

INSTRUCTIONS FOR MOTION TO MODIFY PARENTING TIME

What used to be called “visitation” with children is now referred to as “parenting time.” The Motion to Modify Parenting Time is used when you want to change the existing court order (that was entered in a divorce case or in a custody case) concerning parenting time for the parent with whom the child does not reside most of the time. Either parent can ask the Court to modify the parenting time schedule (either to increase or decrease parenting time or to impose or remove restrictions), if the modification is in the best interests of the child. However, in general, the Court will not modify an existing court order to restrict parenting time rights previously granted unless the Court finds that the parenting time would endanger the child's physical health or significantly impair the child's emotional development.

Fill in the full names and dates of birth of all of the children who are subject to the existing parenting time order. Check the appropriate box to describe the existing parenting time order. Be sure to describe fully any restrictions or limitations (such as supervised parenting time) that were ordered by the Court.

Describe precisely exactly the change in parenting time schedule you are requesting. Include any restrictions or limitations on parenting time that you are requesting.

Explain why you believe the requested changes are in the best interests of the child.

If you are requesting a restriction of parenting time or parental contact because you believe that the child is in imminent physical or emotional danger due to the parenting time or contact by the other parent, you may state that in your motion and request that the Court hear your motion immediately. You can request that any parenting time which occurs during the time you are waiting for your motion to be heard may be supervised by an unrelated third party deemed suitable by the Court or by a licensed mental health professional. (C.R.S. §14-10-129) However, if you state in your motion that the child is in imminent physical or emotional danger due to the parenting time or contact by the other parent, and the Court finds that your statement was substantially frivolous, substantially groundless or substantially vexatious, the Court will require you to pay the reasonable and necessary attorney fees and costs of the other party.