

Instructions for Verified Petition to Register a Foreign Child Custody Determination pursuant to §14-13-305, C.R.S. and for Expedited Enforcement of the Foreign Child Custody Determination pursuant to §14-13-308, C.R.S.

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. 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.

GENERAL INFORMATION

- ◆ This information provides a guide to the process and forms necessary for expedited enforcement of a child custody determination in Colorado pursuant to § 14-13-308, C.R.S.
- ◆ **DO NOT USE THESE INSTRUCTIONS if you wish to register/modify/enforce your foreign support order (§14-5-601 - 615, C.R.S.) or seek to register/modify a foreign decree not involving a child custody determination (§14-11-101, C.R.S.), or if there is no need for expedited enforcement of a child custody determination.**
- ◆ Where to file the Verified Petition to Register a Foreign Child Custody Determination pursuant to §14-13-305, C.R.S. and for Expedited Enforcement of the Foreign Child Custody Determination pursuant to §14-13-308, C.R.S. (referred to in these instructions as “Petition”) depends on your personal circumstances. Normally, the Petition should be filed in the county/state where one or both of the parties resides or where the child is present.
- ◆ Prior to filing any documents, you may wish to seek the advice of an attorney as these matters can be complicated.
- ◆ 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/Plaintiff: | The person who initiated a legal action in another state. |
| ☒ Respondent/Co-Petitioner/Defendant: | The person who was the other party to the out-of-state decree or order that is sought to be registered and enforced. |
| ☒ Child custody determination: | A judgment, decree, or other order of a court providing for the legal custody or physical custody of a child or allocating parental responsibilities with respect to a child or providing for visitation, parenting time, or grandparent visitation or great-grandparent visitation with respect to a child. C.R.S. § 14-13-102(3). |
| ☒ Service of Process: | The official means by which a party is notified that a document has been filed involving 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 Co-Petitioner/Respondent should appear in court. |
| ☒ Certified Copy: | Copy of a court document with a court seal from the out-of-state court verifying the authenticity of the document(s). |
| ☒ May: | In legal terms, “may” is defined as “optional” or “can”. |

- Shall: In legal terms, "shall" is defined as "required".
- Registering Party: The party seeking to have the court register and enforce the child custody determination.
- Non-Registering Party: The party who has not sought to have the court register and enforce the child custody determination.

FEES

The filing fee is \$166.00. If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and a blank order (JDF 206) and file them with the court along with supporting documentation (e.g., pay stubs, bank statements, etc.). Once you submit the completed JDF 205 and JDF 206 forms, the court will decide if you have to pay the filing fee.

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

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| <input type="checkbox"/> Objection/Response | \$116.00 |
| <input type="checkbox"/> Motion to modify, amend or alter decree or order | \$105.00 |
| <input type="checkbox"/> Service Fees (not payable through or to the court) | Varies |
| <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 |

All fees paid are non-refundable.

FORMS

To access the following state forms, identified by "JDF," online go to www.courts.state.co.us and click on "Self Help / Forms" > "All Court Forms and Instructions" > "Divorce, Family Matters, Civil Unions" > "All Domestic Forms" (from the subcategory list on the upper left-hand side of the page). If you do not see any of the forms specified below on this page, you can type in the form number in the "Search" box in the upper right-hand side of the page and find the forms this way as well. The forms are available in PDF and WORD. You may complete a form online or you may print it and type or print legibly in black ink. The forms you can find on the website include:

- JDF 1000 Case Information Sheet
- JDF 98 Affidavit of Service

To access the following local form, identified by "FCF," online go to www.courts.state.co.us and click on "Find a Court" > "County Courts" > "El Paso County" > "For El Paso County Self-Help FORMS and FLOWCHARTS, click here" located in the middle of the page:

- FCF 551 Verified Petition to Register a Foreign Child Custody Determination pursuant to §14-13-305, C.R.S. and for Expedited Enforcement of the Foreign Child Custody Determination pursuant to §14-13-308, C.R.S.
- FCF 552 Order to Appear and Show Cause Why Foreign Child Custody Determination Should not be Registered and Enforced
- FCF 553 Objection to Verified Petition to Register a Foreign Child Custody Determination pursuant to §14-13-305, C.R.S. and for Expedited Enforcement of the Foreign Child Custody Determination pursuant to §14-13-308, C.R.S.
- FCF 554 Proposed Order Confirming Child Custody Determination and for Expedited Enforcement of Child Custody Determination

STEPS TO FILING YOUR CASE

Step 1: Obtain two copies, including one certified copy, of the child custody determination sought to be registered from the case you wish to register in Colorado.

A certified copy of a document/record will have a court seal stating that the document/record is a true and correct copy.

Step 2: Complete Forms.

The caption area below needs to be completed on all forms filed. You must identify yourself in the same manner that you are identified in the out-of-state case (*i.e.*, Petitioner/Plaintiff or Co-Petitioner/Respondent/Defendant). It is important to remember that your role in the Colorado case does not change based on who files the Petition in the Colorado case.

