

INSTRUCTIONS TO FILE DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION WITH CHILDREN OF THIS MARRIAGE

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. When you file your case the Court may provide you with a Case Management Order and other information about the procedures to be followed. Please review that information carefully.

GENERAL INFORMATION

- ◆ This information provides a guide to the forms necessary to obtain a Dissolution of Marriage (Divorce) or Legal Separation with children of this marriage.
- ◆ Either party must reside in Colorado for at least 91 days prior to the filing of the Petition.
- ◆ The children must reside in Colorado for a minimum of 182 consecutive days prior to the filing date or since birth if under six months of age. If this time requirement is not met at the time of filing, issues regarding the children cannot be addressed as part of the dissolution/legal separation case.
- ◆ An automatic temporary injunction will be in effect upon the filing of a Co-Petition, upon service of the Petition and Summons on the Respondent, or upon the signing of a Waiver and Acceptance of Service by the Respondent. The temporary injunction will be in effect until the Decree is entered or until further Court Order. The purpose of the injunction is to prevent the transfer of property, discontinuation of insurance coverage, etc. without the consent of the other party.
- ◆ If there are matters or issues that you and your spouse cannot resolve, mediation or other forms of alternative dispute resolution may be an option. For more information, call the State Office of Dispute Resolution at (720) 625-5940 or check with your local Court to obtain information on local mediators.
- ◆ There is a mandatory 91-day waiting period before the Court can enter the divorce decree. If you and your spouse sign the same Petition and file as “Petitioner and Co-Petitioner”, the 91 day period begins on the date the papers are filed with the Court. However, if one of you files a Petition for Dissolution or Legal Separation and then serves the other spouse with a copy, the 91-day period begins on the date the Petition is served. Your divorce will take at least 91 days, and may take longer, depending on the circumstances of your case and court schedules.
- ◆ If after the Petition is filed you change your mind about the dissolution of marriage or legal separation, you must notify the Court immediately and file a Stipulated Motion to Dismiss (JDF 1305). If all of your paperwork is filed and you do not file for a dismissal, you may find yourself divorced or legally separated even though you and your spouse have reconciled.
- ◆ If you entered into a civil union, domestic partnership or substantially similar legal relationship between two persons that is legally created in another jurisdiction, it shall be deemed to be a civil union. Therefore, you will need to use the court forms related to dissolution/legal separation of a civil union, not the dissolution of marriage forms. For additional information, review §14-15-104, 105, and 106, C.R.S. for the requirements of a valid civil union.
- ◆ For additional information, please review §14-10-101, et.seq., C.R.S.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:
http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm

COMMON TERMS

- ☒ Petition for Dissolution: Document officially commences the dissolution proceedings by requesting a Court Order to terminate the marriage and to arrange the

- terms of allocation of parental responsibilities, child support, division of property and debts, and to award maintenance, if applicable.
- ⊗ Petition for Legal Separation: Document officially commences the legal separation proceeding by requesting a Court Order to arrange the terms of allocation of parental responsibilities, child support, division of property and debts, and payment of maintenance, if applicable, for the married couple to live separately.
 - ⊗ Petitioner: The person filing the Petition with the Court.
 - ⊗ Co-Petitioner: The person filing the Petition with the Court together with the Petitioner.
 - ⊗ Respondent: The person served a Petition for Dissolution or Legal Separation who must respond to the allegations of the Petition in order to have his/her desires considered.
 - ⊗ Parental Responsibilities: This term includes both parenting time and decision-making responsibilities regarding the children. (The term "Custody" is no longer used.)
 - ⊗ Decree: A final order of the Court.
 - ⊗ Service of Process: The official means by which a party is notified that a document has been filed against him/her and provided a copy of the document and a description of the person's rights and obligations as a party to the case.
 - ⊗ Diligent Efforts: Efforts to locate an individual to complete personal service; including contacting friends, family, business associates; completing an internet search; and attempting personal service by a process server, police department or sheriff's office.
 - ⊗ Hearing Date: The date that the Petitioner and Respondent must appear in Court.
 - ⊗ Child Family Investigator: A court-appointed individual who will evaluate independently the issues for the best interest of the child and report his/her findings to the Court.
 - ⊗ Mediation: A confidential process whereby a trained neutral third party assists disputing parties to reach their own resolution.
 - ⊗ Alternative Dispute Resolution: A process that allows parties to resolve their dispute without litigating the matter in court.
 - ⊗ Emancipation: Emancipation occurs when the last or only child reaches the age of 19, unless the child is still in high school, in which case support continues until the end of the month following graduation; or until the child(ren) otherwise emancipate as may be determined by the Court. Child support may be changed or amended upon motion of a party when any of the children reach 19 so that the overall child support obligation is reduced. See §14-10-115(13), C.R.S. for exceptions.
 - ⊗ May: In legal terms, "may" is defined as "optional" or "can".
 - ⊗ Shall: In legal terms, "shall" is defined as "required".

