filing fee. Some Courts require mediation or parenting classes and may require these fees to be paid upon the filing of the case.

Other fees that a party to the case may encounter are as follows:

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| <input type="checkbox"/> Response | \$106.00 |
| <input type="checkbox"/> Service Fees | Varies (not payable through or to the Court) |
| <input type="checkbox"/> Certification Fee | \$20.00 |
| <input type="checkbox"/> Copies of Documents (Documents on File) | \$.75 per page or \$1.50 if double-sided |
| <input type="checkbox"/> Copies of Documents (Documents not on File) | \$.25 per page or \$.50 if double-sided |
| <input type="checkbox"/> Child Family Investigator or Legal Representative for the Child | Varies |

FORMS

To access a form online go to www.courts.state.co.us and click on the "Self Help Center". The packet/forms are available in PDF, WORD, or EXCEL by selecting **Domestic – New Case – Allocation of Parental Responsibilities**. You may complete a form online or you may print it and type or print legibly in black ink. **You may need all or some of these forms. Read these instructions carefully to determine what forms you may need.**

- JDF 1000 Case Information Sheet
- JDF 1104 Certificate of Compliance with Mandatory Financial Disclosures
- JDF 1111 Sworn Financial Statement
- JDF 1113 Parenting Plan
- JDF 1117 Support Order
- JDF 1120 Notice of Domestic Relations Initial Status Conference
- JDF 1121 Notice for Domestic Relations Status Conference
- JDF 1123 Notice to Set Hearing
- JDF 1124 Notice of Hearing
- JDF 1125 Mandatory Disclosure - Form 35.1
- JDF 1126 Court Authorization for Financial Disclosure
- JDF 1129 Pretrial Statement
- JDF 1413 Petition for Allocation of Parental Responsibilities
- JDF 1414 Summons to Respond to Petition for Allocation of Parental Resp.
- JDF 1420 Response to Petition for Allocation of Parental Responsibilities
- JDF 1422 Order for Allocation of Parental Responsibilities
- JDF 1820E Child Support Worksheet A - EXCEL

Step 3: Serve the Petition, Summons, and other documents provided by the Court, i.e. Case Management Order only if both parties did not file as Petitioner/Co-Petitioner.

It is important that you have the other party served as quickly as possible.

- Once you have filed your Petition, the Court will provide you with a signed summons to serve the other party (the Respondent).
- The Court may require you to provide a copy of the Case Management Order and other information to the other party.
- If you received a date for an Initial Status Conference, you must provide notice to all parties. This conference shall take place no later than 40 days from the filing of the Petition.
- Service options:

Waiver and Acceptance of Service:

- This is the easiest way to serve the other party. However, the other party must be willing to accept the Petition in order to use this method.
- Have the other party complete the Original Waiver and Acceptance of Service form on the back of the Summons.
- Make sure the other party signs and dates the Waiver and Acceptance of Service before a Court Clerk or Notary Public.
- File the signed original with the Court.

Personal Service:

- Select the Sheriff's Department, a private process server, or someone you know over the age of 18 who is not involved in this case and who knows the rules of service to serve the Respondent.
- Provide the process server with the Petition, Summons and Notice of Domestic Relations Initial Status Conference.
- The process server will need to return the completed return of service to the Court for filing, or return it to you to bring and file with the Court.

Service by Mail or Publication:

- Service by mail or publication shall be allowed **only** upon approval by the Court. If this process is necessary, complete forms JDF 1301 and 1302 and then file them with the Court.

RESPONDENT FILES A RESPONSE

The Respondent may file a response to the Petition. The filing fee is \$106.00. The purpose of the response is for the Respondent to state in writing if he/she agrees or disagrees with the information identified in the Petition, and mail a copy to the other party. All fees paid are non-refundable.

- The Response form is JDF 1420.
- The Respondent must file the original copy with the Court and mail a copy to the Petitioner.

COMPLETE ADDITIONAL FORMS BEFORE YOUR INITIAL STATUS CONFERENCE OR AS IDENTIFIED IN THE CASE MANAGEMENT ORDER

The forms that you may need to finalize your case are identified on the next few pages. It is up to you to make sure you file your paperwork on time, by the date set by the Court. Take your time and make sure you have all current and necessary information to complete the forms accurately, as these forms provide valuable information to the Court upon which to order decision-making responsibility, parenting time, child support, etc.

Mandatory Disclosure – Form 35.1 (JDF 1125):

This form identifies the documents that each party must provide to one another within 40 days after service of the Petition.

- The documents identified in the Mandatory Disclosure form **do not** need to be filed with the Court, **unless ordered by the Court except for the Sworn Financial Statement and Child Support Worksheets.**
- If a party does not timely provide the Mandatory Disclosures to the other party, the Court may impose sanctions.

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

The purpose of this form is for each party to acknowledge to the Court that they provided the mandatory disclosure documents to the other party. This form **must be filed with the Court within 40 days** after the Petition was signed by the other party, the other party signed the Waiver and Acceptance of Service, or the other party was served with the Petition and Summons.

