

INSTRUCTIONS/OPTIONS TO ENFORCE ORDERS

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.

GENERAL INFORMATION

- ◆ You can use these instructions if you have already obtained a Court order for maintenance (spousal/partner support) and/or child support. The various options identified may assist you to begin collecting maintenance and/or child support or to collect support payments that have not been made.
- ◆ You can also use these instructions to enforce non-support related issues, i.e. transfer of title, completion of a court-ordered act, etc.
- ◆ If you select Option 4 – Contempt, please review Colorado Rules of Civil Procedure 107 and §14-14-110, C.R.S. It is the responsibility of the party requesting remedial contempt to describe in the Motion the nature of the sanctions and remedies that you request to be imposed. Contempt actions can be a very difficult and costly legal matter and you may wish to seek the advice of an attorney.
- ◆ For additional information, please review Colorado Revised Statute §14-14-101, et.seq.
- ◆ 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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Petitioner: | The person identified as the Petitioner in the original Petition filed with the Court. |
| <input checked="" type="checkbox"/> with | |
| <input checked="" type="checkbox"/> Co-Petitioner: | The person identified as the Co-Petitioner in the original Petition filed with the Court. |
| <input checked="" type="checkbox"/> Respondent: | The person identified as the Respondent in the original Petition filed with the Court. |
| <input checked="" type="checkbox"/> Contempt of Court: | A court finding of a violation/non-compliance of a Court Order. |
| <input checked="" type="checkbox"/> Remedial Sanctions for Contempt: | Sanctions imposed by the Court to force compliance with a previous order or a new order that the party in contempt must comply with. A fine, jail sentence, or both may also be imposed by the Court until there is compliance with the original order. |
| <input checked="" type="checkbox"/> Punitive Sanctions for Contempt: | A fine or fixed jail sentence or both may be imposed by the Court. |
| <input checked="" type="checkbox"/> Income Assignment: | A standardized process for the collection of child support and/or maintenance. |
| <input checked="" type="checkbox"/> May: | In legal term, "may" is defined as "optional" or "can". |
| <input checked="" type="checkbox"/> Shall: | In legal term, "shall" is defined as "required". |

If you do not understand this information, please contact an attorney, your local delegate child support unit, the Family Court Facilitator at your local courthouse or access the Colorado Child Support Enforcement website at www.childsupport.state.co.us

FEES

Fees that you may encounter are as follows:

- | | |
|--|--|
| <input type="checkbox"/> Transcript of Judgment | \$ 25.00 |
| <input type="checkbox"/> Service Fees | Varies (not payable through or to the Court) |
| <input type="checkbox"/> Copies of Documents (Documents not on File) | \$.25 per page or \$.50 if double -sided |
| <input type="checkbox"/> Certification Fee | \$ 20.00 |

FORMS

The forms listed below are based on the option you select to enforce your order. JDF 1801 are the instructions for completing an income assignment. You will need various income assignment forms based on the time period for which child support was ordered. Please look over instructions JDF 1801 to determine the specific forms you will need to complete.

- JDF 1801 Instructions for Completing an Income Assignment
- JDF 1813 Verified Entry of Support Judgment
- JDF 1814 Verified Motion for Clerk of Court to Transfer Title Pursuant to C.R.C.P. 70
- JDF 1815 Order for Clerk of Court to Transfer Title Pursuant to C.R.C.P. 70
- JDF 1816 Verified Motion and Affidavit for Citation for Contempt of Court
- JDF 1817 Order to Issue Citation and Citation to Show Cause

When completing the forms, you must identify yourself as the Petitioner or Co-Petitioner/Respondent depending on your title/role in the original Petition. It is important to remember that your title/role in the case does not change based on who files the motion. **Keep a copy of each form for your own records and make a copy to provide to the other party.**

OPTION 1: FAMILY SUPPORT REGISTRY

If you have an order for **child support, maintenance (spousal/partner support), or child support combined with maintenance**, and the Court has ordered that the payments be processed through the Family Support Registry (FSR), the Obligor must write the FSR number on the check and mail it to: Family Support Registry, P.O. Box 2171, Denver, CO 80201-2171.

OPTION 2: INCOME ASSIGNMENT

Complete the necessary forms per the instructions (JDF 1801 I).

OPTION 3: VERIFIED ENTRY OF SUPPORT JUDGMENT

This option is available if support has been ordered and not paid. For additional information, please review §14-10-122, (1)(c), C.R.S. Below are steps to file your papers.

Step 1: Complete Verified Entry of Support Judgment (JDF 1813).

This form requires you to tell the Court, under oath, what payments have been ordered, what payments have not been made, and what is now owed. You are also entitled to interest of 10% per annum compounded monthly on child support, and 8% per annum on maintenance. Interest continues to accrue until the debt is satisfied.

- Fill in all of the blanks on this form
- Attach current payment records to this form as supporting documentation.

Step 2: File the Verified Entry of Support Judgment (JDF 1813) with the Court.

Step 3: Mail the Other Party a Copy of JDF 1813.

Step 4: Judgment Entered by Court.

You will receive a transcript of the judgment and you must record it with the County Clerk and Recorder in any county in which the Obligor resides, or in which you think the party may own property. Once your judgment is recorded, a lien will be placed on the Obligor's real property in the amount of your judgment. The property cannot be sold without the buyer taking over that obligation.

