

Instructions for Filing a New Dissolution of Marriage (Divorce)
Or Legal Separation Without Children

**FOR ASSISTANCE WITH FORMS OR ADDITIONAL INFORMATION,
CALL THE SELF-HELP CENTER AT (303) 271-6570 OR VISIT SUITE 1050.**

FREE Divorce/Legal Separation Clinic

When: Second Wednesday of each month (12 p.m. to 1:30 p.m.) The clinic begins promptly at noon.

What: Information on filing a simple divorce/legal separation without the assistance of an attorney. The following procedures and forms will be discussed: New case filings, Financial Affidavits, Maintenance, Temporary Orders, Separation Agreements

The clinic is held in the Jury Commissioner's Office. **No reservation is required.**

1. Forms

The Clerk's office is located on the 1st floor at: 100 Jefferson County Parkway, Golden, CO 80401. Forms may be obtained at no cost at www.courts.state.co.us or in the Court Clerk's Office for a fee. Select the **Forms** tab, **Divorce and Family Matters**, under the **Divorce** tab click **Divorce or Legal Separation, NO CHILDREN**. Some forms are available in Spanish.

The following forms are required: The first three forms are needed to begin your case.

- | | | |
|--------------------------|-----------------|---|
| <input type="checkbox"/> | JDF 1000 | Case Information Sheet |
| <input type="checkbox"/> | JDF 1101 | Petition for Dissolution of Marriage or Legal Separation |
| <input type="checkbox"/> | JDF 1102 | Summons (Not needed if signing Petition together.) |
| <input type="checkbox"/> | JDF 1104 | Certificate of Compliance with C.R.C.P. 16.2(e) |
| <input type="checkbox"/> | JDF 1111 | Sworn Financial Statement |
| <input type="checkbox"/> | JDF 1115 | Separation Agreement |
| <input type="checkbox"/> | JDF 1116 | Decree |
| <input type="checkbox"/> | JDF 1201 | Affidavit for Decree without Appearance of Parties (ONLY file this form if you agree on all issues. It must be signed, dated, and notarized by both parties) |

***** Additional forms may be required on a case by case basis *****

If your address changes, you must complete the **NOTICE OF CHANGE REGARDING CONTACT INFORMATION** (JDF 1312) and file it with the court.

2. Filing Fees

- Dissolution of Marriage or Legal Separation \$230.00.
- Response to the Petition, or the Respondent's first pleading \$116.00.
- **The filing fee **may be waived** if a party is determined by the court to be indigent. Complete forms JDF 205 and the caption of JDF 206 and file them with the court. Once the documents are submitted, the court will determine whether the fee can be waived.*

***** FILING FEES ARE SUBJECT TO CHANGE and ARE NON-REFUNDABLE *****

3. Opening Your Case

- ◆ **One of the parties must have resided in Colorado for at least 91 days** prior to the filing of the Petition. If this time requirement is not met at the time the case is filed, the court does not have jurisdiction over the dissolution of marriage or legal separation.
- ◆ **To file your case, you must complete and submit the original Petition, Summons, Case Information sheet, and pay the filing fee.** The Case Information Sheet must be completely filled out, including parties' social security numbers.

****All documents MUST be typed or written legibly in **BLACK** or **BLUE** ink, and signatures notarized where required. If something does not apply, please indicate "not applicable" or "N/A". DO NOT file incomplete documents. To correct mistakes, draw a line through the error and fill in the correct information. Please do not use white out.**

4. Filing Forms with the Court

All documents must be filed at the Domestic window in the Clerk's Office or mailed to ***Clerk of Court, 100 Jefferson County Parkway, Golden, CO 80401***. You cannot file documents in your assigned courtroom or division. File the original documents and **always include your case number**. The Clerk's Office can notarize your court documents at no cost.

5. Change of Name

If one party desires to have a prior name restored, they must indicate this on the Petition, the Decree and the Affidavit for Decree without Appearance of Parties, if applicable.

6. Service

If you are not filing as Co-Petitioners, the Petitioner must have the Respondent personally served with the Summons and Petition. ***The Summons cannot be served or the waiver and acceptance of service cannot be signed by the Respondent, prior to filing your case.*** Personal service is NOT accomplished by mailing the documents to the other party, even if certified. Service must be done in one of the following ways:

- ◆ **Personal Service** - The Summons and Petition may be served by the Sheriff's Department or a person age 18 or older who is not a party to the case. The completed Return of Service, which is included with the Summons (JDF 1102), must be filed in the Clerk's Office and include the notarized signature of the person completing service.

