

*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 (on 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 it is in no way responsible for any consequences of this action.

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*Date*

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*Signature*

# Information and Instructions Regarding Filing for Change of Venue

## When to Use These Forms

If you are served with a lawsuit 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 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.

The rest is a matter of filling in the blanks of the **VERIFIED MOTION**:

After "**COMES NOW** the Respondent" insert your name. (If the **SUMMONS** or **PETITION** refers to you as the 'Defendant', change 'Respondent' to 'Defendant' throughout the **MOTION**)

Paragraph 1: Fill out the county in which the Petitioner or Plaintiff 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 of the **MOTION** with the name of the county in which you live.

Under “Respectfully submitted” sign your name and fill in your address and telephone number. If you do not want the Petitioner (or Plaintiff) 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 before taking it to a Notary Public because he/she will not notarize your signature. In most counties, the District Court Clerks 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 money to pay the filing fee, there is a procedure to request that the Court 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 or 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 case 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 (if filing) 1

7. No later than twenty (20) days after you were served, 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.** Ask the clerk to stamp one copy with the date filed and return it 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 that 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 or the Plaintiff who is suing you. If the person suing you has an attorney, you need to send the **ORDER** to the Attorney instead.
9. If the **ORDER FOR CHANGE OF VENUE** is approved, the county where the case was originally filed will send your file to the Clerk of the District Court of the county where the case is transferred.
10. After a week or so, check with the Court in your county to see if they have received the file from the original county. If they have received the paperwork, you may proceed to file additional court pleadings. 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 originally 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.
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.

District Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> Parental Responsibilities concerning: <hr/> Petitioner: and Co-Petitioner/Respondent:	<b>▲ COURT USE ONLY ▲</b>
Attorney or Party Without Attorney (Name and Address):  Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number:  Division _____ Courtroom _____
<b>MOTION FOR CHANGE OF VENUE          PURSUANT TO COLORADO RULES OF CIVIL PROCEDURE 98(c)(1) and 98(e)</b>	

I/We \_\_\_\_\_,  Petitioner  Co-Petitioner/Respondent hereby request that this Court change venue of the above-entitled action to \_\_\_\_\_ County, Colorado, and as grounds therefor, state the following:

1. The Petitioner resides at \_\_\_\_\_ (address) in \_\_\_\_\_ County.
2. The Co-Petitioner/Respondent resides at \_\_\_\_\_ (address) in \_\_\_\_\_ County.
3. The Respondent was served with process in \_\_\_\_\_ County on \_\_\_\_\_ (date).
4. Pursuant to Rules 98(c)(1) and 98(e), Petitioner and/or Co-Petitioner/Respondent is/are allowed to have the proceeding heard in \_\_\_\_\_ County.
5.  The Petitioner requests the case be transferred for the following reasons:  
 \_\_\_\_\_  
 \_\_\_\_\_
- The Co-Petitioner/Respondent requests the case be transferred for the following reasons:  
 \_\_\_\_\_  
 \_\_\_\_\_

_____ Petitioner's Signature	_____ Date	_____ Co-Petitioner's/Respondent's Signature	_____ Date
_____ Petitioner's Attorney Signature, if any	_____ Co-Petitioner's/Respondent's Attorney Signature, if any		

### CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ (date) the original was filed with the Court; and a true and accurate copy of the *MOTION FOR CHANGE OF VENUE* was served on the other party by:

Hand Delivery,  E-filed,  Faxed to this number \_\_\_\_\_, or  by placing it in the United States mail, postage pre-paid, and addressed to the following:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Your Signature

District Court _____ County, Colorado Court Address: _____  <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> Parental Responsibilities concerning: _____  Petitioner: and Co-Petitioner/Respondent: _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; margin: 5px 0;"> <b>▲ COURT USE ONLY ▲</b> </div> Case Number: _____  Division _____ Courtroom _____
<b>ORDER FOR CHANGE OF VENUE          PURSUANT TO COLORADO RULES OF CIVIL PROCEDURE 98(c)(1) and 98(e)</b>	

This matter having come before this Court on  Petitioner's  Co-Petitioner's/Respondent's Motion to Change Venue to \_\_\_\_\_ County, Colorado, THE COURT FINDS that the requirements of Colorado Rules of Civil Procedure 98(c)(1) and 98(e) are met by the change.

THE COURT ORDERS THAT the venue of the above-entitled action shall be changed from \_\_\_\_\_ County, to \_\_\_\_\_ County, Colorado.

IT IS FURTHER ORDERED THAT the Clerk of Court shall transfer the file to the receiving county.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Judge  Magistrate

### CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_ (date), I mailed this Order to the following:

- Petitioner
- Petitioner's Attorney
- Co-Petitioner/Respondent
- Co-Petitioner's/Respondent's Attorney

\_\_\_\_\_  
 Clerk

## Appendix A Waiver of Court Costs

IF YOU CANNOT AFFORD THE FILING FEE TO START OR RESPOND TO A COURT CASE YOU CAN APPLY TO THE COURT TO HAVE THE FILING FEE(S) 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 one (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.