If you do not understand this information, please contact an attorney. You may also contact the Family Court Facilitator at your local courthouse, if one is available in your Judicial District.

FEES

The filing fee is \$230.00. If you are unable to pay the filing fee, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court along with supporting documentation, e.g. pay stubs, bank statements. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide whether you need to pay the filing fee.

The Court may require mediation or parenting classes and may require these fees to be paid upon the filing of the case.

Other fees that a party to the case may encounter are as follows:

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|--------------------------|---|--|
| <input type="checkbox"/> | Response | \$116.00 |
| <input type="checkbox"/> | Service Fees | Varies (not payable through or to the Court) |
| <input type="checkbox"/> | Certification Fee | \$20.00 |
| <input type="checkbox"/> | Copies of Documents (Documents on File) | \$.75 per page or \$1.50 if double sided |
| <input type="checkbox"/> | Copies of Documents (Documents not on File) | \$.25 per page or \$.50 if double sided |

FORMS

To access a form online go to www.courts.state.co.us and click on the “Forms” Tab. The packet/forms are available in PDF, WORD or EXCEL by selecting **Divorce, Family Matters, Civil Unions – Divorce – Divorce or Legal Separation WITH Children**. You may complete a form online and print or you may print it and type or print legibly in black ink.

You may need all or some of these forms. Read these instructions carefully to determine what forms you may need.

- | | | |
|--------------------------|-------------|--|
| <input type="checkbox"/> | JDF 1000 | Case Information Sheet |
| <input type="checkbox"/> | JDF 1101 | Petition for Dissolution of Marriage or Legal Separation |
| <input type="checkbox"/> | JDF 1102 | Summons for Dissolution of Marriage or Legal Separation |
| <input type="checkbox"/> | JDF 1102(a) | Waiver and Acceptance of Service |
| <input type="checkbox"/> | JDF 1102(b) | Return of Service |
| <input type="checkbox"/> | JDF 1103 | Response |
| <input type="checkbox"/> | JDF 1104 | Certificate of Compliance with Mandatory Financial Disclosures |
| <input type="checkbox"/> | JDF 1111 | Sworn Financial Statement |
| <input type="checkbox"/> | JDF 1113 | Parenting Plan |
| <input type="checkbox"/> | JDF 1115 | Separation Agreement |
| <input type="checkbox"/> | JDF 1116 | Decree of Dissolution of Marriage or Legal Separation |
| <input type="checkbox"/> | JDF 1117 | Support Order |
| <input type="checkbox"/> | JDF 1120 | Notice of Domestic Relations Initial Status Conference |
| <input type="checkbox"/> | JDF 1121 | Notice of Domestic Relations Status Conference |
| <input type="checkbox"/> | JDF 1122 | Instructions to Set a Hearing and to Complete a Notice of Hearing or Status Conference |
| <input type="checkbox"/> | JDF 1123 | Notice to Set Hearing |
| <input type="checkbox"/> | JDF 1124 | Notice of Hearing |
| <input type="checkbox"/> | JDF 1125 | Mandatory Disclosure – Form 35.1 |
| <input type="checkbox"/> | JDF 1126 | Court Authorization for Financial Disclosure |
| <input type="checkbox"/> | JDF 1129 | Pretrial Statement |
| <input type="checkbox"/> | JDF 1820M | Manual Child Support Worksheet A – Sole Physical Care |
| <input type="checkbox"/> | JDF 1821M | Manual Child Support Worksheet B – Shared Physical Care |
| <input type="checkbox"/> | JDF 1822 | Instructions for Completing Worksheets A & B – Manual |

STEPS TO FILING YOUR CASE

Step 1: Complete Initial Forms.

