

DOMESTIC PRO SE CLASS

Divorce, Legal Separation, Civil Union
& Custody cases

- What to know?
- What forms do I need?
- What is the procedure?



What kind of case are you filing?

- Divorce (Dissolution of Marriage)
- Legal Separation (NOT a Divorce)
- Dissolution of Civil Union
- Custody (Allocation of Parental Responsibilities)

How to get started

1). Decide whether you want to retain a lawyer to represent you, consult a mediator or represent yourself (also called Pro Se)

2). Get the correct forms needed to start your case

3). File your forms with the Court

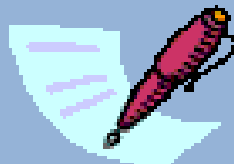


What forms to use

1). Dissolution of Marriage (Divorce) AND Legal Separation:

—You will need 2 to 4 initial forms to start the case depending on whether you are filing as Co-Petitioners (meaning that you both complete and sign the Petition for Dissolution) or if you are filing alone as Petitioner and having the other party served with the paperwork.

- A. Case Information Sheet JDF 1000
- B. Petition for Dissolution/Legal Separation JDF 1101
- C. Summons JDF 1102
- D. Waiver of Service JDF 1102 (a) OR Return of Service JDF 1102(b)



Case Information Sheet		JDF 1000
District Court Colorado County: _____ Court Address: _____ Parties Petitioner (Parent or person who started the legal case): _____ Co-Petitioner/Respondent (Other person in this case): _____		▲ COURT USE ONLY ▲
Lawyer (if any) or Party filing Name: _____ Address: _____ Phone: _____ E-mail: _____ Lawyer Reg. #: _____		
		Case Number: _____ Division: _____ Courtroom: _____

Provide the names and contact information for all people in your case.

- Petitioner's Information** ☐ Check if in Military

Full Legal Name: _____

First Middle Last

Personal Pronouns Used: ☐ she/her ☐ he/him ☐ they/their ☐ other: _____

Date of Birth: _____ Social Security No.: _____

Current Mailing Address: _____ Apt. #: _____

City: _____ State: _____ Zip: _____

Home Address (if different from mailing address): _____

Phone: _____ Email: _____

Do you need an interpreter? ☐ No ☐ Yes, in (language): _____
- Co-Petitioner/Respondent's Information** ☐ Check if in Military

Full Legal Name: _____

First Middle Last

Personal Pronouns Used: ☐ she/her ☐ he/him ☐ they/their ☐ other: _____

Date of Birth: _____ Social Security No.: _____

Current Mailing Address: _____ Apt. #: _____

City: _____ State: _____ Zip: _____

Home Address (if different from mailing address): _____

Phone: _____ Email: _____

Do you/they need an interpreter? ☐ No ☐ Yes, in (language): _____

Petition for Dissolution

- Things to remember:
 - 1. Be sure to check the appropriate box in the title for either for Dissolution of Marriage or Legal Separation. And if you have children also be sure to mark that box in the title as well.
 - 2. Read the Notice on page 4 which gives information on the automatic injunction. This also applies for the Petition for Allocation of Parental Responsibilities.

Petition for Dissolution Con't.

- Question 14 asks what orders you want the Court to enter in your case
 - Status of the Marriage—always check that box because that means that the Court changes the status of your marriage from married to divorced (or legally separated).
 - maintenance (spousal support)—this refers to what used to be called “alimony.”
 - division of property and debts—you have to check this box if you have ANY assets. The assets DO NOT have to be in joint names to be considered marital assets. You can have assets solely in your name and it can still be considered a marital asset. So, if you have any assets at all or debts (student loans, credit cards, hospital bills, etc.) you should check this box.

Summons and Return of Service

- If you are filing alone (with no Co-Petitioner), you must have the paperwork served on the other party (also known as the Respondent).
- This happens AFTER you file your forms with the court and pay the filing fee.
- There are 2 ways to effectuate service:
 1. Waiver and Acceptance of Service—This is the easiest form of service; however, your spouse must be willing to accept the papers & sign the waiver. Have your spouse sign the Waiver and Acceptance of Service in front of a notary or court clerk and file it with the Court.
 2. Personal Service—select the Sheriff's Dept., a private process server or someone you know over the age of 18 who is not involved in the case and who knows the rules of service to serve the Respondent. The process server will fill out the Return of Service, give it to you and you will have to file it with the Court.

What forms to use

2). Dissolution of Civil Union:

—You will need 2 to 4 initial forms to start the case depending on whether you are filing as Co-Petitioners (meaning that you both complete and sign the Petition for Dissolution) or if you are filing alone as Petitioner and having the other party served with the paperwork.

