

INFORMATION SHEET FOR GRANDPARENT VISITATION

FEES

The fee for filing a Motion for Grandparent Visitation is \$91. Most courts accept only cash. Please check with your court to find out the method of payment they will accept. If you are indigent, you may fill out an In Forma Pauperis (as a poor person) Petition. If you qualify, the court may allow you to file without paying the fee.

FORMS

- Motion for Grandparent Visitation (JDF _____)
- Affidavit in Support of Grandparent Visitation
- Notice to Set & Notice of Hearing (JDF _____ & _____)
- Motion for Appointment of Special Advocate or Legal Representative (JDF _____)

MOTION FOR GRANDPARENT VISITATION AND AFFIDAVIT IN SUPPORT

Before filing the motion, you should review the provisions of any statute on grandparent visitation. This motion can only be granted by the Court if a child custody case has occurred, and if your child, the parent of your grandchild, still has parental rights. If the parents of the child have not participated in a child custody case, and your child is alive, you may not have standing to request visitation. You must fill out the motion for grandparent visitation completely. If your case originally involved a marriage, fill in "In Re the Marriage of." If it did not involve a marriage, fill in "In Re the Matter of." Give the court all information about any other court orders involving this family, whether it is an action concerning the children or the adults. State the visitation that you are requesting in the most detail possible, including times, days or dates, means of transporting the children and other details.

At the same time, fill out an Affidavit setting forth your reasons for asking for visitation. You may want to look at the Uniform Dissolution of Marriage Act, C.R.S. 14-10-101 and the statutes following, and its provisions about visitation, especially C.R.S. 14-10-129.

The motion should be sent to the person or people having custody of the child. To be safe, you should probably send a copy to both parents.

IF NO ONE REQUESTS A HEARING THE COURT MAY GRANT THE REQUEST FOR GRANDPARENT VISITATION, IF IT FINDS THAT SUCH VISITATION IS IN THE BEST INTERESTS OF THE CHILD(REN). IF YOU OR THE OTHER PARTY, OR THE COURT BELIEVES THAT A HEARING SHOULD BE HELD, YOU MAY FILE A REQUEST TO SET AND OBTAIN A HEARING DATE.

REQUEST TO SET

To obtain a hearing on your motion, you must file a Request to Set with the court. Give the court the names, addresses and telephone numbers of both parents and of any guardian or custodian. The court will furnish you with available dates. It is your responsibility to clear those dates with the other parties or their attorneys, and confirm the date with the court.

MOTION FOR APPOINTMENT OF A GUARDIAN AD LITEM

If you feel that the children need representation in this hearing, you may petition the Court to appoint a guardian ad litem. The Court may apportion the fees of the guardian. If you are indigent, the Court may have the guardian appointed at state expense.

YOU MAY NOT FILE A MOTION FOR GRANDPARENT VISITATION MORE THAN ONCE EVERY TWO YEARS, WITHOUT COURT APPROVAL.

IF VISITATION HAS BEEN ORDERED AND IT IS NOT BEING GRANTED BY THE CUSTODIAN, YOU HAVE CERTAIN RIGHTS OF ENFORCEMENT. PLEASE REVIEW THE PROVISIONS OF C.R.S. 19-1-117.