

**APPENDIX A
TO
PETITION FOR WRIT OF CERTIORARI**

Colorado Court of Appeals Opinion

(Affirming Relocation & Decision-Making Orders)

Bellinsky v. Galán, No. 2024CA355

(Colo. App. July 17, 2025)

24CA0355 Marriage of Bellinsky 07-17-2025

COLORADO COURT OF APPEALS

Court of Appeals No. 24CA0355
Gilpin County District Court No. 15DR7
Honorable Lindsay VanGilder, Judge

In re the Marriage of,

Rachel Bellinsky, n/k/a Rachel Galan,

Appellee,

and

Rabbi Jacob Bellinsky,

Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE TOW
Yun and Sullivan, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)
Announced July 17, 2025

No Appearance for Appellee

Rabbi Jacob Bellinsky, Pro Se

APPENDIX A

¶ 1 In this post-decree proceeding, involving Rachel Bellinsky, n/k/a Rachel Galan (mother), and Rabbi Jacob Bellinsky (father), father appeals the district court's order adopting the magistrate's decision granting mother's motion to relocate with the minor children and her motion to modify decision-making. We affirm.

I. Background

¶ 2 The parties' marriage ended in 2016. Their separation agreement, which included a parenting plan, was incorporated into that decree, and provided for shared parental responsibilities for the parties' six unemancipated children.¹

¶ 3 In 2021, after an evidentiary hearing, the district court imposed supervised parenting time requirements for father. A division of this court concluded that the district court did not make sufficient findings under section 14-10-129(1)(b)(I), C.R.S. 2024, to justify the restrictions; the division thus reversed the parenting time orders and remanded the case for reconsideration of father's parenting time. *In re Marriage of Bellinsky*, (Colo. App. No. 21CA0634, Aug. 4, 2022) (not published pursuant to C.A.R. 35(e)).

¹ Two of the parties' eight children had turned eighteen before permanent orders.

On remand, after a hearing at which father did not appear, the district court made findings for each of the four remaining minor children² affirming that their physical or emotional health would be impaired absent a restriction on father's parenting time and granted father supervised parenting time up to two times per month.

Father did not appeal this ruling.

¶ 4 Several months later, mother filed a motion to relocate the four minor children to Florida and a motion to modify decision-making to grant mother sole decision-making responsibility over the minor children. Mother filed a proposed amended parenting plan in conjunction with the motions.

¶ 5 Approximately a month and a half later, in response, father filed a notice of removal of the state court action to the United States District Court for the District of Colorado. Two days after father filed the notice, the magistrate presiding over this case issued a post-decree case management order (CMO) to set a hearing on the motions. The CMO acknowledged the notice of removal but

² The parties' third and fourth oldest children emancipated between the initial order restricting parenting time and the post-remand order.

noted that “the court recognizes no authority referenced . . . that removes this Court’s jurisdiction and, thus, this Court maintained initial and continuing jurisdiction.” Later that year, the court stayed the proceedings as it waited for a final order from the federal court on father’s removal request. After the federal court remanded the issue to the state court, a district court magistrate conducted an evidentiary hearing on mother’s motions, at which father again did not participate.³ Due to father’s nonparticipation, the court noted that it was “proceed[ing] in default.”

¶ 6 Following the hearing, the magistrate made oral findings regarding the best interests of the children, the applicable relocation factors, and the interests of the parents. In a written order, the magistrate granted mother’s motions and adopted her proposed parenting plan with an amendment that the plan would only apply to the three remaining minor children.⁴ Father filed a

³ The record reflects that someone appeared at the virtual hearing using a telephone number that mother said “look[ed] like [father’s] number.” However, when the court asked that individual to identify themselves, no one responded.

⁴ The parties’ fifth child turned eighteen during the proceedings in the district court. We further note that their sixth child turned eighteen while this appeal was pending.

petition for review with the district court, which adopted and affirmed the magistrate's order granting mother's motions. Simultaneously, father filed an appeal with this court, and his appeal was allowed to proceed after the district court resolved his petition for review.

II. The Scope of This Appeal

¶ 7 At the outset, we note what is — and what is not — properly before us. Father appeals a multitude of issues including his belief that (1) all post-decree orders in this proceeding from August 2019 to the present are void due to fraud upon the court;⁵ (2) the state court acted without jurisdiction when it issued the CMO after father filed for removal of the action to federal court; (3) the motions hearing was jurisdictionally flawed and created jurisdictional and due process violations against father; (4) the magistrate's

⁵ Notably, the crux of father's argument highlighting this alleged "fraud upon the court," relies on a single motion to modify parenting time filed by mother in 2019, which father contends misrepresented the scope of her requested modification. This, by itself, does not constitute fraud upon the court. *In re Marriage of Gance*, 36 P.3d 114, 118 (Colo. App. 2001) ("*Fraud on the court* must involve more than injury to a single litigant; it is limited to fraud that 'seriously' affects the integrity of the normal process of adjudication.") (citation omitted).

involvement in the case after father named him as a defendant in a federal lawsuit created structural error;⁶ and (5) the trial court's failure to address the jurisdictional challenges rendered the proceedings fundamentally unfair.

¶ 8 The only order on appeal is the district court's order adopting the magistrate's order granting mother's motions. Furthermore, because the question of whether the state court acted without jurisdiction when issuing the CMO directly impacts the order on appeal, we will address it accordingly. Finally, father's claims regarding the jurisdictional defects of the motions hearing are properly before us and we will address them in turn. Any earlier

⁶ Father named the magistrate as a defendant in a federal lawsuit after the judicial officer chose to "proceed in this known void case without 'competent jurisdiction and authority,'" and argues that this action required the magistrate to recuse himself from the proceedings. However, father offers no evidence to support his claim that the magistrate's impartiality was in question. And "a motion which merely alleges opinions or conclusions, unsubstantiated by facts supporting a reasonable inference of actual or apparent bias or prejudice, is not legally sufficient to require disqualification." *Prefer v. PharmNetRx, LLC*, 18 P.3d 844, 850 (Colo. App. 2000).

unappealed orders father seeks to challenge are not properly before us.⁷

A. The CMO

¶ 9 Father argues the magistrate acted without jurisdiction when he issued the CMO after father filed a notice of removal of the action to federal court. We disagree.