Selecting these instructions indicates that you are planning on filing for a Dissolution of Marriage or Legal Separation with Children of this marriage. You are filing jointly as Petitioner and Co-Petitioner, or you are filing as Petitioner and naming your spouse as “Respondent” if he/she is not agreeable to the Dissolution of Marriage or Legal Separation. The caption below needs to be completed on all forms filed. **Make sure that you make a copy for your own records of all of the forms you file with the Court.**

District Court _____ County, Colorado Court Address:		▲ COURT USE ONLY ▲
In re the Marriage of:		
Petitioner: and Co-Petitioner/Respondent:		Case Number:
Attorney or Party Without Attorney (Name and Address):		
Phone Number:	E-mail:	Division Courtroom
FAX Number:	Atty. Reg. #:	
NAME OF FORM		

- Case Information Sheet (JDF 1000):**
 - Please complete all sections of this required form.

- Petition for Dissolution of Marriage or Legal Separation (JDF 1101):**
 - Please complete all sections of this form.
 - This form must be signed in the presence of a Court Clerk or Notary Public either by both parties if filing together or by the party filing the form.
 - If one party desires to have a prior name restored, that person must indicate that fact on the Petition (sections 19 and 20). If the Respondent requests a name change, he or she must file a signed and notarized response requesting the name change.

- Summons for Dissolution of Marriage or Legal Separation (JDF 1102):**
 - Only complete the Summons if you named your spouse the Respondent on the Petition and your spouse did not sign the Petition.
 - Complete all sections in the caption and check either Dissolution of Marriage or Legal Separation in the appropriate box. The Court will date and sign the form when it is filed.

Step 2: You are Ready to File your Case with the Court.

Provide the Court with the Petition, Case Information Sheet, and Summons, if applicable. If the Petition has not been signed in the presence of a Notary Public, you will sign the Petition and other documents before the Clerk at this time. If you and your spouse are filing as Petitioner and as Co-Petitioner, the Clerk or Notary Public must witness both signatures.

- Pay the \$230.00 filing fee.
- When you file your Petition, the Court may provide you with a date for an Initial Status Conference or you may be required to schedule the conference yourself.
- Review the Court’s Case Management Order and other information to determine what you need to do next. ***Please read the information to inform you about the various procedures and timelines.***

Step 3: Serve the Dissolution or Legal Separation Papers only if both parties did not file as Petitioner/Co-Petitioner.

It is important that you have your spouse served as quickly as possible as the mandatory 91 day waiting period will not start until your spouse is officially served with the Petition and Summons.

- Once you have filed your Petition, the Court will provide you with a signed summons to serve your spouse.
- The Court may require you to provide a copy of the Case Management Order and other information to the other party.
- If you received a date for an Initial Status Conference, you must provide notice to all parties. This conference shall take place no later than 42 days from the filing of the Petition.

Service options:

Waiver and Acceptance of Service:

- This is the easiest form of service. However, your spouse must be willing to accept the dissolution/legal separation papers and sign the waiver.
- Have your spouse sign the Waiver and Acceptance of Service form – JDF 1102(a) before a Court Clerk or Notary Public.
- File the signed original waiver with the Court.

Personal Service:

- Select the Sheriff's Department, a private process server, or someone you know over the age of 18 who is not involved in the case, and who knows the rules of service to serve the Respondent.
- Provide the process server with the Petition and Summons.
- The process server will need to return the completed Return of Service – JDF 1102(b) to the Court for filing, or return it to you to bring and file with the Court.

Service by Mail or Publication:

- If you do not know where your spouse is you will need to use this method of service and should file these forms with the Court as soon as possible.
- You must make diligent efforts to locate the other party before selecting this option for service. See Instructions JDF 1300 for additional information regarding service by publication.
- Service by mail or publication shall be allowed **only** upon approval by the Court. If this process is necessary, complete forms JDF 1301 and 1302.

RESPONDENT FILES A RESPONSE

The Respondent may file a response to the Petition. Filing fee is \$116.00

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, and mail a copy to the other party. All fees paid are non-refundable.

- The Response form is JDF 1103.
- The Respondent must file the original with the Court a mail a copy to the Petitioner.

