

# DOMESTIC/DIVORCE

## What is the definition of:

**Legal separation:** Court Order to arrange the division of property and debts and payment of maintenance, if applicable, for the married couple to live separately.

**Divorce:** The final, legal ending of a marriage by a court order and is also referred to as dissolution of marriage.

**Invalidity (Annulment):** A court procedure that dissolves a marriage and treats it as if it never happened.

## Where do I file my divorce?

Your case should be filed in the county where you or the Co-Petitioner/Respondent resides in. Either party must reside in Colorado for at least 90 days prior to the filing of the Petition.

## How do I get an annulment?

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 [Declaration of invalidity](#) Please review the statute to determine what grounds may apply to your circumstances.

[Invalidity of Marriage - Annulment](#)

## What documents do I need to file for divorce?

Select the link below based on whether or not there are children involved. There, you will find the instructions, forms and fees involved.

If no children are involved [Dissolution-Legal Separation-NO Children](#)

If children are involved [Dissolution-Legal Separation-WITH Children](#)

## How long do I have to live in Colorado to get a divorce?

Either party must reside in Colorado for at least 90 days prior to the filing of the Petition.

There is a mandatory 90-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 90-day period begins on the date the papers are filed with the Court. However, if one of you files a Petition for Dissolution or Legal Separation and then serves the other spouse with a copy, the 90-day period begins on the date the Petition is served. Your divorce will take at least 90 days, and may take longer, depending on the circumstances of your case and court schedules.

## How long do I have to live in Colorado before I can file for custody of my kids?

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.

[Allocation of Parental Responsibility](#)

## How long do my children have to live in Colorado?

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. 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.

## What is a stipulated motion?

A stipulated motion needs to be signed by all parties and is an agreement regarding the issues. It must have all signatures for the judge to rule on it.

### **How do I get a copy of my divorce?**

You'll need to contact the court where the decree was entered.

### **How do I get grandparent rights?**

A maternal or paternal grandparent of a child may seek a court order granting grandparent reasonable visitation rights when there is or has been judicial intervention into the marriage of the child's parents, a judicial placement of the child(ren) outside their family, or the death of the grandparent's child.

A maternal or paternal grandparent of a child **cannot seek a court order** granting grandparent reasonable visitation rights under the following circumstances, since they do not have standing to request visitation:

1. If parental rights of the child have been terminated.
2. If the child has been placed for adoption or the adoption has been legally finalized.
3. If the parents of the child have not participated in a Domestic Relations, Juvenile or Probate case as identified in numbers 1 – 5 above. [Request Grandparent Visitation](#)

### **What is FSR and how can they help me?**

Family Support Registry (FSR) is Colorado's centralized collection and disbursement unit for processing child support and maintenance payments. [Family Support Registry](#)

If you have an order for child support or child support & maintenance, the Court can order that the payments be processed through the Family Support Registry (FSR) Family Support Registry, P.O. Box 2171 Denver, CO 80201-2171.

1. Checks paid through the registry may have to clear the bank before Family Support Registry sends the money to you. There could be an initial delay of up to two weeks before you receive your first check.
2. The registry account can help you monitor what payments have been made, when they were made and in what form of payment.
3. If a payment is not made, the Court does not take any action; you must file an action for non-payment yourself.

### **If we agree on everything and sign the petition together, do we have to fill out all the forms?**

Yes, the court makes the determination if the agreement is fair to each party.

### **What documents do I need for allocation of parental responsibility (custody)?**

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.

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.

This link involves parenting time and decision-making responsibilities regarding the children.

[Allocation of Parental Responsibility](#)

### **What is personal service and who can serve the other party?**

Select the Sheriff's Department, 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.

**How do I get a name change if it was requested on the JDF 1101 petition?**

If #20 was filled out on the Petition for Dissolution of Marriage –it will be addressed when the Order/Decree is final.

**If the name change request was not done during the divorce process how do I get my name changed?**

The name change process is located in the County Civil section of the Forms.

[Name Change-Adult](#)

**How do I request to appear by phone?**

[Forms to Request Appearance by Telephone](#)

**How do I get a copy of my marriage license?**

Contact the clerk and recorder’s office in the county where the marriage license was issued.

**What do I do if the other party is not paying child support?**

[Contempt of Court](#)

[Family Support Registry](#)

**How do I modify my child support?**

[Modify Child Support](#)

**What is an initial status conference?**

It’s a meeting of the judge and the lawyers (or unrepresented parties) to determine how the case is progressing. At the status conference, the judge may ask about whether and how the parties have tried to settle the case. Often, court rules require the parties to file paperwork before the conference answering questions about the issues to be discussed at the conference.

**What is mediation?**

IT is a confidential process whereby a trained neutral third party assists disputing parties to reach their own solution. [Office of Dispute Resolution Homepage](#)

[How Family Mediation May Work For You](#)

[Mediation in the Colorado Courts](#)

**How do I get a Protection Order (restraining order)?**

[Protection Orders](#)

**How long will my protection order last?**

*Temporary Protection Order (TPO)* lasts 10-fourteen days (per state statute) and it must be granted before you can request a Permanent Protection Order.

*Permanent Protection Order (PPO)* lasts forever, unless you make a request to modify or dismiss it. In order to modify or dismiss the Order, you must see a Judge/Magistrate to explain why you are making the request. The defendant can ask to modify or dismiss the Order after four years, under certain circumstances. [Protection Orders](#)

**Is there any information available to help my kids after the divorce?**

[Connecting with Kids - Parenting Time Book](#)

**I have filed the petition to get a divorce but I've changed my mind. How do I stop it?**

If after the Petition is filed you change your mind about the dissolution of marriage or legal separation, 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 yourself divorced or legally separated even though you and your spouse have reconciled.