1. Standard of Review

¶ 10 Civil actions may be removed to federal district court if the action involves a federal question. See 28 U.S.C. § 1331. A federal question is presented when a civil action arises under the Constitution, laws, or treaties of the United States. *Id.* “An action ‘arises under’ federal law when the vindication of a right under state law necessarily turns on the construction of a federal law.” *Telluride Co. v. Varley*, 934 P.2d 888, 889 (Colo. App. 1997).

⁷ Father filed a “Notice of Continuing Objection” to this court’s panel assignment alleging Judge Tow and Judge Sullivan “had prior involvement in related appellate proceedings that demonstrated bias against [father].” Because father has stated no legal basis for the disqualification of these judicial officers, his objection is overruled. See *Bocian v. Owners Ins. Co.*, 2020 COA 98, ¶ 23 (“[I]t is well established that adverse legal rulings, standing alone, do not constitute grounds for claiming prejudice or bias.”).

¶ 11 “[A] Colorado court is not deprived of jurisdiction where a party’s notice of removal to a federal court indicates, on its face and as a matter of law, that the party’s attempt to remove the case was without the slightest color of right or merit.” *McDonald v. Zions First Nat’l Bank, N.A.*, 2015 COA 29, ¶ 26. Traditionally, the state has an interest in, and exercises jurisdiction over, domestic relations cases. *See Viernes v. Dist. Ct.*, 509 P.2d 306, 308 (Colo. 1973).

2. Analysis

¶ 12 Father contends that “upon filing a notice of removal, 28 U.S.C. § 1446(d) automatically divests the state court of all jurisdiction and authority to proceed.” Father misconstrues the nuances of removal proceedings. As noted, removal is proper when a federal question is presented. *See* § 1331. But filing a notice of removal without meeting that requirement does not automatically divest the state court of jurisdiction. *See* § 1446.

¶ 13 In his notice of removal, father argued that the action presented a federal question based on the state court’s failure “to refute [f]ather’s claims of numerous frauds upon and by the court, numerous deprivations and violations of rights, and numerous state

and federal crimes.” None of father’s claims explains how these alleged fraudulent actions and purported deprivations of rights arise under federal law. Instead, father simply cites the general requirements for removal proceedings and the federal question requirement without addressing how they are applicable in this case.

¶ 14 Moreover, father’s attempt to remove the matter was not timely. Removal must occur, if at all, within thirty days of receipt of the complaint. § 1446(b). Father filed his notice of removal on July 17, 2023. Even if we consider the relevant date to be the date mother filed her motions — as opposed to the date the initial petition was filed more than eight years earlier — father did not attempt to remove the case until forty-six days after mother filed the motions at issue. The state court did not lose jurisdiction because father’s attempt to remove the case was facially meritless, *see McDonald*, ¶ 26, and the magistrate was entitled to issue the CMO.⁸

⁸ In any event, father does not explain why the court’s purely procedural order somehow taints the substantive order that was not entered until the federal court had already rejected father’s efforts to remove the case.

B. The Evidentiary Hearing

¶ 15 Father claims the motions hearing was jurisdictionally flawed and violated father's due process rights. We note initially that the bulk of father's contentions appear to address the court's subject matter jurisdiction. But his challenge to the court's having proceeded "in default" at the evidentiary hearing on mother's motions might be an attack on personal jurisdiction. Liberally construing his pro se pleading as such, we address both types of jurisdiction.

1. Standard of Review and Applicable Law

¶ 16 If the facts on which jurisdiction is based are not disputed, we review de novo whether the trial court had jurisdiction. *Tulips Invs., LLC v. State ex rel. Suthers*, 2015 CO 1, ¶ 11. If those underlying facts are disputed, we review the court's resolution of the factual disputes for clear error. *Id.* Under a clear error review, we will disturb the court's findings only if there is no record support for them. *Levine v. Katz*, 192 P.3d 1008, 1012 (Colo. App. 2006).

2. Analysis

a. Personal Jurisdiction

¶ 17 Personal jurisdiction means the court's legal authority over a party's person. *Gilford v. People*, 2 P.3d 120, 126 (Colo. 2000).

When a party enters a general appearance and seeks relief from the court in a form that acknowledges the court's authority, that party has consented to personal jurisdiction. *In re Marriage of Haddad*, 93 P.3d 617, 650 (Colo. App. 2004). Thus, when father filed the petition for dissolution as a co-petitioner in 2015, the court acquired personal jurisdiction over him.

¶ 18 To the extent father contends that personal jurisdiction had to be separately acquired for the post-decree motion, he cites no authority for such a proposition. Nor are we aware of any. To the contrary, personal jurisdiction remains throughout a domestic relations case; it is not reassessed for each post-decree motion. See *Brown v. Brown*, 516 P.2d 1129, 1131 (Colo. 1973) ("Once having obtained jurisdiction over [the father in a dissolution of marriage action], the district court's power over his person continues until all matters arising out of that litigation are resolved."). Consequently,

the court had personal jurisdiction over father when it conducted the evidentiary hearing on mother's motions.

b. Subject Matter Jurisdiction

¶ 19 “A court has subject matter jurisdiction where it has been empowered to entertain the type of case before it by the sovereign from which the court derives its authority.” *In re Marriage of Roth*, 2017 COA 45, ¶ 14 (quoting *Wood v. People*, 255 P.3d 1136, 1140 (Colo. 2011)). Unlike personal jurisdiction, a party is entitled to challenge a district court's subject matter jurisdiction at any time, including for the first time on appeal. *Gestner v. Gestner*, 2024 COA 55, ¶ 20 n.4.

¶ 20 Father raises several challenges to the court's jurisdiction to conduct the motions hearing. He argues that (1) mother committed a fraud on the court vitiating jurisdiction; (2) the removal of the proceeding to federal court eliminated the district court's jurisdiction; (3) he did not consent to the magistrate presiding over the proceedings; and (4) the court did not address father's jurisdictional challenges. Each contention is without merit.

¶ 21 Father contests the court's jurisdiction over the subject matter of the proceeding based on an alleged “fraud upon the court”

committed by mother and several other nonparties. But, as noted, fraud upon the court “is limited to fraud that ‘seriously’ affects the integrity of the normal process of adjudication.” *In re Marriage of Gance*, 36 P.3d 114, 118 (Colo. App. 2001) (citation omitted).

