

JDF 1041	Petition for Annulment (Invalidity)	
1. District Court Colorado County: _____ Mailing Address: _____	<i>This box is for court use only.</i>	
2. Parties to the Case Petitioner: _____ & Respondent: _____ <small>(or Co-petitioner)</small>		
3. Filed by Name: _____ Mailing Address: _____ City: _____ St: _____ Zip: _____ Phone: _____ Email: _____	4. Case Details Number: _____ Division: _____ Courtroom: _____	

5. Case Type

I request the Court to annul our: *(check one)* Marriage. Civil Union.

Do you and your spouse have children? *(check one)* No. Yes.

I file this under Colorado Revised Statute (C.R.S.) section (§) 14-10-111 or 14-15-115.

6. Parties Information

Also, file form *JDF 1000 - Case Information Sheet* with this Petition.

Petitioner's Information (Pt)

Full Legal Name: _____

Residential Address: _____

How long have you lived in Colorado? *(List dates MM/YY)* from: _____ to: _____

Respondent's (or Co-Petitioner) Information (R/C)

Full Legal Name: _____

Residential Address: _____

How long have they lived in Colorado? *(List dates MM/YY)* from: _____ to: _____

7. Relationship Information

The parties were married or entered a civil union:

- 1) On: *(date)* _____
- 2) In: *(city/state or country)* _____

8. Grounds for Annulment

Our marriage or civil union contract is invalid because: *(check all that apply)*

- A party **could not consent** when it was solemnized. This was because of mental incapacity or infirmity or because of the influence of alcohol, drugs, or other incapacitating substances.
- A party **lacked the physical capacity** to consummate it by sexual intercourse, and the other party did not know about the incapacity when it was solemnized.
- A party was underage and did not have the consent of their parents or guardian or judicial approval.
- One party entered it in reliance upon a **fraudulent act or representation** of the other party, which fraudulent act or representation goes to the essence of the marriage or civil union.
- One or both parties entered **under duress** exercised by the other party or a third party, whether or not such other party knew of such exercise of duress.
- One or both parties entered the contract as a jest or dare.
- The marriage or civil union is prohibited by law, including:
 - One of the parties was already in a marriage or civil union;
 - A marriage between an ancestor and a descendant or siblings (whether sharing one parent or both).
 - A marriage where one party is the aunt or uncle to the other, whether the relationship is by the half or the whole blood, except as to marriages permitted by the established customs of aboriginal cultures.
 - It was void by the law of where it was contracted.

When did you become aware of these grounds: *(date)* _____

Explain: _____

9. Children

Is either party expecting a child? Yes. **No.** *

*** If no**, and there are no children of this marriage or civil union, skip to [Section 10].

a) List of Children

Also, list the children under 19 years old on page 2 of form *JDF 1000 – Case Information Sheet*.

List the name, age, and address of any living children from this marriage/civil union:

1) Name: _____ Age: _____
Address: _____

Pt is a: Biological Parent. Adopted (*by decree*) Parent. _____

R/C is a: Biological Parent. Adopted (*by decree*) Parent. _____

2) Name: _____ Age: _____
Address: _____

Pt is a: Biological Parent. Adopted (*by decree*) Parent. _____

R/C is a: Biological Parent. Adopted (*by decree*) Parent. _____

3) Name: _____ Age: _____
Address: _____

Pt is a: Biological Parent. Adopted (*by decree*) Parent. _____

R/C is a: Biological Parent. Adopted (*by decree*) Parent. _____

List more children on JDF 1091.

b) Native American Indian Heritage

Are the listed children Native American Indian? **Yes.** * No.

*** If yes:** 1) Which tribe? _____

2) Enrollment/Member Number: _____

3) **Also**, file form: JDF 1350 – ICWA Assessment.

c) Children’s Residency

Have the children lived in Colorado for at least 182 days before this Petition was filed?

(*Or, since birth if the child is under six months old?*) Yes. **No.** *

*** If No:** Enter where that child has been living:

Full Name of Child	Name of Adult with whom Child Lived <i>(if not parent)</i>	State Moved From	Date Moved to Colorado <i>(MM/DD/YY)</i>

d) Other Adults

Identify who the children have lived with over the past five years. Please identify that person's relationship to the children.

Name	Address <i>(with City/State/Zip)</i>	Time Period <i>(Month/Year)</i>	Relationship Type

The following people are not parties in this matter but have:

- physical custody of the children; or
- claim rights of parental responsibilities, legal custody, or parenting time.

Name of Person	Address <i>(with City/State/Zip)</i>

e) Genetic Testing

You can request genetic testing. The Court will not hold this request against you when deciding the case's outcome.

You must do testing and submit the results before the Court establishes who the parents are (*parentage*) and issues final orders. After that time, it may be too late to submit genetic testing evidence. The law that directs this process is C.R.S. § 14-10-124(1.5).

f) Child Support Services

If checked, there's a case with Child Support Services (*CSS*).

Case Number: _____ County: _____

10. Other Court Cases

List all court proceedings involving the parties or children.

Name of Court	Case Number	State	Date of Proceeding	Type of Proceeding

Court proceedings that could affect this case: *(some examples)*

- Divorce Proceedings,
- Enforcement of court orders,
- Domestic violence, domestic abuse, and protection/restraining orders,
- Termination of parental rights and adoption cases.

Has a court issued a protection/restraining order against any parties in the last two years?

Yes. * No.

If yes, include the case information in the table above and:

Explain what happened in that case:

11. Department Benefits

Has a party or child received Department of Human Services or Social Services benefits or services in the last five years? Yes. * No.

* If yes, 1) Benefit: _____
 2) From: *(County)* _____ State _____

12. Name Restoration

The Petitioner Co-Petitioner asks the Court to restore their prior full name to:

(List prior first, middle, and last name) _____

13. My Request

I/We ask the court to make orders regarding the marriage or civil union status, division of property and debts, and creation of a parenting plan and child support if applicable.

Also, issue orders to/for: *(check all that apply)*

- Spousal Support *(maintenance/alimony)*.
- Pay my lawyer's fees and court costs.
- Other: _____

14. Verified Signature

Petitioner

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the *(date)* _____ day of *(month)* _____ *(year)* _____

at City: *(or other location)* _____

and State: *(or country)* _____

Print Your Name: _____

Your Signature: _____

Lawyer Signature: *(if any)* _____

Co-Petitioner *(if any)*

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the *(date)* _____ day of *(month)* _____ *(year)* _____

at City: *(or other location)* _____

and State: *(or country)* _____

Print Your Name: _____

Your Signature: _____

Lawyer Signature: *(if any)* _____