


SEPARATION, DIVORCE AND CIVIL UNIONS

The following information should NOT be considered Legal Advice. Please consult an Attorney if you are seeking Legal Advice.

**CIVIL UNIONS,
MARRIAGES,
AND
SEPARATION
BY CEREMONY OR
COMMON LAW**

A decorative graphic consisting of several parallel white lines of varying lengths, slanted diagonally from the bottom right towards the top right, located in the lower right quadrant of the slide.

DISSOLUTION OF MARRIAGE OFFICIALLY REQUESTS THAT THE MARRIAGE BE TERMINATED.

Legal Separation is for Parties who wish to live separately and have Court Orders regarding Child support, Custody, Maintenance, Divisions of Property and Debts but do not wish to legally terminate the Marriage.

**YOUR CASE
SHOULD BE FILED
IN THE COUNTY
WHERE YOU OR
THE
CO-PETITIONER/
RESPONDENT
LIVES.**

- ▶ **Either Party must have lived in Colorado for**
- ▶ **at least 91 consecutive days prior to the filing of the Petition.**

A FILING FEE OF \$230 WILL BE NECESSARY TO FILE YOUR CASE. IF YOU ARE UNABLE TO PAY THE FILING FEE, YOU MAY COMPLETE THE MOTION TO FILE WITHOUT PAYMENT AND SUBMIT IT TO THE CLERK OF COURT AT THE TIME OF FILING. PLEASE SUBMIT THE SUPPORTING DOCUMENTATION (3 MONTHS PROOF OF INCOME AND 3 MONTHS OF BANK STATEMENTS).

THE COURTS WILL DECIDE WHETHER YOU NEED TO PAY THE FILING FEES OR IF YOUR FEES WILL BE WAIVED BASED ON THE INFORMATION YOU'VE PROVIDED.



JURISDICTION OF CHILDREN

If there are Children they must have lived in Colorado for at least 6 consecutive months prior to the filing date or since birth if the Child is under six months of age or the Court cannot make decisions on Custody or Child support.

The time which passes between the filing of the Motion and any Hearing is **not** included within the six months.

If this time requirement is not met at the time of filing, issues regarding the Children cannot be addressed as part of the Dissolution/Legal Separation case.

If you and the other Party agree that you wish to file your case, and that this Court has jurisdiction to hear the case, you can file as Petitioner and Co-Petitioner, meaning you both sign the Petition in front of a notary or a Clerk at the Court.

PARTY ROLES

If only one Party is filing the case, the person who files is called the Petitioner, and the other Party will be called the Respondent.

If only one party (Petitioner) files the case, it is the Petitioner's responsibility to arrange to have the Respondent personally served by a third party.

91 DAY WAITING PERIOD BY STATUTE

There is a 91-day waiting period before the Court can enter the Divorce decree. If you and your Spouse sign the same Petition and file as "Petitioner and Co-Petitioner", the 91-day waiting period begins on the date the papers are filed with the Court.

DAY

91

If only one party files and then serves the other Spouse with a copy, the 91-day waiting period begins on the date the Petition is served on the other party or they sign the Waiver of service.

FORMS REQUIRED TO START YOUR CASE

- ❑ If filing as Co-Petitioners, you will open the case with a Case Information Sheet **JDF 1000** and a Petition for Dissolution of Marriage or Legal Separation **JDF 1101**
- ❑ If filing as a Petitioner and Respondent, you will need to file the Domestic Case Information Sheet **JDF 1000**, Petition for Dissolution of Marriage or Legal Separation **JDF 1101** and the Summons for Dissolution of Marriage or Legal Separation **JDF 1102**

SERVICE

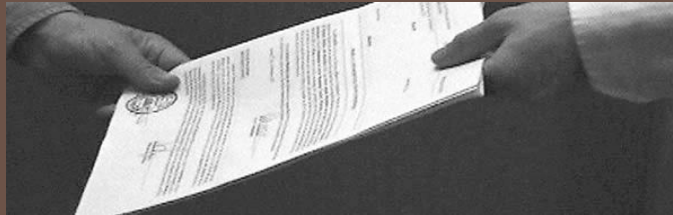
**If the case is filed by only one party
the Respondent needs to be served
as soon as possible.**

WHY IS IT IMPORTANT TO SERVE YOUR SPOUSE QUICKLY?

1. The 91 day waiting period for your Divorce to potentially be final does not start until your Spouse is served.
2. When you serve your Spouse it begins a 21 day waiting period for your Spouse to respond, or 35 day waiting period if your Spouse was served outside of the State of Colorado.

DAY

91



DAY

21

DAY

35

WAYS TO SERVE



Option 1: Waiver and Acceptance of Service

This is the easiest form of service.

Spouse must be willing to accept Dissolution of Marriage paperwork and sign the waiver in front of a notary or Clerk of the Court.

The signed and notarized original Waiver must be filed at the Court.