Father has failed to prove that any such fraud occurred. Instead, father’s allegations largely rely on his continued, conclusory, and unsubstantiated assertion that the judicial system as a whole is biased against him. In short, the district court had, and continues to have, jurisdiction over the parties and their post-decree disputes involving their children.

¶ 22 We have already addressed the effect of father’s unsuccessful attempt to remove the matter to federal court. *Supra*, Part II.A.2. For the same reason this maneuver had no effect on the court’s authority to enter the CMO, it did not divest the court of jurisdiction to resolve mother’s motions — particularly in light of the fact that the federal court had already rejected the removal attempt at the time of the hearing.

¶ 23 Next, father’s consent to the magistrate presiding over the proceedings was unnecessary. Magistrates have the authority to preside over post-decree motions to modify parental responsibilities

without the consent of the parties. C.R.M. 6(b)(1)(B). Moreover, as the district court noted when reviewing the magistrate's order, "[i]f Father had appeared and objected, the court then could have appropriately dealt with that objection."

¶ 24 And finally, contrary to father's argument, the court did not merely *acknowledge* father's jurisdictional challenges during the motions hearing but, rather, *resolved* them when it found that father's notice "contained no legal authority" and that the court "could not find authority for why [it] has no jurisdiction over this case . . . especially after the attempted removal to Federal Court was brought back to the State of Colorado." The court addressed this issue again after a brief recess when it ultimately found that it did "have personal and subject matter jurisdiction with respect to the parties and contents here today."

¶ 25 In sum, we cannot find any legal authority supporting father's allegations that the district court lacked jurisdiction to conduct the motions hearing.

C. Merits of the Motions

¶ 26 Turning to the merits of the court's ruling, we note that father does not appear to argue that the magistrate applied an incorrect

legal standard or that his ultimate analysis granting mother's motions was legally flawed. Nevertheless, because the scope of his argument is not entirely clear, we will briefly address those issues here in an effort to address all of father's challenges.

1. Standard of Review

¶ 27 “Our review of a district court's order adopting a magistrate's decision is effectively a second layer of appellate review.” *In re Marriage of Thorburn*, 2022 COA 80, ¶ 25. Like the district court, we will accept the magistrate's factual findings unless they are clearly erroneous, meaning they have no support in the record. *In re Marriage of Young*, 2021 COA 96, ¶ 8. But we review de novo questions of law, including whether the magistrate properly applied the correct legal standard. *In re Marriage of Sheehan*, 2022 COA 29, ¶ 22.

¶ 28 In addressing a relocation request, the court must consider the best interests factors in section 14-10-124(1.5)(a), C.R.S. 2024, the relocation factors in section 14-10-129(2)(c), and the parents' interests relative to the requested relocation. *See In re Marriage of Ciesluk*, 113 P.3d 135, 142 (Colo. 2005) (holding the court must balance the right to travel, the right to parent, and the best

interests of the child in a relocation request). Both parents equally share the burden of demonstrating how a child's best interests will be served by relocation. *Id.* at 147. And "a court may not presume either that a child is better off or disadvantaged by relocating with the majority time parent." *Id.*

¶ 29 As relevant here, a district court may modify the allocation of decision-making responsibility if there has been a modification in parenting time pursuant to section 14-10-129 that warrants reallocating decision-making responsibilities. § 14-10-131(2)(b.5), C.R.S. 2024; *see also In re Marriage of Graham*, 121 P.3d 279, 281 (Colo. App. 2005), *overruled on other grounds by Ciesluk*, 113 P.3d at 146. The court must find, on the basis of facts that have arisen since the prior order or that were unknown to the court at the time of the prior order, that (1) a change has occurred in the circumstances of the child or the party to whom decision-making responsibility was allocated, and (2) the modification is necessary to serve the child's best interests. § 14-10-131(2).

2. Analysis

¶ 30 When approving mother's request to relocate with the minor children, the court made specific findings on each of the relocation

factors in section 14-10-129(2)(c) and then made additional findings under the best interests factors in section 14-10-124(1.5)(a). The court also made findings balancing the interests of the parents and children. *See Ciesluk*, 113 P.3d at 142. After weighing the various factors, the court found “there [was] a preponderance of evidence that supports the relocation of [mother and the minor children].”

¶ 31 As for mother’s request to modify decision-making, the court incorporated its previous findings for the best interests of the children. The court also made specific findings under section 14-10-131(2)(b.5), noting that the restriction imposed on father’s parenting time warranted a modification of the allocation of decision-making responsibilities.

¶ 32 The magistrate applied the correct legal standard, and we discern no clear error in its factual findings.

III. Disposition

¶ 33 The order is affirmed.

JUDGE YUN and JUDGE SULLIVAN concur.

**APPENDIX B
TO
PETITION FOR WRIT OF CERTIORARI**

Colorado Court of Appeals Order Denying Petition for Rehearing

No. 2024CA355 (Aug. 14, 2025)

| | |
|---|---|
| Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203 | DATE FILED August 14, 2025 |
| Gilpin County 2015DR7 | |
| In re the Marriage of | |
| Appellee: | Court of Appeals Case Number: 2024CA355 |
| Rachel Bellinsky n/k/a Rachel Galan, and Appellant: Rabbi Jacob Bellinsky. | |
| ORDER DENYING PETITION FOR REHEARING | |

The PETITION FOR REHEARING filed in this appeal by:

Rabbi Jacob Bellinsky, Appellant,

is **DENIED**.

Issuance of the Mandate is stayed until: September 12, 2025

If a Petition for Certiorari is timely filed with the Supreme Court of Colorado, the stay shall remain in effect until disposition of the cause by that Court.

DATE: August 14, 2025

BY THE COURT

Tow, J.

Yun, J.

Sullivan, J.

