

District Court, Jefferson County, Colorado 100 Jefferson County Parkway Golden, CO 80401 (720) 772-2510	▲ COURT USE ONLY ▲
In re the Marriage of: Petitioner: John Doe Respondent: Jane Doe	Case Number: Div: Ctrm:
ABC Law Firm Sammy Smith 1900 Grant St. Denver, CO 80202 ATTORNEY FOR RESPONDENT	
PETITIONER'S NOTICE OF INTENT TO INTRODUCE CHILD STATEMENTS UNDER C.R.S. §13-25-129	

COMES NOW, the Petitioner, John Doe, by and through his attorney, Sammy Smith of ABC Law Firm, and respectfully submits Petitioner's Notice of Intent to Introduce Child Statements under C.R.S. §13-25-129 as follows:

1. A hearing is scheduled on August 30, 2018 at 9:00 a.m. on Petitioner's Verified Emergency Motion to Restrict Parenting Time Pursuant to C.R.S. §14-10-129(4) ("Motion to Restrict").
2. Petitioner hereby provides notice to the Court of his intent to introduce statements made by the children as required by C.R.S. §13-25-129. The hearing is currently set for one hour, therefore Petitioner respectfully requests additional time to address the introduction of hearsay statements.

3. C.R.S. §13-25-129, provides:

- (1) An out-of-court statement made by a child...describing any act of child abuse, as defined in section 18-6-401, C.R.S., to which the child declarant was subjected or which the child declarant witnessed, not otherwise admissible by a statute or court rule which provides an exception to the objection of hearsay, is admissible in evidence in any criminal, delinquency, or civil proceedings in which a child is a victim of child abuse or the subject of a proceeding alleging that a child is neglected or dependent under section 19-1-104 (1)(b), C.R.S... if:
 - (a) The court finds in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient safeguards of reliability; and
 - (b) The child either:
 - (I) Testifies at the proceedings; or
 - (II) Is unavailable as a witness and there is corroborative evidence of the act which is the subject of the statement.
 - (3) The proponent of the statement shall give the adverse party reasonable notice of his intention to offer the statement and the particulars of the statement.
4. As referenced in Petitioner's Motion to Restrict, Mother has been charged with two separate child abuse charges under C.R.S. §18-6-401.
5. The parties' five minor children have made out of court statements describing the acts of child abuse. Although the statements are likely admissible under other hearsay exceptions, Petitioner nonetheless outlines the statements below that he intends to introduce so that the Court and all parties are on notice of his intent to introduce the statements at the August 30 hearing on his Motion to Restrict.
6. The hearing will not be in the presence of a jury. Nonetheless, the statements provide sufficient safeguards of reliability and are inherently reliable.
7. Father does not want to re-traumatize the children by calling them to testify at the Motion to Restrict hearing. As such, the children are unavailable witnesses. However, sufficient

evidence exists to corroborate the children's statements. This evidence includes several text messages that Mother has sent directly to Father outlining her actions. See **Exhibit 1**.

8. Pursuant to C.R.S. §13-25-129, Petitioner respectfully submits the following statements of the children:

- a. Mom hit me on Friday after school;
- b. Mom wasn't home when I woke up in the middle of the night; and
- c. I don't like being at Mom's house because she drinks lots of beer and falls asleep before our bed time.

WHEREFORE, Petitioner respectfully provides notice of his intent to use the aforementioned statements of the children during the hearing on his Motion to Restrict on August 30, 2018 pursuant to C.R.S. §13-25-129 and requests that same be admitted by this Court.

Respectfully submitted this 17th day of August, 2018.

/s/ Sammy Smith
Sammy Smith
ATTORNEY FOR PETITIONER