

# WAIVER

I, the undersigned, have been provided with forms to proceed pro se (in my own behalf) for **MODIFYING PERMANENT ORDERS IN A DIVORCE OR PARENTAL RESPONSIBILITIES CASE**. I take full responsibility for the contents of the forms and understand and agree that this Agency, Colorado Legal Services, Inc., is not representing me in this action and that they are in no way responsible for any consequences of this action.

I also understand that if any legal assistance becomes necessary, I will have to contact an attorney.

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*Date*

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*Signature*

*The following information is provided by Colorado Legal Services. It is intended as general information only, and is not meant as legal advice for any specific situation. If you need legal advice, consult an attorney.*

## **WHEN TO USE THIS PACKET**

If you have a divorce decree or have permanent orders in a case already establishing parental responsibility of your child(ren) (formerly referred to as custody) and you want to make a change to those orders, then this is the packet for you. If you want to modify child support, click [here](#) and scroll down to "Modifying Child Support, Step-by-Step".

This packet does not have answers to all questions. If the other party has or gets an attorney and/or opposes your request for modification, you should see an attorney.

**NOTE: THESE PAPERS MUST BE FILED IN THE COUNTY WHERE YOUR PERMANENT ORDERS WERE RECEIVED.**

### **FILING FEE**

You are required to pay a filing fee when you want to modify court orders. If you are unable to pay the fee, you can request that this fee be waived. Click [here](#) for a copy of Motion to File Without Payment and Supporting Financial Affidavit and click [here](#) for Finding and Order Concerning Payment of Fees forms to download and print out. (Get Adobe Reader [here](#).)

### **DIRECTIONS FOR USING THE FORMS IN THIS PACKET**

Before you fill out any papers, please make an extra copy of them so if you need to start over, you will have a clean form to work on. Type or print neatly in black ink and read all instructions twice before filling out the paperwork.

It is very important that you make sure all the information on all the forms is complete and accurate. **DO NOT** LEAVE BLANK SPACES. IF YOU DO NOT KNOW THE ANSWER, PUT **UNKNOWN**. IF A QUESTION DOES NOT APPLY TO YOUR SITUATION, WRITE IN **DOES NOT APPLY** OR **CROSS OUT** THE SENTENCE.

*If you need advice on this or any other legal problem, contact an attorney of your own choosing. If you cannot afford an attorney, talk to Colorado Legal Services: 303-837-1321.*

## MOTION TO MODIFY PERMANENT ORDERS

1. Copy the information from the top of your original order onto the MOTION TO MODIFY PERMANENT ORDERS (name of county, case number, names of parties).
2. If you are the Petitioner, cross out the words "Respondent/Co-Petitioner" at the beginning of each sentence on the Motion to Modify Permanent Orders. If you are the Respondent or Co-Petitioner, cross out the word "Petitioner."
3. In the first paragraph of the MOTION after Petitioner/Respondent put your name on the blank line. On the next blank line put the name of the permanent orders you want modified. For example your permanent orders may be titled DECREE OF DISSOLUTION OF MARRIAGE or PERMANENT CUSTODY ORDERS. You also need to include the date these permanent orders were issued. This date should be on your permanent orders.
4. Check the numbered paragraph(s) on the Motion which relate to the part(s) of your permanent orders you would like modified. On the lines given, explain fully how you would like the permanent orders modified. **Note:** If you check box #3, Modification of Parental Responsibilities and your child support order was decided by the Court or last modified before February 1, 1999, your past order says "custody" and any modification after February 1, 1999 the wording will be changed to "parental responsibility". You may want to consult an attorney about how this change impacts you.
5. Fill in your name, address and phone number on the lines provided at the bottom of the form.
6. Complete the Verified Motion as to why you want to modify permanent orders. This section must be completed fully.
7. Make copies of the motion. You will need two copies for the Court, one copy for yourself, and one copy for each person who is entitled by law to know of your request to modify permanent court orders. At a minimum this will be the other party or their attorney. If a guardian Ad Litem or Special Advocate was appointed by the court in your initial parental responsibility or custody decisions, they will have to be notified also. If you or the other party are currently receiving public assistance (TANF, formerly known as AFDC, benefits) then the county office of the Child Support Enforcement Unit (CSE) may have to be given a copy of the motion also.

## NOTICE TO SET FOR HEARING (by Telephone)

1. Copy the information from the top of your original order onto the NOTICE TO SET FOR HEARING (name of county, case number, names of parties).
2. Go to the District Court Clerk's Office in the county's courthouse where you received your permanent orders. Ask which Judge/Magistrate will be hearing your case and ask for their clerk's phone number. Call their clerk and find out the procedure for setting a hearing. This process varies from courtroom to courtroom. Some clerks require you to initiate the call and other clerks initiate the call themselves. Fill in the date and time the setting will take place on the NOTICE TO SET FOR HEARING. (You may need to leave the NOTICE TO SET FOR HEARING with the Clerk and return at a later time if s/he is unable to give you a date and time right then.)
3. Fill in your name, address and phone number on the lines provided at the bottom of the form.
4. Make copies as needed.