- Each party shall complete and file 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 party the information you have identified on the form

Sworn Financial Statement (JDF 1111):

This document must be filed within 40 days of service on the Respondent or 40 days after filing as Co-Petitioners. 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. Complete and file with the Court a Supporting Schedules for Assets (JDF 1111SS), only if applicable to your case.

- The Financial Statement must contain current personal and financial information. Failure of a party to file a Sworn Financial Statement may result in a refusal by the Court to enter a Final Order or the Court may impose sanctions against the party who does not file the required paperwork.
- Each party **must** complete their own Financial Statement and all sections **must** be completed.
- The form must be signed in the presence of a Court Clerk or Notary Public.

Parenting Plan (JDF 1113):

- Please complete all sections of this form and make sure all issues are addressed. If any unique situations exist, identify them in Section 6 – “Other Terms”.
- Please indicate if this is a full or partial parenting plan.
 - If this is a partial parenting plan you or the other party must complete JDF 1129 – Pretrial Statement.** The purpose of this form is for you or the other party to identify to the Court what issues have not been resolved
- Each party should re-read the parenting plan to be sure that it accurately represents what you and the other party have agreed to regarding the children or what you and the other party do not agree to.
- This form must be signed in the presence of a Court Clerk or Notary Public.

Parenting education classes may be required by the Court. This information should be in the Case Management Order or other information provided by the Court at the time the Petition is filed.

Child Support Worksheets A or B:

- Select the appropriate worksheet based on decisions made in your Parenting Plan. Each worksheet is available in an EXCEL “E” format, in which your child support will be automatically calculated based on your response to each question. Each worksheet is also available in a MANUAL “M” format, which requires you to obtain the Child Support Guidelines to manually calculate your child support. If you wish to use the Manual Worksheets, please review Instructions for Completing Worksheets A & B Manually (JDF 1822)
- Use the information from each of your Sworn Financial Statement to complete the appropriate worksheet.
- Worksheet A (JDF 1820E or 1820M): Physical Care for 273 nights or more per year. If one or more of your children spends at least 273 nights with one party they are considered to have a primary home with that party.
- Worksheet B: (JDF 1821E or 1821M): Shared Physical Care. If one or more of your children spends more than 92 nights per year with each party, they are considered to have two homes (one at your residence and one at the other parties residence).

- Split Care: If each party has primary physical care of at least one of the children because that child or children reside with that party the majority of the time, you have a split physical care situation. Each party should complete a separate worksheet for the child or children subject to their respective physical care arrangements.
- Complete a Certificate of Service (JDF 1313) indicating that you have provided the other party with a copy of your completed Child Support Worksheet.
- Support Order (JDF 1117):**
 - Complete the caption and the sections about the parties and children.
 - The Magistrate or Judge will complete the remaining sections of the Support Order and give you and the other party a signed copy.
- Order for Allocation of Parental Responsibilities (JDF 1422):**
 - Complete the caption and the sections about the parties and children
 - The Magistrate or Judge will complete the remaining sections of the Order and give you and the other party a signed copy.

APPOINTMENT OF A LEGAL REPRESENTATIVE FOR THE CHILD OR A CHILD FAMILY INVESTIGATOR

If you feel that any child needs a legal representative, you may ask the Court to appoint a representative for the child or child family investigator. The Court will enter an order for costs, fees and disbursements against any or all of the parties. When a responsible party is indigent, the state will pay the representative of the child, or special advocate at the appropriate rates. Forms are available on the website. Complete the appropriate motion and order and file with the Court. You or the other party may be responsible for paying for the representative of the child, or child family investigator.

SETTING STATUS CONFERENCE OR HEARING DATES

Please review the Instructions to Set a Hearing and to Complete a Notice of Hearing or Status Conference (JDF 1122). It is important to notify the other party of the future status conference or hearing by completing the appropriate forms and sending the other party a copy.

- If the Court has provided you with specific information on how to schedule a status conference or hearing in a Case Management Order you received at the time of filing, follow those procedures.
- If the Court provided you with a date for a status conference when you filed your petition or at an initial status conference and both parties were not present, follow step 3 only in the Instructions (JDF 1122).

DETERMINE THE COURT'S PROCEDURE FOR TEMPORARY ORDERS

Temporary Orders are optional for parties. When you meet with the Family Court Facilitator, Magistrate, or Judge during an Initial Status Conference you should discuss this issue, or you may request the Court to make temporary decisions about allocation of parental responsibilities and child support by requesting a Temporary Orders Hearing. A Motion for Temporary Orders (JDF 1106) can not be filed without prior approval of the Court pursuant to Colorado Rule of Civil Procedure 16.2(c)(4)(B).

COURT HEARING

The Judge or Magistrate will review all documents filed and enter an Order to grant allocation of parental responsibilities, parenting time, child support, and other issues, if any.

- A short hearing is required if both parties are not represented by an attorney. You may want to check with the Court to determine if both parties are required to appear.
- You will receive a copy of the Order for Allocation of Parental Responsibilities and Support Order following the hearing.
- If your address has changed since you initially filed your case, please provide this information to the Court in writing.