

INSTRUCTIONS TO CONVERT DECREE OF LEGAL SEPARATION TO DECREE OF DISSOLUTION OF MARRIAGE PURSUANT TO §14-10-120(2), C.R.S.

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.

GENERAL INFORMATION

- ◆ This information provides a guide to the process and forms necessary to convert a Legal Separation to a Dissolution of Marriage.
- ◆ Your motion should be filed in the District Court where the Decree for Legal Separation was issued.
- ◆ You must wait a minimum of 182 days from the date of the Decree of Legal Separation before you can file your motion to convert – JDF 1321.
- ◆ 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

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|---|--|
| <input checked="" type="checkbox"/> Petitioner: | The person identified in the original Petition filed with the Court. |
| <input checked="" type="checkbox"/> Co-Petitioner/Respondent: | The person identified in the original Petition filed with the Court. |
| <input checked="" type="checkbox"/> Decree: | A final order of the Court. |
| <input checked="" type="checkbox"/> May: | In legal terms, “may” is defined as “optional” or “can”. |
| <input checked="" type="checkbox"/> Shall: | In legal terms, “shall” is defined as “required”. |

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

FEES

A \$105.00 filing fee is required. If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide if you need to pay the filing fee.

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

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|--|---|
| <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 – Convert Separation to Divorce**. You may complete a form online and print or you may print it and type or print legibly in black ink.

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|-----------------------------------|---|
| <input type="checkbox"/> JDF 1116 | Decree of Dissolution of Marriage or Legal Separation |
| <input type="checkbox"/> JDF 1321 | Motion to Convert Decree of Legal Separation to Decree of Dissolution |
| <input type="checkbox"/> JDF 1322 | Order to Convert Decree of Legal Separation to Decree of Dissolution |

STEPS TO FILING YOUR CASE

Step 1: Complete Forms.

Selecting these instructions indicates that you are planning to convert a Legal Separation to a Dissolution of Marriage. You must identify yourself as the Petitioner or Co-Petitioner/Respondent depending on your role (Petitioner or Co-Petitioner/Respondent) in the original case. It is important to remember that your role in the case does not change based on who files the motion. The caption area below needs to be completed on all forms filed. **Keep a copy of each form for your own records and make a copy to provide to the other party.**

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

- Motion to Convert Decree of Legal Separation to Decree of Dissolution (JDF 1321):**
 - Please complete all sections of this form.
 - Provide a copy of this Motion to the other party. You can serve this Motion on the same day that you file it with the Court.
 - If one party desires to have a prior name restored, that person must indicate that fact on the Motion.
 - Complete the Certificate of Service on the bottom of the form.

- Order to Convert Decree of Legal Separation to Decree of Dissolution (JDF 1322):**
 - Complete the caption only on this form.
 - The Magistrate or Judge will complete the remaining sections of this Order and give you and the other party a signed copy.

- Decree of Dissolution or Legal Separation (JDF 1116):**
 - Complete/mark all sections on this form consistent with your Decree for Legal Separation.
 - If you or the Co-Petitioner/Respondent are requesting to have a name changed/restored, please identify the restored name you or the Co-Petitioner/Respondent are requesting.
 - 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 a certified copy fee of \$20.00.

Step 2: You are Ready to File the Motion and Order with the Court.

- Pay the \$105.00 filing fee.
- If your address has changed since you originally filed your case, please provide your current address to the Court in writing.
- Provide the Court with a self-addressed stamped envelope for each party to receive a copy of the Decree. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.

COURT REVIEW

The Judge or Magistrate will review the Motion filed, and upon review, will sign the Order to Convert the Decree of Legal Separation to a Decree of Dissolution of Marriage and the Decree for Dissolution.