A. Case Information Sheet JDF 1000

B. Petition for Dissolution of Civil Union JDF 1250

C. Summons for Dissolution of Civil Union JDF 1251

D. Waiver of Service JDF 1251 (a) OR Return of Service JDF 1251(b)



What forms to use

3). Petition for Allocation of Parental Responsibilities (a.k.a. “custody”). To be filed when the parties have children together but are **NOT** married:

—You will need 2 to 4 initial forms to start the case depending on whether you are filing as Co-Petitioners (meaning that you both complete and sign the Petition for Allocation of Parental Responsibilities) or if you are filing alone as Petitioner and having the other party served with the paperwork.

A. Case Information Sheet JDF 1000

B. Petition for Allocation of Parental Responsibilities JDF 1413

C. Summons JDF 1414

D. Waiver of Service JDF 1414(a) OR Return of Service JDF 1414(b)

Filing Fees

- Dissolution of Marriage / Legal Separation / Dissolution of Civil Union: \$230
- Petition for Allocation of Parental Responsibilities: \$222

**The filing fee must be paid at the time that you file your paperwork with the court.

** If you are unable to pay the filing fee you can request to waive the filing fee. You would file a motion with the Court and if you qualify under the income guidelines, the Court may grant you a waiver of the fees. This motion must be filed at the same time you file your initial paperwork.

You will need the following forms:

- A. Motion to Waive the Filing Fee JDF 205
- B. Order to Waive the Filing Fee JDF 206



General Info for Dissolution

Requirements:

1. Your case must be filed in the county where you or the other party resides. If both parties agree it can be filed in any county.
2. Either party must reside in CO for at least 91 days prior to filing the Petition.
3. There is a mandatory 91-day waiting period before the Court can enter the decree.

→ If you and your spouse file as Co-Petitioners, the 91-day waiting period begins on the date the papers were filed with the Court. However, if one party files as Petitioner and serves the other spouse, the 91-day waiting period begins on the date the Petition is served. Your divorce will take at least 91 days, and may take longer, depending on the circumstances in your case.

General Info for Custody



Requirements:

1. A Petition may be filed by a person other than a parent who has the physical care of the child(ren) for a period of six months or more if such action is commenced within six months of the termination of such physical care.
2. A Petition may be filed by a person other than a parent for the child in the county where the child(ren) is/are permanent resident or where the child(ren) is/are found, but only if the child is not in the physical care of one of the child(ren)'s parents.
3. The children must reside in Colorado for a minimum of six months prior to the filing date or since birth if under six months of age.
4. Your case should be filed in the county where the children reside.
5. Parenting Education classes are required.

What to do if you have been served with papers for Dissolution or Custody

- You need to file a Response to the Petition with the court and provide the other party with a copy. You must pay the filing fee of \$116 when you file your Response. Your Response is due 21 days after date of service. If you are served outside the State of CO, you have 35 days to file the Response.
- For a Dissolution of Marriage or Legal Separation the form you would use is JDF 1103.
- For Dissolution of Civil Union the form would be JDF 1252.
- For a Custody case the form would be JDF 1420.

Initial Status Conference (ISC)

- Once your case is filed it will be set for an Initial Status Conference with the Family Court Facilitator approximately 40-42 days from the date you filed.
- At the status conference the parties and counsel (if any) shall be prepared to discuss what issues, if any, are settled and what issues remain for resolution.
- Pursuant to Rule 16.2(e)(2) the required Mandatory Disclosures and Sworn Financial Statement are to be exchanged between the parties by the time of the ISC but no later than 42 days after service of the Petition.
 - DON'T send the Sworn Financial Statement to the other party if that party did not file a Response to the petition.
- If the response is filed then the ISC will proceed.
- If the response has NOT been filed AND the response time has NOT yet elapsed , the ISC will be reset. If the response time has already elapsed, a Default Order will enter.

Initial Status Conference (ISC) con't.

- Do NOT file your Separation Agreement or Parenting Plan before or on the date of the ISC UNLESS it is signed by both parties. If there is NO agreement DO NOT file your Separation Agreement or Parenting Plan before the ISC.
- If you have reached a full agreement, bring the Separation Agreement, Parenting Plan and Child Support Worksheet to the ISC so the Family Court Facilitator can review the forms before you file them so that you can make necessary corrections prior to filing.
- The parties can file the Affidavit for Decree without Appearance of Parties JDF 1201 and may waive their appearance at the ISC IF everything is correct and complete but the Family Court Facilitator will review the documents and may still require the parties to appear.
- It is the responsibility of the parties to contact the Court to see if the ISC has been vacated.

Sworn Financial Statement

- You must provide true and accurate information to the Court about your assets, debts and income.
- This financial statement must contain current personal and financial information to determine whether the Separation Agreement is fair to each party.
- You should put anything in your name or joint names on your own Sworn Financial Statement. DO NOT put anything that is solely in the other party's name on your statement.