## CERTIFICATE OF MAILING

**If you are filing in a county that does not require a notice to set a hearing and are asking that custody be modified, use the second certificate of mailing form. It is titled "Certificate of Mailing of Motion To Modify Permanent Orders." Otherwise use the first certificate of mailing form titled "Certificate of Mailing of Motion To Modify Permanent Orders And Notice To Set For Hearing."**

1. Copy the information from the top of your original order onto the appropriate CERTIFICATE OF MAILING form (name of county, case number, names of parties).
2. Send one (1) copy of Motion and one (1) copy of Notice to Set for Hearing to the other side's attorney if they have one. If you are not sure if the other person is represented by an attorney, the District Court clerk can tell you. If the other person is not represented by an attorney, send one (1) copy of Motion and one (1) copy of Notice to Set for Hearing to the other person directly. **If you are modifying custody in Larimer County, you will not have a Notice to Set for Hearing.**
3. Complete the appropriate CERTIFICATE OF MAILING by filing in the blanks with the date you mailed the copies to the other side or to his/her attorney and the name and address of the person you mailed the forms to. Sign the signature line on the bottom of the page.

**FILING THE MOTION,  
NOTICE TO SET and CERTIFICATE OF MAILING**

MODIFICATION PAPERS MUST BE FILED IN THE COUNTY WHERE YOUR PERMANENT ORDERS WERE RECEIVED.

1. Bring the original MOTION TO MODIFY PERMANENT ORDERS, NOTICE TO SET FOR HEARING and CERTIFICATE OF MAILING to the District Court Clerk's Office in the county where you received your permanent orders. Tell the clerk that you need to file the papers. When you file these papers, you will either need to pay a filing fee or give the clerk completed forms asking for the filing fee to be waived. (See MOTION TO FILE WITHOUT PAYMENT AND SUPPORTING FINANCIAL AFFIDAVIT and FINDING AND ORDER CONCERNING PAYMENT OF FEES on page two of this packet under "Filing Fee".)

NOTE: THE EXTRA COPY OF THE FORMS ARE FOR YOUR FILES.

**SETTING THE HEARING AND  
COMPLETING THE NOTICE OF HEARING ON  
MOTION TO MODIFY PERMANENT ORDERS**

1. Copy the information from the top of your original order onto the NOTICE OF HEARING TO MODIFY PERMANENT ORDERS (name of county, case number, names of parties).
2. On the date and time listed on the Notice to Set for Hearing follow the procedure given to you by the Clerk of the courtroom you are assigned to. The Clerk will then set the date and time for the hearing on your Motion to Modify Permanent Orders.
3. Fill in the date, time, and location of the hearing and the judge or magistrate's name on the Notice of Hearing. Fill in your name, address and phone number on the lines provided.
4. Fill in the Certificate of Mailing at the bottom of the Notice with the date you are mailing a copy to the other side or, if they have an attorney, to their attorney. On the blank lines, put the name of the person you are mailing the Notice of Hearing to and their address. Sign on the signature line at the bottom.
5. Make two (2) copies.

6. Send one (1) copy of Notice of Hearing to the person you listed on the Certificate of mailing.
7. File the original NOTICE OF HEARING ON MOTION TO MODIFY PERMANENT ORDERS with the court.

### **COMPLETING THE ORDER OF MODIFICATION AND ATTENDING THE HEARING**

1. Copy the information from the top of your original order onto the ORDER OF MODIFICATION (name of county, case number, names of parties).
2. Leave the rest of the Order blank and bring it and two copies to the hearing.
3. If you are asking the court to change any order having to do with finances, you will need to prepare, sign in the presence of a notary, have notarized, and take with you an AFFIDAVIT WITH RESPECT TO FINANCIAL AFFAIRS. This would apply to a change of maintenance.
4. Go to the hearing on date and time specified. Take with you a copy of the MOTION TO MODIFY PERMANENT ORDERS, NOTICE TO SET FOR HEARING, CERTIFICATE OF MAILING, NOTICE OF HEARING, and the AFFIDAVIT WITH RESPECT TO FINANCIAL AFFAIRS (if applicable). If you have witnesses, they need to be there in person. Also take all three (3) copies of the ORDER OF MODIFICATION. At the time your case is called, hand all three (3) copies of the ORDER and, if applicable, the AFFIDAVIT WITH RESPECT TO FINANCIAL AFFAIRS to the Judge or Magistrate.
5. Testify about why you want the permanent orders changed, any problems you are having, and what specific changes you want the court to order. If you have any witnesses who can testify about their personal observation of the facts of your case, have them sworn in and testify (you must be prepared to ask them questions about your case, they can't just get on the stand and start talking).
6. At the end of the hearing ask that your copies of the ORDER be filled out and conformed. (You might wish to attach a self-addressed stamped envelope so they are able to mail them back to you. If you have not received the ORDER in two (2) weeks time, go to the Clerk's office.)