COMPLETE ADDITIONAL FORMS BEFORE YOUR INITIAL STATUS CONFERENCE OR AS IDENTIFIED IN THE CASE MANAGEMENT ORDER

The forms that you may need to finalize your case are identified on the next few pages. Take your time and make sure you have all current and necessary information to complete the forms accurately, as these forms provide valuable information to the Court upon which to order allocation of parental responsibilities, child support, division of property and debts, and spousal support/maintenance, if applicable.

Mandatory Disclosure – Form 35.1 (JDF 1125):

This form identifies the documents that each party must provide to one another within 42 days after service of the Petition.

- The documents identified in the Mandatory Disclosure form **do not** need to be filed with the Court, **unless ordered by the Court except for the Sworn Financial Statement and Child Support Worksheets.**
- If a party does not timely provide the Mandatory Disclosures to the other party, the Court may impose sanctions.

Certificate of Compliance with Mandatory Financial Disclosures (JDF 1104):

The purpose of this form is for each party to acknowledge to the Court that they provided the mandatory disclosure documents to the other party. This form must be filed with the Court within 42 days after the Petition was signed by the other party, the other party signed the Waiver and Acceptance of Service, or the other party was served with the dissolution/legal separation Petition and Summons.

- Each party must complete and file a Certificate of Compliance with the Court when the mandatory disclosures documents have been provided to the other party.** If you did not provide all of the mandatory disclosure items, please state why on this form.
- Complete all sections on this form.
- Complete the Certificate of Service portion identifying the method selected to provide the other party with a copy of this document.
- Send the other party the information you have identified on the form.

Sworn Financial Statement (JDF 1111):

This document must be filed within 42 days of service on the Respondent or 42 days after filing as Co-Petitioners. You must provide true and complete information to the Court about your assets, debts, and income. You can be assessed a fine or jailed for providing false information. In addition, your case can be reopened due to fraud. Complete and file with the Court a Supporting Schedules for Assets (JDF 1111SS), only if applicable to your case.

- Each party must complete their own Financial Statement and all sections must be completed.**
- The Financial Statement must contain current personal and financial information to determine whether the Separation Agreement is fair to each party. Failure of a party to file a Sworn Financial Statement may result in a refusal by the Court to enter a Final Decree or the Court may impose sanctions against the party who does not file the required paperwork.
- The form must be signed in the presence of a Court Clerk or Notary Public.

Parenting Plan (JDF 1113):

- Please complete all sections of this form and make sure all issues are addressed. If any unique situations exist, identify them in Section F – “Other Terms”.
- The Parenting Plan should identify only those parties who will have court-ordered parenting time and decision-making responsibilities. Day care/babysitting arrangements do not need to be specifically identified on this form.
- Please indicate if this is a full or partial parenting plan.
 - If this is a partial parenting plan you or the other party must complete JDF 1129 – Pretrial Statement.** The purpose of this form is for you or the other party to identify to the Court what issues have not been resolved
- Each party should re-read the parenting plan to be sure that it accurately represents what you and the other party have agreed to regarding the children or what you and the other party do not agree to.
- This form must be signed in the presence of a Court Clerk or Notary Public.

Parenting education classes may be required by the Court. This information should be in the Case Management Order or other information provided by the Court at the time the Petition is filed.

Separation Agreement (JDF 1115):

The purpose of this form is to identify in writing what issues you and the other party have settled on regarding maintenance (spousal support) for either party and for the disposition of property and debt. The Court must follow the separation agreement as it pertains to the parties themselves and to property, unless the Court finds the agreement unconscionable, in which case it may order the parties to submit a revised agreement.

- Complete all sections of this form either together or individually depending on the level of agreement and make sure all issues are addressed. If any unique situations exist, identify them in section 5 – “Other Terms”.
- Please indicate if this is a full or partial agreement.
 - If this is a partial agreement you or the other party must complete JDF 1129 – Pretrial Statement.** The purpose of this form is for you or the other party to identify to the Court the issues that have not been resolved.
- Each party should re-read this form to ensure that it accurately represents what you and your spouse have agreed to.