<input type="checkbox"/> County Court <input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff/Petitioner: _____ v. Defendant/Respondent: _____	<b>▲ COURT USE ONLY ▲</b> Case Number: _____ Courtroom: _____
<b>MOTION TO: <input type="checkbox"/> FILE WITHOUT PAYMENT OF FILING FEE <input type="checkbox"/> APPOINT AND PAY INTERPRETER COSTS AND SUPPORTING FINANCIAL AFFIDAVIT</b>	

I, \_\_\_\_\_ respectfully move the Court for an order to waive the following filing fee(s):  
 complaint    petition    answer    response    motion to modify    other: \_\_\_\_\_ and/or  to appoint and pay for an interpreter for the following language \_\_\_\_\_ pursuant to CJD 06-03 and as grounds state that I am without funds, have no adequate funds available, and have a meritorious claim.

**All items must be fully completed. Print or type neatly. If an item does not apply, please write "N/A"**

Name of Applicant			Other Responsible Party (Spouse, Parent, Other Persons in Household)		
Last Name	First Name	MI	Last Name	First Name	MI
Street Address (Include Apt. # if applicable) _____			Street Address (Include Apt. # if applicable) _____		
City _____ State _____ Zip Code _____			City _____ State _____ Zip Code _____		
<input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____			<input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____		
Social Security #	Driver's Lic. # & State	Date of Birth	Social Security #	Driver's Lic. # & State	Date of Birth
Most Recent Employer: _____			Most Recent Employer: _____		
Work Address: _____			Work Address: _____		
Work Phone #: (   ) _____			Work Phone #: (   ) _____		
Dates Employed: _____			Dates Employed: _____		
Hours/Week: _____ Pay Rate: \$ _____			Hours/Week: _____ Pay Rate: \$ _____		
<input type="checkbox"/> Monthly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> other: _____			<input type="checkbox"/> Monthly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> other: _____		

**Marital Status:**  Single    Married    Divorced    Separated    Widowed   **Number in Household:** (including yourself) \_\_\_\_\_  
 \_\_\_\_\_ Identify Name, Age, and Relationship:

Gross Monthly Income (See Information on page 2)		Monthly Expenses (See Information on Page 2)	
Self (wages, salary, commission)	\$	Rent or Mortgage	\$
Spouse/Other Household Members	\$	Groceries	\$
Parents (if same household)	\$	Utilities	\$
Unemployment Benefits	\$	Clothing	\$
Social Security/Retirement Funds	\$	Maintenance/Alimony and/or Child Support	\$
Maintenance/Alimony	\$	Medical/Dental	\$
Other Income (identify)	\$	Other Expenses (identify)	\$
Other Income (identify)	\$	Other Expenses (identify)	\$
<b>Total Income</b>	<b>\$</b>	<b>Total Expenses</b>	<b>\$</b>
<b>Cash on Hand</b> (Cash you are carrying or which is stored at home, etc.)	\$	<b>Credit Cards:</b> (Show type and balance owed)	
<b>Checking Account Balance</b>	\$	Name/Address of Bank	
<b>Savings Account Balance</b>	\$	Name/Address of Bank:	
<b>Stocks, Bonds, or other Investments Held Balance</b>	\$	Type of Investment, Name/Location of Company/Corporation	
<b>Vehicles Owned (Autos, boats, recreational vehicles, etc.)</b> - Estimate Value	\$	Identify Year _____ Model _____ License Plate _____ Identify Year _____ Model _____ License Plate _____	
<b>House(s) or other Property</b> - Estimate Value	\$	Amount owed, Year Purchased	

**IF ADDITIONAL SPACE IS NEEDED TO PROVIDE COMPLETE INFORMATION, ATTACH A SEPARATE PAGE.**

I swear under penalty of perjury that all information provided is true and complete. In addition, I authorize the Court to make any necessary contacts to verify the information.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# MOTION TO FILE WITHOUT PAYMENT AND SUPPORTING FINANCIAL AFFIDAVIT

## General Information

It is important that you accurately complete all sections of this form as appropriate based on your personal circumstances. If a section does not apply, please write N/A.

**A. Gross Monthly Income.** Includes income from all members of the household who contribute monetarily to the common support of the household.

◆ **Income categories to include:**

Wages, including tips, salaries, commissions, payments received as an independent contractor for labor or services, bonuses, dividends, severance pay, pensions, retirement benefits, royalties, interest/investment earnings, trust income, annuities, capital gains, unemployment benefits, Social Security Disability (SSD), Social Security Supplemental Income (SSI), Workman's Compensation Benefits, and alimony.

**Note:** Income from roommates should not be considered if such income is not commingled in accounts or otherwise combined with the applicant's income in a fashion which would allow the applicant proprietary rights to the roommate's income.

◆ **Income categories do not include:**

TANF payments, food stamps, subsidized housing assistance, veteran's benefits earned from a disability, child support payments, or other public assistance programs.

**B. Liquid Assets.** Includes cash on hand or in accounts, stocks bonds, certificates of deposit, equity, and personal property or investments which could readily be converted into cash without jeopardizing the applicant's ability to maintain home and employment.

**C. Expenses.** Nonessential items such as cable television, club memberships, entertainment, dining out, alcohol, cigarettes, etc., **shall not** be included. Allowable expense categories are listed on JDF 205.