APPENDIX B

APPENDIX C
TO
PETITION FOR WRIT OF CERTIORARI

Colorado Supreme Court Order Denying Petition for Writ of Certiorari

In re Marriage of Bellinsky, No. 2025SC549 (Nov. 17, 2025)

| | |
|---|-------------------------------------|
| Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203 | DATE FILED November 17, 2025 |
| Certiorari to the Court of Appeals, 2024CA355 District Court, Gilpin County, 2015DR7 | |
| In re the Marriage of | Supreme Court Case No: 2025SC549 |
| Petitioner: Rabbi Jacob Bellinsky, | |
| and | |
| Respondent: Rachel Bellinsky n/k/a Rachel Galan. | |
| ORDER OF COURT | |

Upon consideration of the Petition for Writ of Certiorari to the Colorado Court of Appeals and after review of the record, briefs, and the judgement of said Court of Appeals,

IT IS ORDERED that said Petition for Writ of Certiorari shall be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, NOVEMBER 17, 2025.
JUSTICE BOATRIGHT and JUSTICE HART do not participate.

APPENDIX C

**APPENDIX D
TO
PETITION FOR WRIT OF CERTIORARI**

District Court Order Adopting Magistrate's Relocation & Decision-Making Orders

District Court, Gilpin County, Case No. 2015DR7 (Mar. 27, 2024)

| | |
|---|---|
| District Court, Gilpin County, Colorado 2960 Dory Hill Rd. #200 Black Hawk, CO 80422 | DATE FILED: March 27, 2024 |
| In re the Marriage of: Rachel GALAN (f/k/a Rachel BELLINSKY) , Petitioner, and JACOB BELLINSKY , Respondent. | <hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: 15DR7 Division G |
| ORDER: RESPONDENT'S PETITION FOR MAGISTRATE REVIEW PURSUANT TO C.R.M. 7(a) & DEMAND FOR DUE RELIEF | |

The Matter comes before the Court on Respondent Father Jacob Bellinsky's Petition for Magistrate Review Pursuant to C.R.M. 7(a) and Demand for Due Relief ("Petition for Review"). The Petition for Review was filed on March 1, 2024, along with a supporting brief. The Court served notice of the Motion and Brief upon Petitioner Mother via Court Order issued on March 5, 2024. Petitioner Mother filed a Response on March 26, 2024, which is timely filed pursuant to the Court's Order. No Reply is authorized by statute or rule. After reviewing the Petition for Review, the supporting brief, the February 9, 2024, Minute Order in question, the Response, the case file, and applicable law, the Court hereby **ADOPTS and AFFIRMS** the Magistrate's Order.

I. BACKGROUND & FACTS

The parties in this case were divorced by Decree entered on February 9, 2016. Since that time, the case has been subject to extensive post-decree litigation. Mother filed an Amended Motion to Relocate, Amended Motion to Change Decision Making, and Proposed Amended Parenting Plan on June 1, 2023. Father filed a Response and Objection on June 21, 2023. The hearing was continued multiple times, but ultimately re-set for February 9, 2024. Notice of that hearing was sent to Father on January 29, 2024, and a copy of the notice was filed with this Court the same day. Parties were authorized to appear in person or virtually for the hearing.

At the hearing on February 9, 2024, Father did not appear. The minute order reflects that "RESP JACOB BELLINSKY DOES NOT APPEAR. COURT INQUIRIES OF NUMEROUS INDIVIDUALS ON WEBEX WITH NO RESPONSE. COURT PROCEEDS IN DEFAULT." The magistrate then proceeded to take evidence and testimony, recessed, and returned to enter findings and orders. The magistrate's final written order indicates "THE COURT GRANTS PETR'S MOTION TO RELOCATE AND MOTION TO MODIFY DECISION-MAKING AND MAKES DETAILED FINDINGS ON RECORD. COURT ADOPTS PARENTING PLAN FILED ON 05/31/2023 WITH AMENDMENTS: COURT APPLIES PARENTING PLAN TO ALL MINOR CHILDREN BUT NOT S [REDACTED] B [REDACTED] AS INDICATED IN PLAN.

APPENDIX D

COURT GRANTS MOTION TO MODIFY DECISION-MAKING AND ORDERS SOLE
DECISION-MAKING TO PETR AS TO ALL MATTERS REGARDING MINOR
CHILDREN.”

The magistrate’s order also reflects that “This order or judgment was issued in a proceeding where consent was unnecessary. Any appeal must be taken within 21 days pursuant to C.R.M. Rule 7(a).”

Father then filed this Petition for Review under C.R.M. 7, claiming the magistrate erred. Father specifically claims that the magistrate presided without authority or jurisdiction, that he lacked authority to terminate parental rights, that various alleged frauds nullify the orders, that all involved are being sued or have conflicts, and all post decree actions are void. Father also requests an injunction on the relocation during the pendency of this Motion. That request for an injunction is DENIED, as the Court is able to issue this Order almost immediately upon the Motion being ripe.

The Court first notes that this Court agrees that consent was unnecessary pursuant to C.R.M. 3(f)(1)(A)(iii), as Father failed to appear at the proceeding after having been provided notice of that proceeding. C.R.M. 3(f)(1)(A)(iii) states that “a party is deemed to have consented to a proceeding before a magistrate if [t]he party failed to appear at the proceeding after having been provided notice of that proceeding.” Thus, because Father failed to appear, he is deemed to have consented to the magistrate’s jurisdiction. That remains true despite Father’s previous objections to magistrate jurisdiction under the plain language of the rule. If Father had appeared and objected, the court then could have appropriately dealt with that objection. Thus, this Court finds that this Petition for Review is appropriately handled under C.R.M. 7(a).

II. STANDARD OF REVIEW

A district court may review a magistrate’s final order or judgment for clear error pursuant to Colorado Rules for Magistrates (“C.R.M.”) 7(a). Pursuant to C.R.M. 7, findings of fact by a magistrate may not be altered unless clearly erroneous. C.R.M. 7(a)(9). A finding is clearly erroneous when “although there [may be] evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.” *Quintana v. City of Westminster*, 56 P.3d 1193, 1196 (Colo. App. 2002) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)). However, a reviewing court reviews “de novo questions of law concerning the application and construction of statutes.” See *Freedom Colo. Info. Inc., v. El Paso Cnty. Sheriff’s Dep’t*, 196 P.3d 892, 897 (Colo. 2008); see also *In re Marriage of Cardona and Castro*, 316 P.3d 626, 629 (Colo. 2014) (noting that purely legal issues are reviewed de novo).

