

INSTRUCTIONS TO FILE A MOTION CONCERNING PARENTING TIME DISPUTES

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.

GENERAL INFORMATION

- ◆ This information provides a guide to the process and forms necessary to file a motion concerning parenting disputes.
- ◆ You must have an existing court order concerning parenting time to show that one parent is not in compliance with the parenting plan or schedule.
- ◆ Both parties may be required to schedule mediation to attempt to resolve issues regarding parenting time.
- ◆ The Court may order various sanctions against the non-complying party, such as imposing a civil fine or jail sentence, posting of a bond or security to insure future compliance, requiring that parenting time for the aggrieved parent or child be made up, and any other orders to meet the best interests of the children.
- ◆ If you wish to modify parenting time (increase/decrease parenting time or to impose/remove restrictions), please refer to instructions JDF 1406I.
- ◆ If you wish to modify allocation of parental responsibilities (both decision-making and parenting time), please refer to instructions JDF 1415I.
- ◆ For additional information, please review Colorado Revised Statute §14-10-129.5.
- ◆ 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/Administration/HR/ADA/Coordinator_List.cfm

COMMON TERMS

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| ☒ Petitioner: | The person identified as Petitioner in the original Petition filed with the Court. |
| ☒ Co-Petitioner/Respondent: | The person identified as Co-Petitioner/Respondent in the original Petition filed with the Court. |
| ☒ 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. This can be completed by a process server, the sheriff, or a 3 rd party not related to the case. |
| ☒ Hearing Date: | The date that the Petitioner and Co-Petitioner/Respondent must appear in 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 also may contact the Family Court Facilitator at your local courthouse, if one is available in your Judicial District.

- Make sure you have the appropriate number of copies of all documents for the Court and the other party.
- If your address or the other party's address has changed since you originally filed your case, please provide the current address to the Court in writing.**

- Order Re: Parenting Time (JDF 1419):**
 - Complete the caption only on this form.
 - The Court will complete the remaining sections.

Step 2: You are Ready to File your Documents with the Court.

- Provide the Court with the Verified Motion and Order.
- If any addresses have changed since the original case was filed, please provide current address information to the Court in writing.
- Provide the Court with a self-addressed stamped envelope to receive a copy of the Order. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.
- The Court may review the motion and issue an order or require a hearing to be set. When filing the Motion, you may want to ask the Court what their procedures are for this type of court proceeding.

Step 3: Provide a Completed Motion to the Other Party.

- You must provide a copy of this Motion to all parties to the case.
- Complete the Certificate of Service portion on the form. The purpose of the Certificate of Service is to notify the Court when and how you provided copies of the Motion to all parties in the case. This is very important, because the Court must have knowledge that all parties involved are aware of the motion prior to any Court action being taken.

Step 4: Court Review of Motion or Hearing.

When you receive the Order Re: Parenting Time, please make sure you read and understand all issues addressed in the Order. The Court may order various sanctions for the non-complying party, such as imposing a civil fine or jail sentence, or posting a bond or security to insure future compliance. In addition, the Court may require that parenting time for the aggrieved parent or child be made-up and any other orders to meet the best interests of the child.

- The Judge or Magistrate will review all documents filed and enter an Order regarding your motion concerning parenting time based on the pleadings filed with the Court.
or
- The Court may order the parties to seek mediation and report the results of the mediation back to the Court within 63 days of the Order.
or
- The Court may set the case for a hearing at which time both parties will have the opportunity to appear and address the Court.