

Got Children? What are your choices if you have one or more children living with you but no court orders concerning them?

Option	When to Use It	Who Can Be Given This Authority	How long it lasts	How it ends	Some Limitations	Some Benefits	Legal Standard to Establish	Legal Standard to Change or Terminate	Statute
Guardianship Power of Attorney	When the parents or guardian temporarily leave the child with someone	Anyone over 18 years old	One Year (renew annually if desired)	A year passes or it is revoked by the parents	Cannot consent to marriage or adoption; may not always get child on your health insurance	Easily revoked if it does not work out or your change your mind for any reason	Both parents, or the sole custodian simply sign a Power of Attorney form before a Notary	None – can be revoked for any reason at any time by the parents	Uniform Probate Code – §15-14-105
Guardianship by Court order	When the parents place the child with someone for an extended or permanent period of time	Anyone over 18 years old, including a parent of the child	Permanently	Lasts until the child turns 18, the court terminates it, or guardian(s) resign	Guardian is not automatically entitled to receive child support (must pursue support under §15-14-209); parents are not automatically entitled to receive parenting time (visitation)	Guardian can resign in the event it does not work out; court can remove and replace guardian if inappropriate	Best Interests of the Child	Best Interests of the Child	Uniform Probate Code - § 15-14-204
Child Support Only Case	When you cannot afford an attorney - the local Child Support Enforcement Unit ("CSEF") handles these cases for a \$20 up front fee	Any parent	Until the child emancipates	Get a court order when the child emancipates, marries, turns 19 (unless in high school still), joins the military, or the court orders a	The CSEF will not pursue APR (Custody) and will not pursue interest due for past child support	The cost is only \$20; the CSEF has access to government computer databases and can do certain things a	Child is born to or has been adopted by the responsible party	Substantial or continuing change in circumstances (i.e., the child support amount calculated by formula in statute is computed to be 10% up or	Uniform Dissolution Of Marriage Act – §14-10-115

				change		private attorney cannot (suspend driver's license, access Dept. of Labor employment records)		down from the existing child support order)	
Allocation of Parental Responsibility ("APR") formerly called custody	When the child lives with someone permanently	Any parent or anyone else over 18 years old, including someone who is unrelated to the child (the child may need to live there for six months or more)	Permanently	Lasts until the child emancipates, marries, turns 19 (unless in high school still), joins the military, or the court orders a change (get a court order upon emancipation to end the child support)	Cannot move with child if it changes the parents' ability to exercise parenting time unless custodian gets a court order; child will not automatically inherit from custodian unless he/she is the biological parent	Primary Custodian will receive court ordered child support; very high standard to ever change decision making authority ; parents are entitled to parenting time (visitation); there is an automatic injunction prohibiting removal of child from Colorado (once Summons Served), but this expires at permanent orders without further	Best Interests of the child	Endangerment to the child's physical or emotional health	Uniform Dissolution Of Marriage Act – §14-10-123 (you do not need to be married to use this statute)

						court orders			
Paternity	When the mother wants to establish who is the father, APR (custody) and child support	A child, the natural mother, a man presumed to be father, or Dept of Social Services	Permanently	Until the child emancipates, marries, turns 19 (unless in high school still), joins the military, or the court orders a change (get a court order upon emancipation to end the child support)	Cannot move with child if it changes the parents' ability to exercise parenting time unless custodian gets a court order	Primary Custodian may receive court ordered child support; very high standard to ever change; parents are entitled to parenting time (visitation); can have joint or sole decision making, or divide up decision making	Best Interests of Child	Endangerment to the child's physical or emotional health	Children's Code - §19-4-105
Adoption	When the child lives permanently with someone or a couple who want to terminate parental rights and become legal parents to the child	21 years old; there are four ways to adopt: 1) "kinship adoption" – by a relative; 2) step-parent adoption; 3) custodial adoption; 4) adoption through an adoption agency or a Social	Permanently	Adoption never ends – the child is treated as though he/she is born to you and emancipates the same as children born to you	Parents and grandparents may never petition for parenting time (visitation rights); adoptive parents will not receive child support	This is permanent	Best Interests of the child – plus the child must be available to adopt by: 1) In a step parent, kinship, or custodial adoption: abandonment (no contact) or non-support for a year continuously; 2) in an agency or	Removal from the home by Social Services via court order removal or another adoption. Note: if your spouse adopts and you later divorce, the spouse could possibly end up with this child in the divorce case.	Children's Code-- §19-5-201

		Services D&N case					Social Services case – parental rights have to have been terminated		
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