The party filing a petition for review must state with particularity the alleged errors in the magistrate’s order. C.R.M. 7(a)(7). It is the obligation of the party asserting error in a judgment to present a record that discloses that error, for a judgment is presumed to be correct until the contrary affirmatively appears. *Schuster v. Zwicker*, 659 P.2d 687, 690 (Colo. 1983). The district court bases its review on the parties’ submissions, together with any additional review of the record that the court may deem necessary and will not give its opinion on moot questions or abstract propositions. *Salter v. Bd. of County Comm’rs*, 292 P.2d 345, 346 (Colo. 1956); C.R.M. 7(a)(8).

Although Father did not submit transcripts of the proceedings, the Court has listened to the audio of the magistrate's findings and orders, as recorded by the FTR in Courtroom 140 on February 9, 2024, beginning at 4:11 p.m.

III. ANALYSIS

A. Magistrate's Findings and Conclusions

After reviewing and listening to the magistrate's oral findings and orders, this Court finds that he entered specific findings related to the testimony of the witnesses and several exhibits. The magistrate also entered specific findings outlining the legal standard for relocation under *In re Marriage of Ciesluk*, 113 P.3d 135 (Colo. 2005) and the statutory factors for relocation under C.R.S. § 14-10-129(2)(c). The magistrate also made findings and conducted an analysis of the individual best interests factors outlined in C.R.S. § 14-10-124(1.5)(a), the individual relocation factors in C.R.S. § 14-10-129(2)(c), and the decision-making factors outlined in C.R.S. § 14-10-131(2). The magistrate made extensive factual and credibility findings, and the magistrate found that the best interests of the three remaining minor children would be served by the proposed relocation to Florida and Mother had carried her burden to so prove. The magistrate specifically made findings that Father had not exercised parenting time since restrictions were put in place in November 2020, despite the authorization that he have supervised or therapeutic parenting time.

Contrary to Father's assertion, the magistrate did not terminate any parental rights. His parental rights remain subject to supervision restrictions that were initially entered in November 2020 to protect the safety and best interests of the minor children.

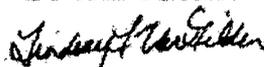
Pursuant to C.R.M. 7, findings of fact by a magistrate may not be altered unless clearly erroneous. C.R.M. 7(a)(9). This Court can find no apparent error in the magistrate's findings of fact. This Court reviews "de novo questions of law concerning the application and construction of statutes." *See Freedom*, 196 P.3d at 897; *see also IRM of Cardona*, 316 P.3d at 629. This Court finds that the magistrate applied the correct statutes and case law and applied the law correctly.

IV. CONCLUSION

The magistrate's February 9, 2024's Minute Order granting Mother's Motion to Relocate and Motion to Amend Decision Making is ADOPTED and AFFIRMED. This Order shall constitute a final appealable Order if the Defendant wishes to notify the Colorado Court of Appeals in 24CA355.

So Ordered in Golden, Colorado on March 27, 2024.

BY THE COURT:



Lindsay L. VanGilder
District Court Judge

APPENDIX E
TO
PETITION FOR WRIT OF CERTIORARI

Magistrate's Relocation and Decision-Making Order

District Court, Gilpin County, Case No. 2015DR7 (Feb. 9, 2024)

| | | |
|---|--|---|
| DISTRICT COURT, GILPIN COUNTY, COLORADO | | DATE FILED: February 9, 2024 |
| Court Address: 2960 DORY HILL ROAD, SUITE 200, BLACK HAWK, CO. 80422 | | |
| Petitioner(s) RACHEL BELLINSKY and Respondent(s) JACOB BELLINSKY | | <p style="text-align: center;">△ COURT USE ONLY △</p> |
| | | |
| | | Case Number: 2015DR7 Division: G Courtroom: |
| MINUTE ORDER 02/09/2024-HEARING ON MOTIONS TO RELOCATE AND MODIFY DM | | |

BDA/DJJ HEARING ON MOTIONS TO RELOCATE AND MODIFY DM/CTRM 140/2:01 PM

PRESENT: PETR RACHEL GALAN F/K/A BELLINSKY APPEARS PRO SE

CASE CALLED IN DIV L/140 IN JEFFERSON COUNTY AT 1:45 PM.

COURT GIVES ADVISEMENT RE CHIEF JUDGE ORDER REGARDING NO RECORDING OF TODAY'S PROCEEDINGS.

RESP JACOB BELLINSKY DOES NOT APPEAR. COURT INQUIRIES OF NUMEROUS INDIVIDUALS ON WEBEX WITH NO RESPONSE. COURT PROCEEDS IN DEFAULT.

WITNESSES: PETR RACHEL GALAN F/K/A BELLINSKY, STEVEN LAZAR, ASHLEY BADGER

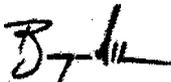
ADMITTED EXHIBITS: 1-5, 6 (LIMITED PURPOSE), 9, 13-15

COURT RECESSES AND RECALLS MATTER AT 4:11 PM.

THE COURT GRANTS PETR'S MOTION TO RELOCATE AND MOTION TO MODIFY DECISION-MAKING AND MAKES DETAILED FINDINGS ON RECORD. COURT ADOPTS PARENTING PLAN FILED ON 05/31/2023 WITH AMENDMENTS: COURT APPLIES PARENTING PLAN TO ALL MINOR CHILDREN BUT NOT S [REDACTED] B [REDACTED] AS INDICATED IN PLAN. COURT GRANTS MOTION TO MODIFY DECISION-MAKING AND ORDERS SOLE DECISION-MAKING TO PETR AS TO ALL MATTERS REGARDING MINOR CHILDREN.

This order or judgment was issued in a proceeding where consent was unnecessary. Any appeal must be taken within 21 days pursuant to C.R.M. Rule 7(a).

Issue Date: 2/9/2024



BRYCE DAVID ALLEN
Magistrate

APPENDIX E

| | |
|--|---|
| District Court, Gilpin County, Colorado 2960 Dory Hill Road Black Hawk, CO 80422 Ph.: 303.582.5522 | DATE FILED: February 9, 2024 |
| In re the Marriage of: Petitioner: RACHEL ZINNA GALAN, (f/k/a RACHEL BELLINSKY) and Respondent: JACOB BELLINSKY | <p style="text-align: center;">COURT USE ONLY</p> <hr/> Case Number: 15 DR 7 Division Courtroom: G |
| ORDER RE: MOTION TO RELOCATE MINOR CHILDREN | |

This matter comes before the Court on a Motion of the Petitioner Co-Petitioner/Respondent or Stipulation of the Parties to allow the permanent residence of the minor child(ren) to be changed to a residence that substantially changes the geographical ties between the child(ren) and the other party and to modify the Parenting Plan and Child Support, if applicable.

