

# DIVORCE WITH CHILDREN

## General Information

PLEADINGS/ACTIONS	JDF #	ADDITIONAL INFORMATION
Purchase packet from Clerk of Court's office or download from Judicial website.		Packet price <b>\$10.75</b> at the court OR free at: <a href="http://www.courts.state.co.us">www.courts.state.co.us</a> → Self Help/ Forms → All Court Forms and Instructions → Divorce, Family Matters, Civil Unions → Divorce/Legal Separation - With Children
<b>Filing Fee</b>		<b>\$230.00</b>
<p><b>A.</b> A divorce can be filed individually (by one person) as the Petitioner and the other party as the Respondent, OR</p> <p><b>B.</b> A divorce can be filed jointly (together) as Petitioner and Co-Petitioner.</p>	<p>→</p> <p>→</p>	<p><b>A.</b> You must have the Respondent served.</p> <p><b>B.</b> No service is needed or required.</p>
Either party <b>must</b> reside in Colorado for at least <b>91</b> days prior to filing a Petition.		
You can file your case in the county where you or the Co-Petitioner/Respondent live.		
The children must live in Colorado for a minimum of <b>182 days</b> in a row prior to the filing date OR since birth if under six months of age.		<ul style="list-style-type: none"> <li>If the time requirement is not met at the time of filing, issues (child support, custody &amp; parenting time) regarding the children cannot be addressed as part of the divorce.</li> </ul>
An automatic temporary injunction ( <b>temporary order</b> ) will be in effect upon filing of the case if both parties (Petitioner and Respondent) file together, upon service of the Petition and Summons on the Respondent if not filing together, or upon the signing of a Waiver and Acceptance of Service by the Respondent.		<ul style="list-style-type: none"> <li>The temporary injunction remains in effect until a decree is entered or until a further court order is entered.</li> <li>The purpose of the injunction is to prevent the transfer of property, discontinuation of insurance, concealing or disposing of marital property without consent of the other party; preventing both parties from disturbing the other.</li> </ul>
There is a mandatory 91-day waiting period before the court can enter a decree for dissolution of marriage (final order).		<ul style="list-style-type: none"> <li>If you or your spouse sign and file the petition together the 91-day period begins on the date the case is filed.</li> <li>If one party files the petition and serves the other party with a copy of the Petition the 91-day period begins on the date of service.</li> <li>Your divorce will take at least 91 days and perhaps longer depending on the circumstances of your case and court schedules.</li> </ul>
If after you file 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.	1305	<ul style="list-style-type: none"> <li>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.</li> </ul>
<b>STEP 1: Complete Initial Forms</b>		
Complete the following forms.		<ul style="list-style-type: none"> <li><b>All sections must be complete including the caption at the top of each form.</b> If something does not apply use N/A.</li> </ul>
Case Information Sheet	1000	<ul style="list-style-type: none"> <li>Complete, sign and date the form.</li> </ul>
Petition for Dissolution of Marriage or Legal Separation	1101	<ul style="list-style-type: none"> <li>Complete, sign and date the form.</li> </ul>
Summons for Dissolution of Marriage or Legal Separation <b>(This form is to be completed only if not filing jointly.)</b>	1102	<ul style="list-style-type: none"> <li>Complete <b>only</b> the caption area at the top of all three pages of the form (Summons, Waiver, and Return of Service).</li> </ul>
Make two copies of the above listed forms: (1) A copy for you (2) A copy for your spouse		<ul style="list-style-type: none"> <li>Bring the original and both copies with you to the court for filing.</li> </ul>
<b>STEP 2: File with the Court</b>		
File the Initial Forms (from page 1) and pay the \$230.00 filing fee.		File your forms at the Clerk of Court's Office.
Clerk will assign a case number to your filing.		Example: 2018DR50000
Clerk will issue (sign & date) the summons for Dissolution of Marriage.	1102	

*March 23, 2018, these instructions are informational only and do not constitute legal advice. There may be exceptions to the information provided on this form. If you choose to represent yourself, you are bound by the same rules and procedures as attorneys.*