Motion for Temporary Orders & Notice to Set

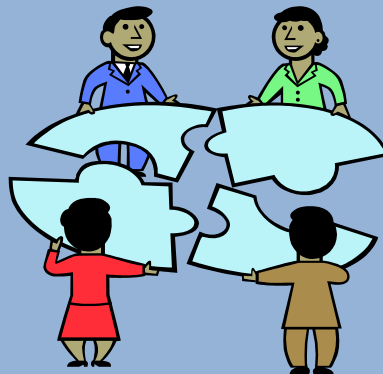
- If you want to have the court make temporary orders regarding finances, custody, visitation, etc. during the interim of the case, you can file a Motion for Temporary Orders and a Notice to Set.
- A Motion for Temporary Orders may only be filed after the Respondent has been served and proof of service filed with the court.
- You will let the Court know what issues you want to have temporary orders about and you will pick a date for the Court to call you and the other party to set a hearing on the issues.
- You will need the following forms: JDF 1106 Motion for Temporary Orders and JDF 1123 Notice to Set Hearing.
- If you have an agreement with the other party about what orders you want in place you can instead complete and file JDF 1109 Temporary Orders Agreement or Information for the Court. Both parties should sign this form.

Child Support Guidelines

- To complete the Child Support Worksheet you will need to use the Family Law Software. This program will calculate the child support for you. You can use the program at the Court Resource Center or you can download it at home.
- The easiest way to download the program at home is to go to our website at www.courts.state.co.us, click on the tab for “Self Help/Forms,” then click on “All Court Forms and Instructions.” Next, choose the category for “Family Matters,” and then under “Child Support and Maintenance” click “Calculate Amount”
- Once you click there, you will see a blue link that says “Access the Family Law Software.” You will then download the program and enter your information and the program will calculate the amount of child support for you. You must then print it out and file it with the court and a copy to the other party.

Separation Agreement and Parenting Plan

- If you have an agreement with the other party you will complete and both sign the Separation Agreement and Parenting Plan (if there are children). ONLY complete the parenting plan if it is a custody case. You do not need the Separation Agreement if you are only doing a custody case.
- If you do not have an agreement, you may still submit the Separation Agreement and/or the Parenting Plan but you would check the box that says “no agreement” then sign and file the document with the Court with a copy sent to the other party.
- Only file separate Separation Agreement & Parenting Plan if instructed to do so by the Magistrate.



Default Judgment

- You cannot put the other party in default yourself.
- Default happens when one party does not comply with the court orders, such as filing a Response to a Petition, Appearing to the Initial Status Conference or any other orders of the Court.
- Once the party is found in default they will have no say in the case, UNLESS you file a Motion to Set Aside the default judgment and the Court grants your motion.
- If the other party is in default when you are filing any of your forms you DO NOT need to send them a copy. On the Certificate of Service you can simply write, for ex., “Respondent in default.”
- The party that is in default is the ones that needs to file the Motion to Set Aside the Default Judgment.

CERTIFICATE OF SERVICE

I certify that on _____ (date) a true and accurate copy of the
_____ (title of the document) was served on the other party by:

☐ Hand Delivery ☐ E-filed ☐ Faxed to this number _____ or

☐ by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: Respondent in Default

The purpose of the Certificate of Service is to show the court that you gave a copy of this document to the other party or parties involved in this case, and that they are given a chance to respond to the Motion you filed. If this Certificate of Service is not filled out, the court cannot address the motion you filed.

However, if the other party is in default, that is the only time when you do not need to send them a copy.

Court Captions Must Be Completed

Please ask for assistance if necessary

☐ County Court ☐ District Court

 Larimer County, Colorado

Court Address:

201 LaPorte Ave Suite 100
Fort Collins, CO 80521

Plaintiff/Petitioner(s): **Jane Smith**

v.

Defendant/Respondent(s): **John Smith**

Attorney or Party Without Attorney (Name and Address):

Jane Smith
1234 Main St.
Any Town, USA 56789

Phone Number: **(970) 123-4567**

E-mail: **youremail@email.com**

FAX Number: Atty. Reg. #:

COURT USE ONLY



Case Number:

20DR123456789

Division **1B** Courtroom

Permanent Orders

- If both parties are in agreement you will have a non-contested hearing with the Magistrate where your agreement would be entered as a court order and the decree of dissolution would be issued.
- If the parties are not in agreement your case would be set for a Permanent Orders hearing or trial to the Judge. Each party would present their case to the Judge and the Judge would make the decision on financial and custodial issues.
- You are allowed to bring witnesses and exhibits to support your case. You should read your Case Management Order to determine when your Witness List and Exhibit List are due to be filed and exchanged.

