

# INSTRUCTIONS TO FILE FOR A DECLARATION OF INVALIDITY OF MARRIAGE (ANNULMENT)

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

- ◆ Your case should be filed in the county where you or the Co-Petitioner/Respondent reside.
- ◆ Either party must reside in Colorado for at least 30 days prior to the filing of the Petition **or** the marriage must have been performed in Colorado.
- ◆ To obtain a declaration that your marriage is invalid, you need to prove one of the grounds set from in §14-10-111, C.R.S. Please review the statute to determine what grounds may apply to your circumstances.
- ◆ Marriages declared “invalid” by the Court will be invalid as of the date of the marriage.
- ◆ 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.
- ◆ If after the Petition is filed you change your mind, 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 that the Court has issued an Order declaring that your marriage is invalid.
- ◆ For additional information, please review Colorado Revised Statute §14-10-111.  
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](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 filing the Petition with the Court.  |
| <input checked="" type="checkbox"/> Co-Petitioner:                  | The person filing the Petition with the Court together with the Petitioner.   |
| <input checked="" type="checkbox"/> Respondent:                     | The person served a Petition who must respond to the allegations of the Petition in order to have his/her desires considered.   |
| <input checked="" type="checkbox"/> Parental Responsibilities:      | This term includes both parenting time and decision-making responsibilities regarding the children. (The term “Custody” is no longer used.)   |
| <input checked="" type="checkbox"/> Decree:                         | A final order of the Court.   |
| <input checked="" type="checkbox"/> 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. |
| <input checked="" type="checkbox"/> Hearing Date:                   | The date that the Petitioner and Co-Petitioner/Respondent must appear in Court.   |
| <input checked="" type="checkbox"/> Mediation:                      | A confidential process whereby a trained neutral third party assists disputing parties to reach their own resolution.   |
| <input checked="" type="checkbox"/> Alternative Dispute Resolution: | A process that allow parties to resolve their dispute without litigating the matter in 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 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 to the Court. 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. Some courts 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](http://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 – Annulment**. 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. Some of the forms listed below are only necessary if you have children conceived through this marriage/relationship.**

- |                                      |  |
|--------------------------------------|--|
| <input type="checkbox"/> JDF 1000    | Case Information Sheet   |
| <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 1117    | Support Order  |
| <input type="checkbox"/> JDF 1120    | Notice of Domestic Relations Initial Status Conference         |
| <input type="checkbox"/> JDF 1121    | Notice for Domestic Relations Status Conference                |
| <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 1601    | Petition for Declaration of Invalidity of Marriage             |
| <input type="checkbox"/> JDF 1602    | Summons for Declaration of Invalidity of Marriage              |
| <input type="checkbox"/> JDF 1602(a) | Waiver and Acceptance of Service                               |
| <input type="checkbox"/> JDF 1602(b) | Return of Service  |
| <input type="checkbox"/> JDF 1603    | Decree of Declaration of Invalidity of Marriage                |

## STEPS TO FILING YOUR CASE

### Step 1: Complete Initial Forms.

Selecting these instructions indicates that you are planning to file a case requesting the Court to declare a marriage invalid. You are filing jointly as Petitioner and Co-Petitioner or you are filing as Petitioner and naming the other party as “Respondent” if he/she did not sign the Petition filed in this case. The caption on the next page

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

**Case Information Sheet (JDF 1000):**

- Please complete all sections of this form.

**Petition for Declaration of Invalidity of Marriage (JDF 1601):**

At least one of the boxes on page 1 of the Petition must be checked, identifying the grounds to declare a marriage invalid. In addition, a written explanation supporting the facts must be identified on page 2 including the date or time frame that you became aware of the cause for this action. If none of the boxes apply to your situation, you may wish to consult with an attorney to determine if another action needs to be filed with the Court, e.g. Petition for Dissolution of Marriage.

- 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 11 and 12). If the Respondent requests a name change, he or she must file a signed and notarized response requesting the name change.

**Summons for Declaration of Invalidity of Marriage (JDF 1602):**

- Only complete the Summons if you named the other party as the Respondent on the Petition and the other party did not sign the Petition.
- Complete all sections in the caption.

**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 requiring signature verification before the Clerk at this time. If you and the other party are filing as Petitioner and Co-Petitioner, the Clerk or Notary Public must witness and verify both signatures.

- Pay the \$ 230.00 filing fee.
- When you file your Petition, the Court may set an Initial Status Conference at the time of your filing and/or provide you with information on how and when to obtain future status conferences or hearing dates. Keep this information, as you may need it later.
- 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 Papers only if both parties did not file as Petitioner/Co-Petitioner.****

- 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 will 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 1602(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 who is 18 years or older, 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 1602(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.
- 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. The 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. All fees paid are non-refundable.

- The Response form is JDF 1270.
- The Respondent must file the original copy with the Court and 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 the division of property and debts, and spousal support/maintenance, if applicable.

- Decree of Declaration of Invalidity of Marriage (JDF 1603):**
  - Complete the caption only on this form.
  - 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.
  - 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 request to have a name changed/restored, please complete this section on the Decree. Identify the restored name you or the Co-Petitioner/Respondent request.

**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 Petition and Summons.

- Each party shall 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.

- 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.
- Each spouse **must** complete their own Financial Statement and all sections **must** be completed.
- The form must be signed in the presence of a Court Clerk or Notary Public.

**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 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.

**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.**

**Child Support Worksheets:**

- Automatic Calculation Option:** New child support guidelines became effective on January 1, 2014. Software for electronically calculating child support based on the new guidelines can be found at [www.courts.state.co.us](http://www.courts.state.co.us) – Go to “Self Help/Forms” > “All Forms and Instructions” > “Divorce, Family Matters, Civil Unions.” The link for [Calculate Child Support/Maintenance](#) is located under the “Custody & Child Support” section

**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 may grant your request for a decree of invalidity and issue an Order/Decree as to division of property, debts, decision-making responsibilities, parenting time, child support, and maintenance, if any.

- A 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 may receive a copy of the Decree and Support Order, if applicable following the hearing.
- If any addresses have changed since the original case was filed, please provide current address information to the Court in writing.
- Provide the Court with a self-addressed stamped envelope to receive a copy of the Order. If a Court is mandatory e-file, self-addressed stamped envelopes may not be required.