## STEP 3: Serving the Respondent

Serve the <a href="#">Petition</a> , <a href="#">Case Information Sheet</a> , <a href="#">Summons</a> , and the <a href="#">Case Management Order</a> to your spouse. File the <a href="#">Return of Service</a> with the Court.  This process is only necessary if you are not filing together.	1000 1101 1102 1102(b)	<ul style="list-style-type: none"> <li>Personal Service must be done either by the Sheriff's department, process server, or someone 18 years of age or older who is not a party to the case and who knows the rules of service.</li> <li>There is a fee for service by the Sheriff or process server.</li> <li>Once your spouse has been served, file the Return of Service with the Court.</li> </ul>
Waiver of Service	1102(a)	If your spouse is willing to sign the Wavier of Service ( <b>signature must be notarized</b> ) then personal service is not required.
Service by Mail or Publication <ul style="list-style-type: none"> <li>Instructions</li> <li>Motion for Publication of Summons or Certified Mail or Publication by Consolidated Notice</li> <li>Order for Publication</li> </ul>	1300 1301  1302	If you do not know where the respondent lives or works, you can file a motion requesting the Court to serve the Summons by publication. <b>You must make diligent (hard and persistent) efforts to locate the other party (previous employer, family, friends, internet search, phone book, etc.) before selecting this option for service.</b> <ol style="list-style-type: none"> <li>Complete all sections of the motion including the caption.</li> <li>Complete caption only on the order.</li> </ol>

## STEP 4: Prepare for Case Management Conference

Complete the following forms before the scheduled Case Management Conference. <b>All paragraphs and sections must be complete, including the caption at the top of each form.</b> If something does not apply use N/A. <b>Provide a copy of each form to your spouse.</b>		<ul style="list-style-type: none"> <li>Bring all completed forms to Case Management Conference.</li> <li>Bring (3) of your most current paystubs or most current notice showing income for SS, SSI, etc.</li> </ul>
<b>Certificate of Compliance with Mandatory Financial Disclosures</b> <ul style="list-style-type: none"> <li>Refer to the Mandatory Disclosures form (<b>JDF 1125</b>), for a reference on financial documents required to be sent to your spouse.</li> </ul>	1104	<ul style="list-style-type: none"> <li>Mark the box (<input checked="" type="checkbox"/>) next to the item(s) you provided to your spouse.</li> <li>Sign and date the form.</li> <li>Complete the Certificate of Service.</li> <li><b>File ONLY the Sworn Financial Statement with the Court.</b></li> </ul>
<b>Sworn Financial Statement</b>	1111	<ul style="list-style-type: none"> <li>Enter all information related to your income, deductions, monthly expenses, unsecured debts, and assets.</li> <li>You must calculate each section and place totals in the appropriate locations on the form.</li> </ul>
<b>Separation Agreement</b>	1115	<ul style="list-style-type: none"> <li>The assets and liabilities listed on this form should match the Sworn Financial Statement.</li> </ul>
<b>Parenting Plan</b>	1113	<ul style="list-style-type: none"> <li>The party or parties in the case need to complete information relating to parenting time, decision making responsibilities, holidays, relocation, child support, medical insurance, and tax exemption (who will claim the children on taxes).</li> </ul>
<b>Child Support Worksheet</b> <ul style="list-style-type: none"> <li>You will need the following to calculate child support:                             <ul style="list-style-type: none"> <li>Income for both parties</li> <li>Spousal support information (receiving or paying), if any.</li> <li>Child support paid for children <b>NOT</b> of this marriage, if any.</li> <li>Child care expenses (while parents are working or attending school only).</li> <li>Medical premiums or expenses.</li> <li>Other expenses agreed to by parents or by court order.</li> <li>Number of overnights child will spend with each parent.</li> </ul> </li> </ul>	1820E	<ul style="list-style-type: none"> <li>The electronic Child support Worksheet is recommended for use in calculating child support.</li> <li>If you do not have internet access and/or Microsoft Excel, you can visit the Self-Help Center for assistance or visit your local library.</li> </ul>