OPTION 4: CONTEMPT OF COURT

Contempt actions can be a very difficult legal matter and you may wish to seek the advice of an attorney. Prior to filing a motion for contempt, you may wish to consider mediation. Mediation is an informal process in which a neutral third party helps people in conflict to negotiate a mutually acceptable agreement. Mediation can be faster – and less expensive – than going to court. Many judicial officers in Colorado require an attempt at mediation prior to proceeding to contested hearing. **Please see www.ColoradoODR.org or call 1-800-888-0001, ext. 55940 for more information.**

Step 1: Complete Forms

This option is available when the other party fails to comply with a previous court order. It is important that before you cite the other party for contempt that you are sure that a violation has occurred with respect to the most current order on the subject matter of the contempt.

- Motion and Affidavit for Citation for Contempt of Court (JDF 1816).**
 - Complete all sections of this form.
 - Section 6 on this form requires that you identify the sanctions that you want the Court to impose. If you are requesting jail time in a punitive contempt action, the other party has the right to have an attorney.

- Order to Issue Citation and Citation to Show Cause (JDF 1817).**
 - Fill in the caption only, as the Court will complete the appropriate sections.

Step 2: You are ready to file your Forms with the Court.

- Provide the Court with the Verified Motion (JDF 1816) and Order to Issue Citation (JDF 1817).
- Provide the Court with a self-addressed stamped envelope for the Court to mail the Order to Issue Citation and Citation to Show Cause back to you to complete personal service.

Step 3: When the Verified Motion is filed, the following may occur:

- The Court will review the documents filed and a clerk will contact you to set a date for the hearing or will send you the completed Order to Issue Citation and Citation to Show Cause with a Court date/time identified. Both parties need to be present at the hearing. You and/or the other party may have an attorney appear with you. **Note:** In some courts the first hearing will be an advisement hearing only, after which the actual contempt hearing will be set.
- You must have the other party personally served with a copy of the Motion and Affidavit for Citation for Contempt of Court and Order to Issue Citation and Citation to Show Cause **at least 21 days prior** to the advisement and/or contempt hearing date.
- You must have a private process server or the Sheriff's Department, in the county where the other party lives or works serve the other party. Provide the person completing service with an extra copy of the Order to Issue Citation and Citation to Show Cause (JDF 1817) to complete the Return of Service.
- Once service is complete, the process server or Sheriff should complete the Return of Service on the Citation (JDF 1817) stating how and when the party was served and return it to you. If you cannot file the Return of Service with the Court prior to the hearing, then bring it to Court on the date of your hearing.

Step 4: Hearing (Advisement and/or Contempt Hearing)

- If you are requesting the court impose a sentence of jail time in a criminal (punitive) contempt proceeding, the Judge/Magistrate will advise the party of his/her right to a lawyer and a jury trial, if a sentence of over 180 days is contemplated, before the Contempt Hearing will be held.
- If the other party requests to have a lawyer, a future date will be set for the Contempt Hearing. If the other party does not request to have a lawyer, the Court may proceed to the Contempt Hearing. This may vary by Court.
- Be prepared for your Contempt Hearing. You must bring all documents and records to support the information you presented in the Motion. Please make copies for the other party and the Court.
- If the other party does not appear and has been properly served, the Court may issue a warrant or take other actions.

OPTION 5: MOTION FOR CLERK TO TRANSFER TITLE OF PROPERTY

This option is available when the following has occurred:

- ✓ The Court ordered you to have the right to ownership of certain property, such as real estate, car, etc.
- ✓ The Court ordered the other party to take a specific legal action, such as signing a document.
- ✓ The other party refuses to sign documents giving you legal title to property that you were awarded in your Court Order.
- ✓ The other party refuses to do an act required by Court Order.

You must have a signed order of Court that describes **(1)** your absolute right to the property, or to the performance of the required act and **(2)** the property or act itself. The other party must have been given the time and opportunity to sign over the property, or do the act. Below are steps to filing your Motion and Order.

Step 1: Complete the Two Forms Below.

- Motion for Clerk of Court to Transfer Title Pursuant to C.R.C.P. 70 (JDF 1814)**
 - Complete all sections of this form.
- Order for Clerk of Court to Transfer Title Pursuant to C.R.C.P. 70 (JDF 1815)**
 - Fill in the caption only, as the Court will complete the appropriate sections.

Step 2: You are ready to file your Forms with the Court.

- Provide the Court with the Motion (JDF 1814) and Order (JDF 1815).
- Provide the Court with a self-addressed stamped envelope for the Court to mail the Order back to you.

Step 3: Mail the Other Party a Copy of the Motion.

- If there is no response from the other party, the Court may issue the order automatically.
- If there is a response, the Court may set a hearing, or ask you to set a hearing.

Step 4: Court Review of Motion or Hearing.

When you get an Order, the Clerk of the Court may execute the title, or other legal document. The document signed by the clerk is as valid as if the other party signed it. The Court may also issue a contempt citation against the other party.

OTHER ENFORCEMENT PROCEDURES

You may wish to collect monies owed to you through other methods. Please look over the Garnishment Instructions (JDF 82) to determine if this method will work for you. The required forms are identified in the instructions and available on the Colorado Judicial Branch's Website www.coloradojudicial.gov.