### **COMPLETING THE CERTIFICATE OF MAILING OF ORDER OF MODIFICATION**

1. Copy the information from the top of your original order onto the CERTIFICATE OF MAILING OF ORDER OF MODIFICATION (name of county, case number, names of parties).

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2. When you receive a copy of the ORDER OF MODIFICATION from the Court, send a copy to the other side or their attorney, if they have one. Fill out the CERTIFICATE OF MAILING OF ORDER OF MODIFICATION, make a copy to keep in your files and file the original with the Clerk of the District Court.

County/State/Court _____ Courthouse Address _____ _____ Courthouse Phone Number _____	
<input type="checkbox"/> <b>In Re the Marriage of:</b> <input type="checkbox"/> <b>In re the Parental Responsibilities Concerning:</b>  <b>Child(ren):</b> _____  <b>Petitioner:</b> _____  <b>Respondent:</b> _____	<b>COURT USE ONLY</b>
Name of Attorney or Party without Attorney: Address: Phone Number: FAX Number: E-mail Atty. Reg #	Case Number  Division _____ Courtroom _____
<b>MOTION TO MODIFY PERMANENT ORDERS</b>	

The (Petitioner/Respondent/Co-Petitioner), \_\_\_\_\_, moves to modify the (name of Order) \_\_\_\_\_ issued by this court on the \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_, and as grounds for said Motion states as follows:

Check all that apply:

( ) 1. That the Petitioner/Respondent requests the following be ordered for modification of maintenance:

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( ) 2. That the Petitioner/ Respondent requests the following be ordered for modification of parenting time pursuant to C.R.S. 14-10-129:

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( ) 3. That the Petitioner/Respondent requests the following be ordered for modification of parental responsibilities (formerly known as custody):

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( ) 4. That the Petitioner/Respondent requests the following be ordered for modification of \_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, Petitioner/Respondent asks that the Honorable Court enter an Order granting him/her the above requests, and such other relief as may be proper in the circumstances.

Respectfully Submitted:

\_\_\_\_\_  
Petitioner/Respondent/Co-Petitioner

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**VERIFIED MOTION AND ANSWER**

\_\_\_\_\_  
Petitioner/Respondent/Co-Petitioner

Unless omitted by order of the Court, Address \_\_\_\_\_

\_\_\_\_\_  
Telephone Number: \_\_\_\_\_

State of Colorado

County of \_\_\_\_\_

SUBSCRIBED AND SWORN TO before me by Petitioner on this \_\_\_\_ day of \_\_\_\_\_,  
(YEAR)

\_\_\_\_\_  
Notary Public

Address:

My commission expires: \_\_\_\_\_

County/State/Court _____ Courthouse Address _____ _____ Courthouse Phone Number _____	<b>COURT USE ONLY</b>
<input type="checkbox"/> <b>In Re the Marriage of:</b> <input type="checkbox"/> <b>In re the Parental Responsibilities Concerning:</b> <b>Child(ren):</b> _____  <b>Petitioner:</b> _____  <b>Respondent:</b> _____	
Name of Attorney or Party without Attorney: Address: Phone Number: FAX Number: E-mail Atty. Reg #	Case Number  Division _____ Courtroom _____
<b>NOTICE TO SET FOR HEARING (By Telephone)</b>	

TO: \_\_\_\_\_

YOU WILL PLEASE TAKE NOTICE that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m., the undersigned will ask the Court to set a hearing on the MOTION FOR MODIFICATION OF PERMANENT ORDERS before Judge/Magistrate \_\_\_\_\_. You may be present to participate in the selection of a hearing date, either in person at the \_\_\_\_\_ County Courthouse, \_\_\_\_\_ (address), Courtroom \_\_\_\_\_, or on the phone by calling (\_\_\_\_) \_\_\_\_\_-\_\_\_\_\_.

