

INFORMATION SHEET
FOR FILING MOTIONS REGARDING
THE ENFORCEMENT OF ORDERS

THESE INSTRUCTIONS ARE USED ONLY WHEN YOU HAVE ALREADY OBTAINED A COURT ORDER FOR MAINTENANCE OR CHILD SUPPORT AND WANT TO USE OTHER METHODS TO ENSURE THAT IT IS PAID, OR TO COLLECT SUPPORT PAYMENTS THAT HAVE NOT BEEN MADE. **THE REMEDIES DISCUSSED IN THIS PACKET ARE NOT YOUR ONLY REMEDIES.** YOU SHOULD CONSULT A LAWYER OR YOUR LOCAL DELEGATE CHILD SUPPORT UNIT IF YOU NEED FURTHER ASSISTANCE.

FORMS

- Income Assignment Forms
- Verified Entry of Support Judgment
- Motion and Order for Clerk of Court to Transfer Title Pursuant to C.R.C.P. 70
- Contempt of Court Forms

COURT REGISTRY

If you have an order for support, you can choose to have it paid through the registry of the court. You can file a request with the court to have a registry account established and get an order that future support should be paid through the registry. Before you request a registry account, you should know the following:

1. The registry requires an initial \$30 fee to open the account + a \$2 processing fee per payment.
2. Checks paid through the registry may have to clear the bank before the court sends the money to you. There could be an initial delay of up to two weeks before you receive your first check.
3. The registry account provides proof to the court that support has been paid, or not paid, as well as proof of the date that the payment was made.
4. If a payment is not made, the court does not do anything, You must still bring an action for non-payment.

INCOME ASSIGNMENT

See forms JDF 1801 I, JDF 1802 I, and JDF 1803 I for specific instructions on income assignments.

VERIFIED ENTRY OF SUPPORT JUDGMENT

If support has been ordered, and not paid, you may fill out and file a Verified Entry of Support Judgment against the obligor. This form requires you to tell the Court, under oath, what the payments are, what payments have not been made, and what is now owed. You are also entitled to interest of 12% per year on child support, and 8% per year on maintenance. Interest continues to collect until the debt is satisfied.

When you have completed and filed a Verified Entry of Support Judgment, you must send a copy to the other party. The party may object that no money is owed, or that the money is already paid.. If the party objects, the Court will hold a hearing. The party that is wrong may have to pay the other parties' fees and costs.

Once the judgment is entered, you should obtain what is called a transcript of the judgment, and "record" it with the county clerk and recorded in any county in which the obligor resides, or in which you think the party may own property. Once your judgment is recorded, the obligor's property will have a lien against it in the amount of your judgment, and cannot be sold without the buyer taking over that obligation.

NOTE: You cannot obtain a judgment, and then sue the obligor for contempt of court on the same months of non-payment. There are alternative remedies. However, if you obtain a judgment for certain months when you were not paid, you may bring a contempt action for any other months of non-payment.

MOTION FOR CLERK TO TRANSFER TITLE TO PROPERTY

In the orders that the court issued, you may have been given the right to ownership of certain property, such as real estate or a car, or the court may have ordered the other party to take a specific legal action, such as signing a document. If the other party refuses to sign documents giving you legal title to property that you were awarded, or refuses to do a legal act, you may ask the court to allow the clerk of the court to sign the documents instead. This is a motion and order under Rule 70 of the Colorado Rules of Civil Procedure. To get such an order, you must do the following:

You must have a signed order of court that describes both your clear right to the property, or to the performance of the legal act and describes 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. The other party must have failed or refused to do so.

Fill out the Motion For Clerk of Court to Transfer Title Pursuant to C.R.C.P. 70. Fill out the caption and the description of the property on the proposed Order for Clerk of Court to Transfer Title pursuant to C.R.C.P. 70. Send a copy of the motion and proposed order to the other party and file the originals with the court.

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.

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.

CONTEMPT

The Verified Motion and Affidavit for Citation for Contempt of Court must be completed with specifics as to what the party did not comply with according to the order of the court. Review the Court's order, if necessary, by reviewing your court file. You also need to complete the Order to Issue Citation and Citation to Show Cause with the names of the parties in the case caption and the name of the party who is in violation of the court order. Complete the Return of Service by putting the names of the parties in the case caption.

Once you have filed the contempt documents with the court, and after the Court reviews the motion and affidavit, a clerk will contact you to set a date for the hearing. Both parties need to be present at the hearing. You and/or the other party may have an attorney appear with you.

You must serve the other party with a copy of the Motion and Affidavit for Citation for Contempt of Court, Order to Issue Citation and Citation to Show Cause. The party must be served **at least 20 days prior** to the 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. Once "service" is complete, the process server or Sheriff should complete the Return of Service form (or some similar form) stating how and when the party was served. If you can't file it earlier, bring the Return of Service to court on the date of your hearing.

If the other party does not appear and has been properly served, the Court will take appropriate action.

OTHER ENFORCEMENT PROCEDURES

You may wish to collect moneys owed to you through other methods. You may obtain forms for garnishment, continuing orders for garnishment and other forms from certain stationery and office supply stores.