- This form must be signed in the presence of a Court Clerk or Notary Public.
- Child Support Worksheets A or B:**
Use the information from each of your Sworn Financial Statements to complete the appropriate worksheet. You have two options to complete the worksheet:
 - Automatic Calculation Option:** New child support guidelines became effective on January 1, 2014. To access the software for electronically calculating child support based on the new guidelines, go to www.courts.state.co.us – “Calculate Child Support/Maintenance” (you can also find a link to the new software at the top of the “Divorce or Legal Separation – With Children” page). If you are trying to calculate retroactive child support that was ORDERED prior to January 1, 2014, you will need to use the guidelines that were in effect at that time. You can also access the old Excel electronic worksheet (JDF 1820E).
 - Manual Calculation Option:** Each worksheet is available in a MANUAL “M” format; you will need to obtain and calculate the Child Support Guidelines to determine your child support if you select this format. If you wish to use the Manual Worksheets, please review Instructions for Completing Worksheets A & B Manually (JDF 1822).
 - Worksheet A (JDF 1820M): Sole Physical Care. Physical Care for 273 nights or more per year. If one or more of your children spends at least 273 nights with one parent they are considered to have a primary home with that parent.
 - Worksheet B (JDF 1821M): Shared Physical Care. If one or more of your children spends more than 92 nights per year with each parent, they are considered to have two homes (one at your residence and one at the other parent’s residence).
 - Split Care: If each parent has primary physical care of at least one of the children because that child or children reside with that parent the majority of the time, you have a split physical care situation. Each parent should complete a separate worksheet A for the child or children for whom he/she provides primary care.
 - Complete a Certificate of Service (JDF 1313) indicating that you have provided the other party with a copy of your completed Child Support Worksheet.
- Decree of Dissolution of Marriage or Legal Separation (JDF 1116):**
 - Complete the caption and any sections that apply to your case.
 - Provide the Court with the number of copies you would like. If you want any of the copies to be certified, you will need to provide the Court with \$20.00 per certified copy.
 - The Magistrate or Judge will complete the rest of the Decree and give you and your spouse a signed copy.
 - If you or the Co-Petitioner/Respondent is requesting to have a name changed/restored, please complete this section on the Decree. Identify the restored name you or the Co-Petitioner/Respondent is requesting.**
- Support Order (JDF 1117):**
 - Complete the caption and the sections about the parties and children.
 - The Magistrate or Judge will complete the remaining sections of the Support Order and give you and your spouse a signed copy.

SETTING STATUS CONFERENCE OR HEARING DATES

Please review the Instructions to Set a Hearing and to Complete a Notice of Hearing or Status Conference Form (JDF 1122). It is important to notify the other party of the future status conference or hearing by completing the appropriate forms and sending the other party a copy.

- If the Court has provided you with specific information on how to schedule a status conference or hearing in a Case Management Order you received at the time of filing, follow those procedures.
- If the Court provided you with a date for a status conference when you filed your petition or at an initial status conference and both parties were not present, follow step 3 only.

DETERMINE THE COURT’S PROCEDURE FOR TEMPORARY ORDERS

Temporary Orders are optional for parties. When you meet with the Family Court Facilitator, Magistrate, or Judge during an Initial Status Conference you should discuss this issue, or you may request the Court to make temporary decisions about property, debts, allocation of parental responsibilities, child support, and spousal support/maintenance, if applicable, by requesting a Temporary Orders Hearing. A Motion for Temporary Orders (JDF 1106) can not be filed without prior approval of the Court pursuant to Colorado Rule of Civil Procedure 16.2(c)(4)(B).

COURT HEARING

The Judge or Magistrate will grant your divorce by entering an Order/Decree as to division of property, debts, parenting time, child support, and maintenance, if any.

- A short hearing is required if you have children and both parties are not represented by an attorney. You may want to check with the Court to determine if both parties are required to appear.
- You will receive a copy of the Final Decree and Support Order following the hearing.
- Provide the Court with a self-addressed stamped envelope to receive a copy of the Order/Decree. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.
- If your address has changed since you initially filed your case, please provide this information to the Court in writing.

Notice:

If you filed for a Legal Separation only, and not a Dissolution of Marriage, §14-10-120(2), C.R.S. allows for a change/conversion of a Legal Separation to a Dissolution of Marriage no earlier than 182 days after entry of a Decree of Legal Separation. Upon a motion filed with the Court and proof of service to the other party, the Court can order the change in accordance with the statute. An additional filing fee of \$105.00 is required upon the filing of this motion.