WAYS TO SERVE



Option 2: Personal Service

Personal Service can be obtained by:

Local Sheriff's Department

Uninterested Party over the age of 18

Private Process Server

The Process Server will need to correctly fill out and return the completed Return of Service to you. This signature must also be notarized. It is your responsibility to turn this into the Court

WAYS TO SERVE



Option 3: Service by Mail or Publication

This option must be authorized by the Judge or Magistrate handling your case and is only allowed as a last result for service. Proof will be required that all attempts to locate the other Party have been made.

AFFIDAVIT WITHOUT APPEARANCE OF PARTIES FOR PARTIES WITHOUT CHILDREN

IF THERE ARE NO CHILDREN OF THE MARRIAGE
THERE ARE SITUATIONS WHERE A DECREE FOR
DISSOLUTION OF MARRIAGE MAY BE ISSUED
WITHOUT A FINAL HEARING.

**PRESS HERE IF THERE ARE CHILDREN OF THE
MARRIAGE THIS DOES NOT APPLY AND WILL
NOT BE GRANTED**

GUIDELINES FOR FILING AN AFFIDAVIT FOR DECREE WITHOUT APPEARANCE OF PARTIES

****This does not include the Mandatory Initial Status Conference- this is for the final signing of the Decree**

To request to not be present for the final signing of the Decree you will submit all forms listed on your Notice you received from the Court

Guidelines for filing an Affidavit for Decree Without Appearance of Parties

You may file the Affidavit for Decree Without Appearance of Parties if:

- ✓ There are **no** Minor Children of the Marriage or if there are Children, but **both** parties are represented by an Attorney
- ✓ All issues regarding the property and debt of the Parties are agreed upon in writing and all forms specified on the Notice you were given at the time of filing have been turned into the Court

Guidelines for filing an Affidavit for Decree Without Appearance of Parties

IF YOUR CASE IS ONLY BEING FILED BY ONE PARTY YOU WILL NEED TO WAIT TO FILE AN AFFIDAVIT FOR DECREE WITHOUT APPEARANCE OF PARTIES UNTIL SERVICE HAS BEEN COMPLETED OR A WAIVER OF SERVICE HAS BEEN FILED.

THE AFFIDAVIT IS ONLY ALLOWED IF BOTH PARTIES ARE IN FULL AGREEMENT ON ALL ISSUES IN THE CASE.

Guidelines for filing an Affidavit for Decree Without Appearance of Parties

IF YOU ARE REQUESTING ORDERS OF THE COURT BECAUSE YOU CANNOT AGREE, YOU MAY NOT FILE AN AFFIDAVIT. YOU WOULD NEED TO SET THE MATTER FOR A HEARING.

YOU WILL LIKELY BE ORDERED TO ATTEND MEDIATION PRIOR TO A HEARING WITH THE JUDGE.

FREQUENTLY ASKED QUESTIONS

My Spouse does not want to file for Divorce or Legal Separation. Can I file on my own?

Yes. If the other Party does not agree to file the paperwork or that this Court has jurisdiction to hear the case, the person who files is called the Petitioner, and the other Party will be called the Respondent. In the case where the Petitioner files the case, it is the Petitioner's responsibility to have the Respondent properly served.

Is there a fee to open my case?

Yes. The Current fee for filing a Dissolution of Marriage or Legal Separation is \$230.

What if I cannot afford the filing fee?

If you are unable to pay the filing fee, you may complete the Motion to file without payment and submit it to the Courts. The Courts will decide whether you need to pay the filing fees or if your fees will be waived.

Can my Spouse and I file together?

Yes. If you and the other Party agree that you wish to file for Dissolution of Marriage, or Legal Separation, and that this Court has jurisdiction to hear the case, you can file your case as Petitioner and Co-Petitioner, meaning you both sign on the Petition in front of a notary or a Clerk of the Court.

Do I have to be a resident of Colorado to file my Divorce here?

Either Party must reside in Colorado for at least 91 consecutive days prior to the filing of the Petition.

What is the difference between Divorce and Legal Separation?

Dissolution of Marriage officially requests termination of the Marriage.

Legal Separation is for parties who wish to live separately and have Court Orders regarding Child support, custody, maintenance, divisions of property and debts but do not wish to legally terminate the Marriage.

How long will it take for my Divorce to be final?

There is a mandatory 91-day waiting period before the Court can enter the Divorce decree. If you and your Spouse sign the same Petition and file as "Petitioner and Co-Petitioner", the 91-day waiting period begins on the date the papers are filed with the Court. However, if one of you files as Petitioner for Dissolution of Marriage or Legal Separation and then serves the other Spouse with a copy, 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 of your case and Court schedules.

My Spouse and I are in full agreement. Do we have to attend a Hearing?

In some situations a Decree for Dissolution of Marriage may be issued without a Hearing.

You may file the Affidavit for Decree Without Appearance of Parties if:

There are no Minor Children of the Marriage or there are Children, but both parties are represented by an Attorney and all issues regarding the property and debt of the parties are agreed upon in writing.

I do not know where my Spouse is to have them served. What can I do?

Service by Mail or Publication- This option must be authorized by the Judge or Magistrate handling your case and is only allowed as a last result for service. Proof will be required that all attempts to locate the other Party have been made.