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| District Court _____ County, Colorado Court Address: In re: The Marriage of: The Civil Union of: Parental Responsibilities concerning: | COURT USE ONLY |
| _____ Petitioner: and Co-Petitioner/Respondent: | |
| Attorney or Party Without Attorney (Name and Address): Phone Number: E-mail: FAX Number: Atty. Reg. #: | Case Number: Division Courtroom |
| (NAME OF FORM) | |

Case Information Sheet (JDF 1000):

- Complete all sections of this form.

Verified Petition to Register a Foreign Child Custody Determination pursuant to §14-13-305, C.R.S. and for Expedited Enforcement of the Foreign Child Custody Determination Pursuant to §14-13-308, C.R.S. (FCF 551):

- Complete all sections of this form.

Proposed Order to Appear and Show Cause Why Foreign Child Custody Determination Should Not be Registered and Enforced (FCF 552):

- Complete the caption only on this form. The court will complete and sign this Order if it is granted.

Objection to Verified Petition to Register a Foreign Child Custody Determination pursuant to §14-13-305, C.R.S. and for Expedited Enforcement of the Foreign Child Custody Determination pursuant to §14-13-308, C.R.S. (FCF 553):

- Complete the caption only on this form.

Proposed Order Confirming Child Custody Determination and for Expedited Enforcement of Child Custody Determination (FCF 554):

- Complete the caption only on this form.
 The court will complete the remaining sections of this order and sign it if it has been granted, and you and the other party will be provided a copy.

Affidavit of Service (JDF 98)

- Complete the caption only on this form. The person who completes personal service on the Non-Registering Party will complete this form, sign it in front of a notary, and file it or return it to you for filing.

Step 3: You are Ready to File your Case with the Court.

- Pay the filing fee of \$166.00
- File the original and two copies of all documents in Step 1 and 2** (Petition; Case Information Sheet; Proposed Order to Appear and Show Cause Why Foreign Child Custody Determination Should not be Registered and Enforced; Objection to Verified Petition to Register a Foreign Child Custody Determination pursuant to §14-13-305, C.R.S. and for Expedited Enforcement of the Foreign Child Custody Determination pursuant to §14-13-308, C.R.S.; Proposed Order for Registration of Foreign Child Custody Determination and Order for Expedited Enforcement of Child Custody Determination; and two copies (including one certified copy) of all documents you wish to have registered and any order confirming registration)
- A stamped copy of all of your documents will be provided to you for your own records, and a second stamped copy will be provided to you for service on the other party.**

Step 4: Court Review.

If the court finds that the Registering Party has properly completed steps 1-3 above, then the matter will be set for an immediate evidentiary hearing. The court will complete the Order to Appear and Show Cause Why Foreign Child Custody Determination Should not be Registered and Enforced (FCF 552) with a date and time for the evidentiary hearing and return it to you for service on the Non-Registering Party. If the court has signed this Order, you will be contacted by a Court Judicial Assistant with instructions on picking up the Order for personal service.

Step 5: Serve all Documents on the Other Party.

You must ensure the other party is personally served with copies of all pleadings and documents you filed as well as any orders issued by the court, and file with the court the Affidavit of Service (JDF 98). You, yourself, may not personally serve the other party.

How to accomplish 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 the case and knows the rules of service, to serve the other party.
- Provide the process server with copies of all pleadings and documents which you have filed with the court, and copies of any orders or documents issued by the court.
- The process server must personally serve the Non-Registering Party with copies of all said pleadings and documents.
- The process server must complete and sign in front of a Notary Public the Affidavit of Service and either file it with the court or return it to you for filing with the court. It is your responsibility to make sure the Affidavit of Service demonstrating proper service on the Non-Registering Party is filed.

NON-REGISTERING PARTY MAY FILE AN OBJECTION

The other party may file an Objection to Verified Petition to Register a Foreign Child Custody Determination pursuant to §14-13-305, C.R.S. and for Expedited Enforcement of the Foreign Child Custody Determination pursuant to §14-13-308, C.R.S. (FCF 553). The filing fee is \$116.00. The purpose of the Objection is for the other party to state in writing if he/she agrees or disagrees with the information and/or relief sought in the Petition.

The other party must file the original with the court and mail a copy to the Registering Party.

COURT HEARING

At any evidentiary hearing, the court will address whether there is any objection to the registration of the child custody determination and expedited enforcement of same. If the child custody determination is registered, the Colorado court can immediately enforce the child custody determination, if appropriate to do so.

Once a child custody determination is registered, the Colorado Court may have the ability to modify the decree, judgment, and order if the Colorado court has subject matter and personal jurisdiction. When filing a motion to modify, amend or alter a decree or order, a \$105.00 filing fee must be paid to the court.
