

Domestic Pro Se Class -

Divorce, Legal Separation, Civil Union
& Custody cases -

What to know...

What forms you 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...

Dissolution of Marriage or Civil Union (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...

Case Information Sheet JDF 1000...needed for all cases...

Petition for Dissolution/Legal Separation JDF 1011...needed for all cases...

Summons JDF 1012...needed if you are filing alone as Petitioner...

Waiver of Service JDF 1013 OR Return of Service JDF 1014...needed with Summons...

Petition for Dissolution...

Things to remember...

Be sure to check the appropriate box for Dissolution or Legal Separation, and check the appropriate box for Marriage or Civil Union. If you have children together be sure to mark that box as well...

Read the Notice on pages 5 and 6 which gives information on the automatic injunction. This also appears on page 6 of the Petition for Allocation of Parental Responsibilities...

Petition continued...

Question 12 asks what orders you want the Court to enter in your case...

By default, a divorce or separation will address the status of the marriage or union, the division of property and debts, and the creation of a parenting plan and child support order if there are minor children...

maintenance (spousal support)—this refers to what used to be called “alimony”...

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...

Waiver and Acceptance of Service—This is the easiest form of service; however, your spouse must be willing to accept the papers and sign the waiver...

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 for Custody...

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...

Case Information Sheet JDF 1000...needed for all cases...

Petition for Parental Responsibilities JDF 1031...needed for all cases...

Summons JDF 1032... Needed if you are filing alone as Petitioner...

Waiver of Service JDF 1033 OR Return of Service JDF 1034...needed with Summons...

Filing Fees...

Dissolution of Marriage or Civil Union / Legal Separation... \$260...

Petition for Allocation of Parental Responsibilities... \$252...

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...

Motion to Waive the Filing Fee JDF 205...

Order to Waive the Filing Fee JDF 206...

General Info for Dissolution -

Requirements...

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...

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

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...

A Petition may be filed by a person other than a parent who has the physical care of the children 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 children are permanent residents or where the children are found, but only if the child is not in the physical care of one of the children's parents...

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...

Your case should be filed in the county where the children reside...

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 \$146 when you file your Response. Your Response is due 21 days after date of service. If you are served outside the State of Colorado, you have 35 days to file the Response...

For a Dissolution or Legal Separation use JDF 1015...

For a Custody case use form JDF 1035...

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...

ISC continued -

Do not file your Property and Financial 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 Property and Financial Agreement or Parenting Plan before the ISC...

If you have reached a full agreement, bring the Property and Financial 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 1018 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 Property and Financial 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 and Notice to Set -

If you want the court to 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 granted for 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 a Notice to Set Hearing. Please contact the courts to obtain the proper Notice to Set form for your courtroom...

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 www.familylawsoftware.com...

You can also find it on our website at www.coloradojudicial.gov, click on the tab for "Self Help/Forms," then click on "Self Help Resources." Next, choose the category for "Family Cases," and then click "Calculate Support Payments"...

Property and Financial Agreement and Parenting Plan -

If you have an agreement with the other party you will complete and both sign the Property and Financial Agreement and Parenting Plan (if there are children). ONLY complete the parenting plan if it is a custody case. You do not need the Property and Financial Agreement if you are only doing a custody case...

If you do not have an agreement, you may still submit the Property and Financial 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 Property and Financial 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 they 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 example, "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 -

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...

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 Setting Order to determine when your Witness List and Exhibit List are due to be filed and exchanged...