

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.

Changing Visitation or 'Parenting Time'

(This information applies if you have one or more child.)

The Situation

Either you are divorced from your child's other parent, or a court has entered custody (APR) orders about your child, who lives with you.

Under Colorado law, the court that entered the original orders (decisions) about your child can decide whether to change visitation.

How do I ask the Court to change parenting time?

If you and the other parent cannot agree on this issue, you can file a [Motion to Modify Parenting Time](#) with the court. When you file your motion with the court you can also file an [Order Re: Modification or Restriction of Parenting Time](#). Fill out these forms completely. The information on the top part of the form should be the same as in your original case (found on your divorce or custody papers). You should also consider completing a proposed [Parenting Plan](#) that outlines relevant facts and information about your case. You can also fill out a [Notice to Set](#). This is needed to schedule the matter for hearing. The clerk of the district court where you originally filed your case can tell you what courtroom to set it in and what phone number to use.

You must mail a copy of the Motion, Order and proposed Parenting Plan to the other parent, or to his or her attorney if they have one. You must state in the "Certificate of Mailing" on the bottom half of each form that you have done so.

File an original and one copy of each form with the Clerk of the Court where your original case was heard. You will call the court on the date you have put in the Notice to set to get a date for a hearing. You or the court must then mail a copy of the Notice of Hearing to the other parent. Find out from the clerk of the court whether s/he will mail the Notice of Hearing, or whether you are supposed to mail it.

Sometimes the district court in your county will have a Pro Se office (pro se means that you are trying to represent yourself), a family court facilitator, or a clerk of the court who might be able to assist you in filling out forms and filing your case with the court. Check to see if this help is available by going to Family and Children, Custody/Parenting Time, select your area, then "What About the Courts" on [this website](#), clicking on the district court for your county and calling the number provided for that court. The [Colorado Judicial Branch](#) (state court website) also has instructions for filling out and filing many of the forms. Also, the Colorado Bar Association website has information about Self Help Centers at the courts ([click here](#) and scroll down to Self Help Centers).

The court can only restrict the other parent's parenting time if it finds that the current parenting time endangers the child's physical health or significantly impairs the child's emotional development. Therefore you must be prepared with evidence to prove to the court that the current parenting time is physically or emotionally dangerous to the child.

If you believe that the current parenting time is placing the child in danger, check the blank by question 3 on the Motion to Modify Parenting Time. This part of the form reads: "THE CHILD(REN) IS IN IMMINENT EMOTIONAL OR PHYSICAL DANGER DUE TO THE CURRENT PARENTING TIME". When this box is checked, only supervised parenting time is allowed for seven days, and your hearing should also take place within seven days.

If you check this box, you should be prepared to go to court and present your evidence immediately. If you lose the hearing, and the court finds that your allegation (charge) was frivolous or groundless, meaning there was no basis for it, the court may order you to pay the other parent's attorney's fees. You should only check this box if you strongly believe that the current parenting time is dangerous to the child, and you have strong evidence that can prove this to the court.

If the other parent has been convicted of any of the crimes listed under the Colorado statute (law) noted at the end of this paragraph, for the other parent to continue to have parenting time, s/he would have to prove to the court that the parenting time would be in the child's best interest.

It is important that you go to the hearing at the time set. Take your witnesses and evidence supporting your Motion. Even if the other side doesn't come to the hearing, you can usually go ahead on that date. For the court to decide to modify parenting time, it must decide that it would be in the child's best interest. Therefore, you should be prepared to present to the court any evidence that you have to show that changing the parenting time would be best for the child.

If you are trying to restrict the parenting time, you must be ready to prove that the current parenting time endangers the child, either physically or emotionally. Such evidence could include testimony of witnesses, medical or school records, photographs, and so forth.

The court will rule on your motion and let you know its decision, often the same day. The court may also issue a written order concerning this, which will then be the order (decision) in effect in your case.

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.

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