\_\_\_\_\_  
Petitioner/Respondent/Co-Petitioner  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

County/State/Court _____ Courthouse Address _____ _____ Courthouse Phone Number _____	
<input type="checkbox"/> In Re the Marriage of: <input type="checkbox"/> In re the Parental Responsibilities Concerning: <b>Child(ren):</b> _____  <b>Petitioner:</b> _____  <b>Respondent:</b> _____	<b>COURT USE ONLY</b>
Name of Attorney or Party without Attorney: Address: Phone Number: FAX Number: E-mail Atty. Reg #	Case Number  Division _____ Courtroom _____
<b>CERTIFICATE OF MAILING OF MOTION TO MODIFY PERMANENT ORDERS AND NOTICE TO SET FOR HEARING</b>	

I HEREBY CERTIFY that a true and correct copy of the Motion to Modify Permanent Orders and the Notice to Set for Hearing was mailed, first class postage prepaid, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of person who mailed documents

County/State/Court _____ Courthouse Address _____ _____ Courthouse Phone Number _____	
<input type="checkbox"/> In Re the Marriage of: <input type="checkbox"/> In re the Parental Responsibilities Concerning: <b>Child(ren):</b> _____  <b>Petitioner:</b> _____  <b>Respondent:</b> _____	<b>COURT USE ONLY</b>
Name of Attorney or Party without Attorney: Address: Phone Number: FAX Number: E-mail Atty. Reg #	Case Number  Division _____ Courtroom _____ -
<b>CERTIFICATE OF MAILING OF MOTION TO MODIFY PERMANENT ORDERS</b>	

I HEREBY CERTIFY that a true and correct copy of the Motion to Modify Permanent Orders was mailed, first class postage prepaid, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of person who mailed documents

County/State/Court _____ Courthouse Address _____ _____ Courthouse Phone Number _____	<b>COURT USE ONLY</b>
<input type="checkbox"/> In Re the Marriage of: <input type="checkbox"/> In re the Parental Responsibilities Concerning: <b>Child(ren):</b> _____  <b>Petitioner:</b> _____  <b>Respondent:</b> _____	
Name of Attorney or Party without Attorney: Address: Phone Number: FAX Number: E-mail Atty. Reg #	Case Number _____  Division _____ Courtroom _____
<b>NOTICE OF HEARING ON MOTION TO MODIFY PERMANENT ORDERS</b>	

TO: \_\_\_\_\_

YOU WILL PLEASE TAKE NOTICE that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m., the Honorable \_\_\_\_\_, will hear the Motion to Modify Permanent Orders. You may be present to participate in the hearing at the \_\_\_\_\_ County Courthouse, \_\_\_\_\_, Courtroom \_\_\_\_\_.

\_\_\_\_\_  
 Petitioner/Respondent  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Phone: \_\_\_\_\_

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that a true and correct copy of the Notice of Hearing on Motion to Modify Permanent Orders was mailed, first class postage prepaid, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to:

\_\_\_\_\_  
 Name  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Address

\_\_\_\_\_  
 Signature of person who mailed document

County/State/Court _____ Courthouse Address _____ _____ Courthouse Phone Number _____	
<input type="checkbox"/> In Re the Marriage of: <input type="checkbox"/> In re the Parental Responsibilities Concerning: <b>Child(ren):</b> _____  <b>Petitioner:</b> _____  <b>Respondent:</b> _____	<b>COURT USE ONLY</b>
Name of Attorney or Party without Attorney: Address: Phone Number: FAX Number: E-mail Atty. Reg #	Case Number  Division _____ Courtroom _____
<b>ORDER OF MODIFICATION</b>	

THIS MATTER coming on to be heard upon the Petitioner's/Respondent's Motion to Modify Permanent Orders. The Court finds as follows:

The Petitioner did (not) appear in person (or by counsel).

The Respondent did (not) appear in person (or by counsel).

AND the court having considered the evidence and testimony finds that Petitioner's/Respondent/s Motion appears meritorious and the Petitioner/Respondent is entitled to the requests made in his/her Motion.

IT IS THEREFORE ORDERED that permanent orders previously entered are modified as follows:

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DONE this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BY THE COURT:

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DISTRICT COURT JUDGE/MAGISTRATE

County/State/Court _____ Courthouse Address _____ _____ Courthouse Phone Number _____	<b>COURT USE ONLY</b>
<input type="checkbox"/> <b>In Re the Marriage of:</b> <input type="checkbox"/> <b>In re the Parental Responsibilities Concerning:</b> <b>Child(ren):</b> _____  <b>Petitioner:</b> _____  <b>Respondent:</b> _____	
Name of Attorney or Party without Attorney: Address: Phone Number: FAX Number: E-mail Atty. Reg #	Case Number  Division _____ Courtroom _____ -
<b>CERTIFICATE OF MAILING OF ORDER OF MODIFICATION</b>	

I HEREBY CERTIFY that a true and correct copy of the Order of Modification was mailed, first class postage prepaid, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of person who mailed document