I. Following review of the Motion/Stipulation, other supporting documents, and Response, if applicable, or hearing on February 9, 2024 (date), the Court finds the following:

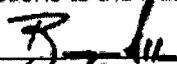
- The relocation of the Petitioner Co-Petitioner/Respondent and modification of the Parenting Plan is or is not in the best interests of the child(ren). The Petitioner Co-Petitioner/Respondent shall pay for all reasonable attorney fees, costs and expenses associated with this action.
- or
- The parties stipulation is in the best interests of the child(ren).

II. The Court Orders that the Parenting Plan be modified and Orders the following.

- A new Parenting Plan is attached and becomes an Order of this Court. or
- The Parenting Plan is modified as follows: _____

A new Child Support Order is attached based on modifications to the Parenting Plan.

Date: February 9, 2024


 Judge Magistrate

CERTIFICATE OF MAILING

I certify that on _____ (date), I mailed, faxed, e-filed, or hand-delivered a copy of this Order to the following:

- Petitioner
- Petitioner's Attorney
- Co-Petitioner/Respondent
- Co-Petitioner/Respondent's Attorney
- Child Support Enforcement Unit

Clerk

JDF 1425 R7/13 ORDER RE: MOTION TO RELOCATE MINOR CHILDREN © 2013 Colorado Judicial Department for use in the Courts of Colorado

| | |
|---|--|
| DISTRICT COURT, GILPIN COUNTY, COLORADO | |
| Court Address: 2960 DORY HILL ROAD, SUITE 200, BLACK HAWK, CO, 80422 | DATE FILED: February 9, 2024 |
| Petitioner(s) RACHEL BELLINSKY and Respondent(s) JACOB BELLINSKY | △ COURT USE ONLY △ Case Number: 2015DR7 Division: G Courtroom: |
| Order ADOPTING Amended Parenting Plan WITH AMENDMENTS | |

The motion/proposed order attached hereto: SO ORDERED.

Pursuant to the Court's grant of Petitioner's Amended Motion to Relocate, the Court ADOPTS WITH AMENDMENTS and ORDERS the attached Parenting Plan.

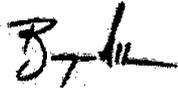
The Court AMENDS as follows:

The attached Parenting Plan shall not apply to listed child Sara Bellinsky, who has now emancipated.

All other terms and provisions of the attached Parenting Plan apply.

 This order or judgment was issued in a proceeding where consent was unnecessary. Any appeal must be taken within 21 days pursuant to C.R.M. Rule 7(a).

Issue Date: 2/9/2024.



BRYCE DAVID ALLEN
 Magistrate

| | | |
|---|---|--------------------|
| Amended: Parenting Plan | | JDF 1113 |
| DISTRICT COURT, GILPIN COUNTY, COLORADO Court Address: 2960 Dory Hill Road Black Hawk, CO 80422 | | ▲ COURT USE ONLY ▲ |
| In re the Marriage of: Petitioner: RACHEL ZINNA GALAN (f/a Rachel Bellinsky) and Respondent: JACOB BELLINSKY | | |
| Filed by: RACHEL ZINNA GALAN [Redacted] Elizabeth, CO 80107 Ph.: [Redacted] [Redacted]@gmail.com | Case Number: 15 DR 7 Division: _____ Courtroom: G | |

*All parents (and parties) must file a Parenting Plan for the court to review.
 If you have special situations not listed on this form, you may add them in Other Terms on page 8.
 Attach more pages if needed. You must sign each extra page.*

1. Mark the box below that applies (one only):

- We agree on everything in this Parenting Plan. We have both signed this form.
- We agree on some areas of this Parenting Plan. We have both signed this form. Sections are left blank in areas of no agreement.
- Note: The court may order mediation for areas with no agreement.*
- We cannot agree on a Parenting Plan. Each of us is filing our own separate Parenting Plan.
- Note: The court may order mediation.*

Mother requests no mediation be ordered because of the Protection Order in place, because of Father's high-conflict history, mediation has never been successful in the past and Father has refused to participate in the Court process, declaring the courts have no jurisdiction over him and has not attended the last 4 Court Hearings.

2. Parties' relationship to the child(ren):

Petitioner is the: Mother Father Other _____

Co-Petitioner/Respondent is the: Mother Father Other _____

Other (explain): _____

3. List child(ren) of this relationship 19 and under:

| Full name of child | Current Address | Sex | Date of Birth |
|--------------------|---------------------|-----|---------------|
| S ■ R ■ B ■ | Elizabeth, CO 80107 | F | 2005 |
| Z ■ F ■ B ■ | Elizabeth, CO 80107 | F | 2007 |
| M ■ M ■ B ■ | Elizabeth, CO 80107 | M | 2009 |
| M ■ R ■ B ■ | Elizabeth, CO 80107 | F | 2011 |

4. Parenting Decisions

| Who is responsible for the following? | Both | Petitioner | Co-Petitioner/ Respondent | Other* |
|---|--------------------------|-------------------------------------|------------------------------|--------------------------|
| School, education | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Medical, dental, mental health | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Religious activities (if any) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Extracurricular and recreational activities | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Passport: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (list): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (list): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| For school attendance, child(ren)'s residence is with: (check one) | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

*Other party's name: _____

Rules about Making Decisions When the Children Are with You

- You can make day-to-day decisions about activities, minor health care, curfew, chores, allowance, clothing, etc. on your own.
- You can authorize emergency care on your own. If possible, you must try to contact the other parent first.
- You must give the other parent contact information for all the child(ren)'s health care providers.
- You must update the other parent in advance about any changes to your address or phone number.

Unless a court order says otherwise, you can access the child(ren)'s school and health care records. (§14-10-123.8, C.R.S.)

