

INSTRUCTION TO FILE AN INITIAL CUSTODY CASE

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.

HOW TO FILE YOUR CASE

- Step 1: Complete Petition for Custody (decision making and parenting time)
- Step 2: You are ready to file your Case with the Court
Provide the Court with the Petition. If the Petition has not been signed in the presence of a Notary Public, you will sign the Petition before the Clerk at this time.
Pay: \$35 filing fee with a money order
- Step 3: The Magistrate will Review your Petition
If the Magistrate determines that jurisdiction appears to be proper in this Court of Indian Offenses, you will be provided (1) Summons to respond to Petition (2) Order regarding temporary injunction (3) blank response to Petition (4) copy of your original petition and (5) proof of service documents.
- Step 4: Serve the Custody Papers or Obtain a Waiver of Service from the Respondent
It is important that you have the other parent served as quickly as possible because your mandatory initial status conference and any waiting period will not start until the other parent is officially served with the Petition and Summons.

Service options:

Waiver and Acceptance of Service:

This is the easiest form of service. However, the other parent must be willing to accept the custody papers and sign the Waiver. Have the other parent sign the original Waiver and Acceptance of Service form on the back of the Summons before a Court Clerk or Notary Public.

*File the signed original Wavier with the Court

Personal Service:

Select an approved private process server who knows the rule of service to serve the Respondent. Provide the process server with all of the documentation set forth in Step 3 above and provided to you by the Clerk of Court

*You or the process server will need to return the completed return of service to the Court for filing.

RESPONDENT FILES A RESPONSE

The Respondent may file a response to the Petition.

The purpose of the response is for the Respondent to state in writing if he/she agrees or disagrees with the information in the Petition. The Respondent must file the original Response Form with the Court and mail a copy to the Petitioner.

SETTING STATUS CONFERENCE OR HEARING DATES

Once proof of service/waiver of service has been filed with the Court, this matter will be scheduled for an initial status conference. Notice of this initial hearing will be provided in an order regarding procedures for custody case.

COMPLETE RESOURCE AFFIDAVIT BEFORE YOUR INITIAL STATUS CONFERENCE

This document must be filed prior to the initial status conference. You must provide true and complete information to the Court about your income and expenses. Each party must complete their own Parent Resource Affidavit. The form must be signed in the presence of a Court Clerk or Notary Public.

COURT HEARING

A final hearing is required. If the parties have reached an agreement to all issues, the hearing will be very short in duration. If the parties have not resolved all issues, the parties will present evidence at a contested hearing.

THE UNITED STATES OF AMERICA
IN THE COURT OF INDIAN OFFENSES
IN INDIAN COUNTRY (Colorado)
UTE MOUNTAIN UTE AGENCY

IN RE THE INTEREST OF:

Cause No. _____

Minor Child

Minor Child

Petitioner

vs.

Respondent

PETITION FOR CUSTODY

COMES NOW, the Petitioner, upon his/her verified complaint and petitions the Court for custody (decision-making responsibilities and parenting time) for the minor child(ren), establishment of a child support order, and any other orders necessary to effectuate the best interests of the children and states:

1. Information about Petitioner:

Check if Member of Ute Mountain Ute Tribe Check if in Military

Full Legal Name: _____ Date of Birth: _____

Current Mailing Address: _____

City: _____ State: _____ Zip Code: _____ Home Phone #: _____

Email Address: _____ Cell Phone #: _____

Petitioner has the following relationship with the minor child(ren):

child(ren)'s mother, **or** child(ren)'s father, **or** non-parent and the child(ren) is/are not in the physical custody of one of the parents, **or** non-parent, who has had physical custody of the child(ren) for six months or more, and the physical custody did not end more than six months before the filing of this action.

2. Information about Respondent: Petitioner Respondent

Check if Member of Ute Mountain Ute Tribe Check if in Military

Full Legal Name: _____ Date of Birth: _____

Current Mailing Address: _____

City: _____ State: _____ Zip Code: _____ Home Phone #: _____

Email Address: _____ Cell Phone #: _____

Respondent has the following relationship with the minor child(ren):

child(ren)'s mother, **or** child(ren)'s father

3. The minor child(ren) is/are:

| Full Name of Child | Present Address | Sex | Date of Birth |
|---------------------------|------------------------|------------|----------------------|
| | | | |
| | | | |
| | | | |
| | | | |

4. The child(ren) listed above:

- Are members of the Ute Mountain Ute Tribe or are eligible to be Ute Mountain Tribal Members; or
- Reside on the Ute Mountain Reservation and are eligible for enrollment in a federally recognized tribe.

5. I understand that a request by either party for genetic testing shall not prejudice the requesting party in the custody proceeding.

6. I know of the following proceedings regarding the children concerning issues of custody or visitation including, but not limited to proceedings for Dissolution of Marriage/Legal Separation, enforcement of Court orders, domestic violence or domestic abuse, protection/restraining orders, termination of parental rights, and adoptions. Identify name of court, case number, jurisdiction, date and type of proceeding.

| Name of Court | Case Number | Jurisdiction | Date of Proceeding | Type of Proceeding |
|----------------------|--------------------|---------------------|---------------------------|---------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

10. The following people are not parties in this matter but have physical custody of the child(ren) or claim rights of custody with the child(ren). Identify name and address of those persons.

| Name of Person | Address (City/State & Zip Code) |
|-----------------------|--|
| | |
| | |

11. The best interests of the child(ren) would be served by allocating custody to the Petitioner as follows and for the following reasons:

WHEREFORE, the Petitioner prays an order allocating custody and/or parenting time, the establishment of child support, and any other orders necessary to effectuate the best interests of the child(ren) be entered.

VERIFICATION AND ACKNOWLEDGEMENT

I/we swear under the penalty of perjury and under oath that all responses in this Petition are true and correct to the best of our knowledge and belief.

RESPECTFULLY SUBMITTED this _____ day of _____ 20 _____

Petitioner Date

Address

City, State, Zip Code

Telephone Number

Witnessed: _____
 Court Clerk or Notary Public

Subscribed and affirmed, or sworn to before me
by _____
in the County of _____,
State of _____, this _____
day of _____, 20 _____.
My Commission Expires: _____

CERTIFICATE OF SERVICE

I certify that on _____ (date) a true and accurate copy of this **PETITION FOR CUSTODY** was served on the other party by:

Hand Delivery Date: _____ Time: _____ Process Server: _____

E-filed

Faxed to this number (_____) _____ or

by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: _____

Signature