

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.

Information and Instructions Regarding Filing for Change of Venue

A request for a change of venue can be made in any type of civil case where one of the parties believes the case has been filed in the wrong court (usually because of location).

As you read through this document, you will see links to forms you will need to file for Change of Venue. You need Acrobat Reader on your computer in order to pull up these forms (you should have used it to pull up this document as well). If you do not have it, close the document and scroll down the Colorado Legal Services page you are on until you see the Acrobat icon. Click on the icon to download Acrobat Reader.

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.

Waiver

I, the undersigned, have been provided with forms to proceed pro se (in my own behalf) in a **CHANGE OF VENUE**. I take full responsibility for the contents of the forms and understand and agree that this agency, Colorado Legal Services is not representing me in this action and that they are in no way responsible for any consequences of this action.

Date

Signature

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When to Use These Forms

If you are served in the county in which you live, you can make a request to change *venue* (move the case from the county in which it was filed to the county where you live). You have only the 20 days immediately after being served to make that request. If you let that time go by, the chance to change venue expires.

To use this packet, you must have been served in the county in which you live, and want to move the case to that county.

NOTE:

- You have twenty (20) days after you were served to get the **VERIFIED MOTION FOR CHANGE OF VENUE** to the Clerk of the Court in the County where the case is filed. Mailing before the end of the twenty (20) days does not count, the **Motion** must be **received** by the Court Clerk and filed with the court. If you are close to the deadline, you should take the papers to the Court instead of mailing them because mailing may not get them there in time.
 - **YOU DO NOT FILE THESE PAPERS IN THE COUNTY THAT YOU WANT THE CASE TRANSFERRED TO.**
 - If you do not want the other party to know your address see an attorney.
1. You must fill out the **VERIFIED MOTION**. The top part of the **Motion** is called the caption, it should be the same on all court pleadings in the case. To fill out the caption, use the information on the **Summons** or **Petition** that was served to you. Check if it is an Allocation of Parental Responsibilities or Divorce Case.

The rest is a matter of filling in the blanks of the **Verified Motion**:

After "**COMES NOW** the Respondent" insert your name.

Paragraph 1: fill out the county in which the Petitioner lives and his/her street address.

Paragraph 2: fill in the county in which you live and your street address, fill in the date you were served, the street address where you were served and the county in which you were served.

Paragraph 3: fill in the county in which you live and your street address.

Paragraph 4: If there are any other reasons why you need the case transferred to your home county, list them here.

Complete the last sentence on the **Motion** with the name of the county in which you live.

Under "Respectfully submitted" sign your name, fill in your address and telephone number. If you do not want your spouse to know your address, see an attorney.

2. You must sign the verification section of the **VERIFIED MOTION** in front of a Notary Public. Do not sign it and then take it to a Notary Public because he/she will not notarize your signature. In most counties, the District Court Clerk's are notaries and you can sign the forms in front of them.
3. Filing this form with the court requires payment of a fee. If you do not have the filing fee, there is a procedure to request the Court to waive the fee. The form to do this is attached as Appendix A. If the Court decides on the basis of your application that you cannot afford to pay the fee, it will allow you to proceed without paying the fee.
4. Complete the heading on the **ORDER FOR CHANGE OF VENUE** the same as you did on the **VERIFIED MOTION**. That is all you do on the **Order**. (This **ORDER** is for the **JUDGE's** signature, if he/she approves moving your case.
5. At the bottom of page 2 of the **VERIFIED MOTION**, fill in the **CERTIFICATE OF MAILING**. Make 2 copies of the **VERIFIED MOTION**. Mail a copy to the other party (if they have an attorney, mail the copy of the **VERIFIED MOTION** to the attorney). The Court wants to know that all parties know what is happening in the case. The mailing **MUST** be done on the same day as you take in or send your **VERIFIED MOTION** and **ORDER** to the Clerk of the District Court where the divorce was filed. You **MUST** mail the copy of the **Motion** to the other party/attorney on the date that you sign the certificate of mailing.
6. Make the following number of copies of the papers:

MOTION FOR CHANGE OF VENUE 2
ORDER FOR CHANGE OF VENUE 2

**APPLICATION FOR WAIVER OF COURT
COSTS IN CIVIL CASES 1**

*This is optional

7. No later than twenty (20) days after service, take or mail the following to the District Court Clerk in the county where the case is filed:
 - A. **ORIGINAL + 1 copy of the VERIFIED MOTION FOR CHANGE OF VENUE**, request that the additional copy be stamped with the date filed and returned to you.
 - B. **ORIGINAL + 2 copies of ORDER FOR CHANGE OF VENUE.**
 - C. Either: a) cashier's check or money order for the filing fee payable to Clerk of the District Court (cash is okay only if you are filing papers in person) or, b) **ORIGINAL + 1 copy of APPLICATION FOR WAIVER OF COURT COSTS IN CIVIL CASES.**