5. School Year Schedule

Weekday and weekend schedule during the School Year:

a. The child(ren) will be in the care of the Petitioner. List the days of the week and times.
Sunday, Monday, Tuesday, Wednesday, Thursday, Friday: 24/7

b. The child(ren) will be in the care of the Co-Petitioner/Respondent. List the days of the week and times.
None

c. The child(ren) will be in the care of _____ (name of Other Party).

Note: This party must be named in the case as the Intervenor to be included in this Parenting Plan. Do not list babysitters and day care providers as the Other Party.

List the days of the week and times.

d. The transportation and drop-off/pick-up arrangements will be as follows:

6. Summer Schedule (check one)

The above school year schedule will apply during the summer.

Or

The following schedule will be used during the summer:

a. The child(ren) will be in the care of the Petitioner. List the days of the weeks and times.

b. The child(ren) will be in the care of the Co-Petitioner/Respondent. List the days of the weeks and times.

c. The child(ren) will be in the care of _____ (name of Other Party).

Note: This party must be named in the case as an Intervenor to be included in this Parenting Plan. Do not list babysitters and day care providers as the Other Party.

List the days of the week and times.

d. The transportation and drop-off/pick-up arrangements will be as follows:

7. Holidays and Special Occasions

The following schedule will take priority over the schedules in Sections 5 and 6.

Please check all that apply, identify any unique situations under "Other". If a box is not checked, the regular parenting time schedule will apply to that holiday event.

* Indicate Odd or Even or All years in the chart below.

** Circle specific days for long weekends (M)onday, (T)uesday, (W)ednesday, (Th)ursday, (F)riday, (S)aturday, (S)unday.

| Event (days) | Petitioner | Co-Petitioner/Respondent | Other | **Circle days |
|--|--|--|---|---------------|
| <input checked="" type="checkbox"/> Spring Break | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | |
| <input checked="" type="checkbox"/> Easter | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input checked="" type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | |
| <input checked="" type="checkbox"/> Mother's Day/Weekend | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | MTWTFSS |
| <input checked="" type="checkbox"/> Memorial Day/Weekend | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | MTWTFSS |
| <input checked="" type="checkbox"/> Father's Day/Weekend | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | MTWTFSS |
| <input checked="" type="checkbox"/> July 4 th | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | |
| <input checked="" type="checkbox"/> Labor Day/Weekend | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | MTWTFSS |
| <input checked="" type="checkbox"/> Halloween | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | |
| <input checked="" type="checkbox"/> Thanksgiving Day/Break | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | MTWTFSS |
| <input checked="" type="checkbox"/> Christmas Eve | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | |
| <input checked="" type="checkbox"/> Christmas Day | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | |
| <input checked="" type="checkbox"/> Week 1 of Winter Break | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | |
| <input checked="" type="checkbox"/> Week 2 of Winter Break | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | |
| <input checked="" type="checkbox"/> Children's Birthdays | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | |
| <input checked="" type="checkbox"/> Jewish Holidays | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | | | |
| <input checked="" type="checkbox"/> Other | | | | |
| <input type="checkbox"/> Other | | | | |

Mother is currently allocated all parenting time. Father's parenting time and contact (including telephone and/or video calls) with all the minor children is currently restricted, pursuant to C.R.S. 14-10-129(1)(b)(I), until further Order of the Court.

Father has not had parenting time with Z [redacted] since November 2020 and with any of the other minor children since June 2021.

The Court found that a therapeutic component must precede any normalization of parenting time.

As a prerequisite to exercising custody, parental responsibilities, or visitation or parenting time, the Court made a requirement that Father provide:

To the United States Department of State Office of Children's Issues and the Relevant Foreign Consulate or Embassy, an authenticated copy of the Order detailing passport and travel restrictions for the child(ren).

A requirement Father surrender to the Court any United States or foreign passport issued in the child's name, including a passport issued in the name of both the parent and the child(ren); and

An acknowledgment in a record from the Relevant Foreign Consulate or Embassy that no passport application has been made, or passport issued, on behalf of the child(ren).

After the above has been completed, Father may exercise parenting time up to two (2) times per month at a facility or supervised via WebEx. The parenting time supervisor shall be specifically advised of Father's efforts to unlawfully remove and abscond with the children. The parenting time supervisor shall take all necessary actions to ensure Father does not remove or abscond with the children.

8. Overnights

There are 365 overnights per year. The parenting time schedules above: give the Petitioner 365 overnights; and give the Co-Petitioner/Respondent 0 overnights. Other party _____ overnights.

Note: If these numbers do not add up to 365, explain: _____

9. Travel and Vacations (check all that apply):

- The parents (parties) agree to tell each other about plans for overnight and out-of-state travel with the children, and to provide contact information.
- Other arrangement (describe): _____
- Passports: _____ (name) may authorize travel for the minor child(ren) _____ (names) and may prepare any documents required for travel, without consent, knowledge, and signature of _____ (names).

10. Phone Access (check all that apply):

- The parents (parties) may have reasonable phone contact with the child(ren) during the child(ren)'s normal waking hours.
- Details or other arrangement (describe): Supervised phone calls with a facility after all prerequisites from past Orders have been met.

11. Moving

The parents (parties) understand they **must** file a new parenting plan and get the court's permission to move a significant distance. (§14-10-129, C.R.S.)

(Check one):

- Neither parent (or party) has current plans to move a significant distance.
- One parent may be moving, and the parents have agreed on a new parenting plan for that situation. Explain which party is moving and how it will affect your parenting plan:

12. Child Support

• The court will review the amount to see if it meets legal support guidelines. Child support is an obligation by statute.

a. Amount of Child Support

Check one:

- The amount is based on a court order or Child Support Services case.

Provide details below:

The amount is \$ 1759.35

Court order or case number: 15 DR 7

Date of order/case: 08/03/2022

County: Gilpin

Or

- The amount is from the child support worksheet.

The amount is \$ _____ Check one:

- I/We agree on the above child support amount.
- Instead of the child support worksheet amount, the parties agree on a monthly child support of: \$ _____

Explain: _____

The court has the final decision on the child support amount.

b. Child Support Payment Agreement

The Petitioner Co-Petitioner/ Respondent must pay monthly child support as follows:

Monthly amount: \$ _____

Starting (date): _____

How often (check one): monthly twice a month every 2 weeks every week

To be paid on the: _____ day of the (check one): week month

To: (check one): Family Support Registry (FSR), P. O. Box 2171, Denver, CO 80201-2171

Petitioner Co-Petitioner/Respondent Other Party

Rules about Child Support

• You must obey the child support order even if one parent does not follow the parenting plan.

