*Initial Steps* to Getting a Divorce or Legal Separation

with Children of this Marriage

For detailed information, please read the step-by-step instructions – JDF 1100.

Forms are available at: <http://www.courts.state.co.us/Forms/SubCategory.cfm?Category=Divorce>

Check with court clerk regarding any local court procedures and requirements.

❑ 1. **Decide How You Will File.** You need to decide if you and your spouse will be signing the Petition jointly in front of a Notary Public or Court Clerk OR if only you will be completing the forms to start the process. Filing jointly will cost $230. Filing separately will cost will total around $346 + Service Fees. The Petitioner will pay a $230.00 filing fee + Service Fees. The Respondent will pay an answer fee of $116.00.

❑ 2. **File in the county where you or your spouse resides.** Either party must reside in Colorado for at least 91 days. Complete ➊ **Case** **Information Sheet (JDF 1000),** ➋ **Petition (JDF 1101),** and ➌ **Summons (JDF 1102)** IF not filing jointly. Pay the filing fee.

❑ 3. **Review Documents Received from the Court.** You will receive a date for **an Initial Status Conference. Please mark this date on your calendar**. You will also receive a local court **Case Management Order (CMO). Read this information carefully** to determine if any other documents must be provided to the Court. The Court requires you to **attend a Parenting Class**. Please schedule this as soon as possible and receive documentation of your attendance to file with the Court.

If you file for Divorce on your own, you must serve your spouse. Follow these steps:

❑ 4. **Complete Personal Service.** In order for the Court to hear your case, your spouse **must be personally served by a disinterested party who is 18 years or older** with copies of the documents mentioned in **Step 2** plus any documents received from the Court in **Step 3**. It is important to remember that the other party must have the same documents that you have. (If using the Sheriff’s Office, a fee will apply).

❑ 5. **Provide Proof of Service to the Court.** Once you obtain proof of service (notarized Return of Service JDF 1102), such proof must be provided to the Court. There is a mandatory 91-day waiting period before your divorce or legal separation can be final. The 91-day waiting period begins once the documents have been served to the other party or when the Petition is filed, if filed jointly.

❑ 6. **Complete Forms.**

❑ ➍ **Sworn Financial Statement (JDF 1111) and Supporting Schedules if applicable (JDF 1111SS)** - **Deadline for filing**: 42 days from date Petition was filed **or** date respondent (if not a co-petitioner signing the Petition at time of initial filing) is served. **Each person fills out their own form**. Please do not provide copies of financial documents as attachments to the court. Only the form itself is filed with the court. Provide a **notarized signature** on the last page where indicated. Complete the Certificate of Service on the last page under your notarized signature. **Make two copies of this completed form** (one for you own records and one to exchange) and file the original with the court.

❑ ➎ **Certificate of Compliance with Mandatory Financial Disclosures (JDF 1104)** – **Each person fills out their own form**. This document informs the court that you have exchanged copies of financial documents that support your entries in the Sworn Financial Statement required by Colorado law. The copy of these financial documents are exchanged with each other b**ut not filed with the court**. This form does not require a notarized signature. Complete the entire form including the Certificate of Service at the bottom of the page, **make two copies** (one for your own records and one to exchange) and file the original with the court. This document is filed at the same time as the Sworn Financial Statement.

❑ ➏ **Separation Agreement** (**JDF 1115)** –This form informs the court of your agreements regarding your separation of property (real estate, motor vehicles, debts, assets, etc.). This form is completed **together.** Each section requires a box to be checked and the explanation or additional box that best describes how you agree on this issue (including further written explanation when needed to provide detail and clarity). Do not skip any sections or questions. After completion and notarized signatures make two copies to insure you each retain a copy. The original is filed with the court.

❑ ➐ **Parenting Plan (JDF 1113)** – This form informs the court of your agreements of how you are to co-parent your child(ren). This form is completed **together.** Be as specific as possible to provide clarity and understanding of your intention. You may always add an addendum if additional information is needed to clarify your agreement. After completion and notarized signatures make two copies to insure you each retain a copy. The original is filed with the court.

❑ ➑ **Support Order** (**JDF 1117)** – This form is for the Judge to finalize and sign. Please fill out the caption and the information for Petitioner, Co-Petitioner/Respondent, and information for your child(ren) on the first page only.

❑ ➒ **Child Support Worksheet** (**JDF 1820M)** – To complete this worksheet, you must go on to the court’s website at [www.courts.state.co.us](http://www.courts.state.co.us). On the main page, look on the left edge where it says Calculate Child Support/Maintenance. Click on that link. On the page brought up by that link, click on the link that says [Download the calculator here](http://www.familylawsoftware.com/download_client_edition_co.html). Once you have downloaded the calculator, you will need at least the following information: gross monthly income of both parents as reflected in your Sworn Financial Statements, monthly cost of work related childcare (averaged over 12 months), monthly health care premium(s) for the child(ren) only, and the yearly estimated overnights with each parent based on your agreement in the Parenting Plan. After completing your names, child(ren)’s names and dates of birth, number of overnights for each child, gross wages for each parent, be sure to add any adjustments, additional income, deductions, maintenance (alimony). Click on the link that says View/Print Guidelines and review your worksheet prior to printing being sure all information is there and is correct. Print it out, sign and date completed worksheet, and file it with the completed Support Order.

❑ ➓ **Certificate of Completion of Parenting through Separation/Divorce Class** – This certificate is given to you at the completion of the class. The provider does not file this form. Upon receiving your certificate of attendance, write your case number on the certificate and file with the court **within 49 days of filing the Petition or upon date respondent was served**.

\* If you are not in complete agreement, mediation is a requirement before filing. See below.

**Miscellaneous**:

 All forms have a caption located on the top of the first page. Fill out this section using any Order or Notice you received directly from the court as an example to follow. Include the court mailing address, your names as they appear in the order, your case number and the division. Without this caption completed, the court is not responsible for accepting your filing.

 All documents have a Certificate of Service section located at the end of the document. Complete this section when only one person signs the completed document (example: Sworn Financial Statement and Certificate of Compliance).

 Please **make copies** of all filings you make with the court to keep for your own records.

 \***If at any time parties cannot reach mutual agreements, mediation attendance is required.** Pursuant to §13-22-311(1), C.R.S., the parties may select their mediator from private mediators, mediation organizations, or from the Colorado Judicial Branch Office of Dispute Resolution. If you need a referral for the Office of Dispute Resolution, please call (303) 837-3672 or online at [www.coloradoODR.org](http://www.coloradoODR.org). After mediation, you must file a certificate of completion of mediation. ­­­­­­­­­­­­­­­­­­­

\*The court provides this information as a courtesy and it does not constitute legal advice. The court staff **cannot** answer questions on legal issues. **It is your responsibility to prepare and submit adequate and complete documents.** If your case is complex or you have additional questions, please obtain or consult legal counsel. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.