- D. **OPTIONAL:** If you are mailing this to the Court, include a letter telling the Court what you are asking it to do and request copies of the orders be sent back to you.
 - E. You will either need to go to the Court to pick up the conformed copies of the **Orders**, or you will need to give the Court a stamped, self-addressed envelope so they can mail you a copy of the **Orders**.
8. If the Court signs the **ORDER FOR CHANGE OF VENUE**, you need to send a copy of the signed **ORDER** changing venue to the Petitioner. If the Petitioner has an attorney, you need to send the **ORDER** to the Attorney, not the Petitioner.
 9. If the **ORDER FOR CHANGE OF VENUE** is approved, the county where the divorce was originally filed will send your file to the Clerk of the District Court of the county where the case is transferred to.
 10. After a week or so, check with District Court to see if they have received the file from the originating County. If they have received the paperwork, you may proceed to file additional Court pleadings, including the Response to the Petition. If not, ask the Clerk of Court how soon he/she thinks the file will be in.
 11. Once the Court rules on your **MOTION TO CHANGE VENUE**, you will have twenty (20) days to file your **Response**. If the Court denied your **Motion**, you will have to file the **Response** in the County in which the other party filed the case. If your **VERIFIED MOTION TO CHANGE VENUE** is granted, you need to file your response in the County where the case was transferred to.
 12. This motion cannot be used if the other party filed the case in a different state. This motion can only be used if the case was originally filed in Colorado.

County/State/Court _____ Courtroom Address _____ Courtroom Phone Number _____	COURT USE ONLY
<input type="checkbox"/> In Re the Marriage of: <input type="checkbox"/> In Re the Parental Responsibilities Concerning: CHILD(REN): _____ Petitioner: _____ Respondent: _____	
Name of Attorney or Party without Attorney: Address: Phone Number: FAX Number: E-mail Atty. Reg #	Case Number _____ Division _____ Courtroom _____
VERIFIED MOTION FOR CHANGE OF VENUE PURSUANT TO RULE 98 (c)(1)	

COMES NOW the Respondent, _____ and hereby requests that this Honorable Court change venue of the above-entitled action to _____ County, Colorado, and as grounds therefor states:

1. That the Petitioner resides in _____ County at _____
_____ Colorado. (city) (address)
2. That the Respondent currently resides in _____ County at _____
_____ Colorado; and (address) (city)
served the following date: _____, at the following address:
_____ in _____ County,
Colorado.
3. Pursuant to Rule 98 (c)(1) Respondent is allowed to have the proceeding heard in _____
County.
4. The Respondent also needs the case transferred to _____ County for the
following reasons: _____
_____.
5. This Motion for Change of Venue is filed within the initial twenty (20) day response period.

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: CHILD(REN): _____ Petitioner: _____ Respondent: _____	COURT USE ONLY
Name of Attorney or Party without Attorney: Address: Phone Number: FAX Number: E-mail Atty. Reg #	Case Number Division _____ Courtroom _____
ORDER FOR CHANGE OF VENUE	

THIS MATTER coming on to be heard upon the Verified Motion For Change of Venue, and the Court having read the Motion and finding that the requirements of Rule 98 (c)(1) would be met by the change,

THE COURT DOES ORDER:

THAT the venue of the action shall be changed from _____ County, to
_____ County, Colorado.

DATED this ____ day of _____, _____.

BY THE COURT:

DISTRICT COURT JUDGE/MAGISTRATE

Appendix A

Waiver of Court Costs

IF YOU CANNOT AFFORD THE FILING FEE TO START OR RESPOND TO THE COURT CASE YOU CAN APPLY TO THE COURT TO HAVE THE FILING FEES WAIVED. TO USE THIS PROCESS, YOU NEED TO FOLLOW THE STEPS SET OUT BELOW.

1. Make an extra copy of the **APPLICATION FOR WAIVER OF COURT COSTS IN CIVIL CASES**. Complete the form.
2. Make on (1) copy of the completed form.
3. Take the original and the copy of the **APPLICATION FOR WAIVER OF COURT COSTS IN CIVIL CASE** with you when you file your **PETITION, RESPONSE, OR OTHER MOTION**. The extra copy is for the Court to return to you as a “conformed” copy. Attach a self-addressed stamped envelope to the copy of the **APPLICATION FOR WAIVER OF COURT COSTS IN CIVIL CASES** so it can be returned to you. Give the forms to the Clerk. You will need to call the Court Clerk in three or four days to ask if your fees have been waived.
4. If the Judge/Magistrate signs the **APPLICATION FOR WAIVER OF COURT COSTS IN CIVIL CASES**, you do not need to pay the filing fee to complete the Filing of your **PETITION, RESPONSE, OR MOTION**. If the Judge/Magistrate denies your **Application**, you will have to pay the filing fee.