• If child support is NOT paid on time, the party owed support may ask for the money to be taken from the paycheck of the other party. See form JDF 1801. §14-14-111.5(3)(a)(II), C.R.S.

13. Health Insurance and Costs

Check all that apply:

- The Petitioner will provide medical dental vision mental health insurance for the child(ren) in this case, except these children (list any): _____
- The Co-Petitioner/Respondent will provide medical dental vision mental health insurance for the child(ren) in this case, except these children (list any): _____
- The Other Party will provide medical dental vision mental health insurance for the child(ren) in this case, except these children (list any): _____
- The parties will share health costs, including copays, deductibles over \$250, and other costs not covered by insurance in the following way:
 The Petitioner will pay 40 %.
 The Co-Petitioner/Respondent will pay 60 %.
 The Other Party (intervenor) will pay _____ %.

Other arrangement (describe): Mother currently has Medicaid for herself and the children. Father has been ordered to pay 60% and Mother 40% of all children's medical expenses not covered by Medicaid in our original Separation Agreement. Father has never paid any expenses for the children in the past, nor do I expect him to now.

Warning! If the party ordered to provide insurance does not do so, the other party may ask the party's employer to deduct it from his/her paycheck. See form JDF 1809

14. Optional Expenses

List any other expenses (such as private schools, university, trade school, extracurricular activities, etc.)
 Check all that apply:

- The parties agree to these other expenses (describe): _____
- The parties agree to share costs for (specify): _____ in the following way:
 The Petitioner will pay _____ %.
 The Co-Petitioner/Respondent will pay _____ %.
 The Other Party will pay _____ %.

15. Child Tax Exemption

Only one party may claim a child as a dependent on their tax return per year. If you do not make an agreement below, follow Colorado law, which is based on your contributions to the children. §14-10-115(12), C.R.S.

Check who will claim the child(ren) as a dependent:

| Child's Name | Petitioner | Co-Petitioner/Respondent | Other |
|--------------|--|---|---|
| S. J. B. | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All |
| Z. F. B. | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All |

| | | |
|--|---|---|
| <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All |
| <input type="checkbox"/> Odd <input type="checkbox"/> Even <input checked="" type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All | <input type="checkbox"/> Odd <input type="checkbox"/> Even <input type="checkbox"/> All |

**Father does not pay Child Support and shouldn't be able to claim the children.

Other tax arrangements (describe): _____

Warning! If you are ordered to pay child support, you may not claim a child as your dependent if you are not current for that tax year. §14-10-115(12), C.R.S.

16. Other Terms

Check all terms that apply to your situation:

- The parties have made other agreements not listed above, including (specify):

- If the parties cannot agree on the parenting plan in the future, they agree to:
 - Mediation. Arbitration. Other alternative dispute resolution process.
- The parties agree to exchange financial information every year in the future, such as income tax information, insurance information, and other (specify): _____

Before you sign, read this document carefully to make sure it correctly shows everything you agreed to. The court may not be able to enforce items that are not in this plan.

Verification

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the 1st day of June, 2023 at Elbert County, Colorado
(date) (month) (year) (city or other location, and state OR country)

Rachel Zinna Galan
Print Petitioner's Name

Rachel Zinna Galan
Petitioner's Signature

Verification

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the _____ day of _____, _____ at _____
(date) (month) (year) (city or other location, and state OR country)

Print Co-Petitioner/Respondent's Name

Co-Petitioner/Respondent's Signature

If only **one** parent (or party) has signed the Verification above, complete the *Certificate of Service* below.

Certificate of Service

I certify that on (date): June 1, 2023 a copy of this document was served on the other parties by:

Hand Delivery Colorado Courts E-filing

Fax or email to (number/address): _____

U.S. Mail, sent to this address:

To: Jacob Bellinsky
380 Athena Rd
Black Hawk, CO 80422

Robert J. Valin
Signature (Required)

Check here if you also sent a copy to the Child Support Enforcement Unit. You must send them a copy if they are involved in the case.

Attachment to Order - 015DR7

| | |
|--|--|
| DISTRICT COURT, GILPIN COUNTY, COLORADO | |
| Court Address: 2960 Dory Hill Road Black Hawk, CO 80422 | DATE FILED: February 9, 2024 |
| In re the Marriage of: | COURT USE ONLY |
| Petitioner: RACHEL ZINNA GALAN (f/k/a Rachel Bellinsky) | |
| and | Case Number: 15 DR 7 |
| Respondent: JACOB BELLINSKY | Division Courtroom: G |
| ORDER RE: MODIFICATION TO CUSTODY OR DECISION-MAKING RESPONSIBILITIES | |

This matter comes before the Court on a Motion of the Petitioner Co-Petitioner/Respondent or Stipulation of the Parties to modify custody or decision-making responsibilities entered by this Court or a Court of competent jurisdiction in another state.

I. The Court following review of the Motion and Response, if applicable, or hearing on February 9, 2024 (date) finds that:

Modifying custody or decision-making responsibilities is or is not in the best interests of the child(ren).
The Petitioner Co-Petitioner/Respondent shall pay for all reasonable attorney fees, costs and expenses associated with this action.

or

The parties stipulation is in the best interests of the child(ren).

II. The Court Orders that custody or decision-making responsibilities be modified and Orders the following.

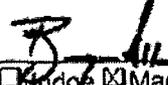
A new Parenting Plan is attached identifying custody or decision-making responsibilities and becomes an Order of this Court. or

Custody or decision-making responsibilities is modified as follows:

Petitioner shall have sole decision-making responsibilities as to all listed minor children.

A new Child Support Order is attached based on the modification to custody or decision-making responsibilities.

Date: February 9, 2024


 Judge Magistrate

CERTIFICATE OF MAILING

I certify that on _____ (date), I mailed, faxed, e-filed, or hand-delivered a copy of this Order to the following:

- Petitioner
- Petitioner's Attorney
- Co-Petitioner/Respondent
- Co-Petitioner/Respondent's Attorney
- Child Support Enforcement Unit

Clerk

**Additional material
from this filing is
available in the
Clerk's Office.**