* For further explanation of personal service, please see the following YouTube video <http://www.youtube.com/watch?v=Caq1IWUVih8>. (If you have trouble with the link, you can also go to the YouTube homepage and search for "service of process in Colorado").

- ◆ **Waiver and Acceptance of Service** – The Waiver, which is included with the Summons (JDF 1102), must be dated, signed and notarized by the Respondent, then filed in the Clerk's Office.
- ◆ **Publication** - You must attempt personal service. If personal service is unsuccessful and you do not know the whereabouts of the Respondent, complete the Motion and Order for Publication (JDF 1301 and JDF 1302). **Attach proof of attempted service.**

If granted: The court will publish all notices of *publication by consolidated notice* in the Golden Transcript newspaper. If your case requires *publication of summons*, it is your responsibility to publish notice in a local newspaper for 5 consecutive weeks. You are responsible for publication costs.

Once the proof of publication is filed, you may set your case for hearing. **If you obtain service by publication, you will be required to appear in person for the hearing and provide the court with testimony regarding the facts of your case.**

7. Respondent files a Response (JDF 1103)

The purpose of the Response is for the Respondent to state in writing whether he/she agrees or disagrees with the information in the Petition. The Respondent must file the original with the court and mail a copy to the Petitioner. **The Respondent may not be allowed to participate in the permanent orders hearing if he/she has not filed a Response.**

8. Initial Status Conference (ISC)

An ISC is required to be held within 42 days of the date of filing your case. You will receive a Case Management Order (CMO) by mail with the date of your conference. It is the Petitioner's responsibility to mail a copy of the CMO to the Respondent. Failure to attend the ISC may result in the dismissal of your case. If neither party is represented by an attorney, the ISC will be scheduled with the Domestic Family Court Facilitator. If one party is represented by an attorney, the ISC will be scheduled with a Magistrate.

9. Sworn Financial Statement (JDF 1111)

The financial statement must be completed and exchanged by each party and ready for court review at the ISC. Include all current and accurate financial information. If your financial information changes, please file a new financial statement.

10. Certificate of Compliance with Mandatory Financial Disclosures (JDF 1104)

Each party is required to exchange the Mandatory Disclosures as required by the CRCP, Rule 16.2(e). Each party must file with the court the Certificate of Compliance, JDF 1104, to show the court they have exchanged the information, but **DO NOT FILE THE DISCLOSURES WITH THE COURT**, just provide copies of the disclosures to the other party.

11. Separation Agreement (JDF 1115)

A separation agreement is required in **DISSOLUTION OF MARRIAGE AND LEGAL SEPARATION** cases. If parties have a full agreement, the document must be signed, dated, and notarized by both parties. **The Separation Agreement must address:**

- ◆ Payment of **all** debts incurred during the marriage.
- ◆ Division of all property, real and personal, acquired during the marriage. (This includes real estate, furniture, household goods, vehicles, bank accounts, retirement accounts, businesses, etc.)
- ◆ Spousal Maintenance (Alimony) as to both parties. **(If maintenance is being waived, this must be indicated in writing).**

12. Final Decree (JDF 1116)

The decree must be completed by one of the parties and submitted to the court. Only complete the caption box, part 1 addressing the court's jurisdiction, and a party's name change (if applicable) on the second page. The rest of the form will be completed by the Judge or Magistrate. You may file this at any time, but it must be in the court file before the hearing date so the Judge or Magistrate can sign it.

The court will send you a copy of the decree once the Judge or Magistrate has approved it. If you would like a **certified copy** of the decree, there is a fee of \$20.00. If you are requesting a name change, you must get a certified copy of the decree.

13. Converting a Decree of Legal Separation to Decree of Dissolution of Marriage

You must wait **6 months** after the entry of a Decree of Legal Separation to request that it be converted to a Decree of Dissolution of Marriage. Either party may make the request by filing a motion and proposed order (JDF 1321 & JDF 1322). The filing fee is \$105.00. The party must also provide a Decree of Dissolution of Marriage (JDF 1116) for the Judge or Magistrate to sign (see #12 above).

*The court provides this information as a courtesy and it does not constitute legal advice. The court staff **cannot** answer questions on legal issues. **It is your responsibility to prepare and submit adequate and complete documents.** If your case is complex or you have additional questions, please obtain or consult legal counsel. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

The Colorado Revised Statutes can be found on the Colorado Court Website under the *Legal Community* link.

To avoid a long wait at the Domestic window, please complete all forms prior to filing your paperwork. If you need assistance with your forms, go to the self-help center located in Room 1050 of the Jefferson County Courthouse.