

Domestic Relations Orientation

PRESENTED BY: FAMILY COURT FACILITATOR, 20TH JUDICIAL DISTRICT

*THIS IS FOR INFORMATIONAL/PROCEDURAL PURPOSES ONLY AND SHALL NOT BE CONSTRUED AS LEGAL
ADVICE.

What is Domestic Relations?

ALLOCATION OF PARENTAL RESPONSIBILITIES (APR) (CUSTODY)

The Issues:

Parental Responsibilities

- Parenting Time
- Decision Making

Financial

- Child Support (support for the child)



DISSOLUTION OF MARRIAGE (DIVORCE) & LEGAL SEPARATION

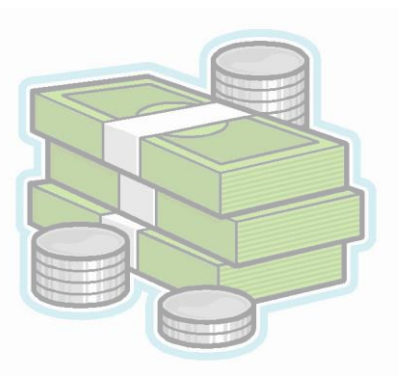
The Issues:

Parental Responsibilities

- Parenting Time
- Decision Making

Financial

- Allocation of Property – Assets and Debts
- Maintenance (support for the spouse)
- Child Support (support for the child)



Where should I file a case?

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

- File in the county where **you or your spouse** lives

For Custody: -either in divorce or Allocation of Parental Responsibilities-: Child must have resided in Colorado for at least **182 days prior to filing the Petition** or since birth if under 6 months old.

- File in the county where **child resides**.



Two ways to start a case:

You file the Petition (the other party does not sign)

- Fill out **Petition (JDF 1011)** and **Case Information Sheet (JDF 1000)** and sign;
- File the documents with the Court and pay the filing fee of \$260 (or request waiver of the fee- **JDF 205**);
- 1. Personally serve** the other party with all the documents and the **Summons & Notice of Initial Status Conference** and file the **Return of Service**
 - **Sheriff or Private Process Server** or any person over 18 years old who is not a party to the case and knows the rules for service
- 2. Waiver of Service (JDF 1013):** Petitioner gives Respondent all the paperwork including the Notice of Initial Status Conference and Respondent signs the waiver and files it with the Court.
- 3. Other service options:** If you are unable to serve the Respondent or have them sign a waiver of service, contact the FCF or Self-Help Center for additional options.
- Attend your **Initial Status Conference**.

Both parties file the Petition together (both parties sign)

- Fill out **Petition (JDF 1011)** and **Case Information Sheet (JDF 1000)** and both people sign;
- File the documents with the Court and pay the filing fee of \$260 (or each party request waiver of the fee **JDF 205**);
- Attend your **Initial Status Conference**.

if only one party comes to the courthouse to turn in the documents, make sure they give the other person a copy of the **Notice of Initial Status Conference.**

What documents will the Court give me?

Notice of Initial Status Conference:

- The **time** and **date** of your **Initial Status Conference**
- A list of documents that each party needs to complete.

Case Management Order:

- Provides information about court procedures regarding your case
- Important deadlines in your case
- Co-parenting class Information
- Spousal/ Maintenance Guideline Calculation
- Other important information and instructions

Carefully read all documents that the Court issues in your case!



What documents do I need to complete?

Both parties **must** each complete and file:

Sworn Financial Statement (JDF 1111 & 1111SS)

Certificate of Compliance w/Mandatory Disclosures (JDF 1104)

Due: **42** days from the date of Service/Co-Petition filed

***If parties have children, they must file a certificate of completion of co-parenting class within 63 days of service or co-petition filing. Call the FCF's office at 720-664-1566 for information regarding co-parenting time classes**



How to sign your forms

1. Complete the **Verification**- this is where you sign the form verifying that what you have filled out is true and correct.
2. Complete the **Certificate of Service**- this is where you let the court know when and how you gave a copy of the form to the other party

IF YOU DO NOT COMPLETE ALL HIGHLIGHTED AREAS, THE SIGNATURE SECTION WILL BE INCOMPLETE.

You must select hand delivery, fax, or by placing in the mail to let the court know how you gave the other party a copy of the document.

****E-filed** is not an option if you are not an attorney.

Example of a signature page on the individual forms (JDF 1111 and JDF 1104):

***SIGNATURE(S) ARE REQUIRED BELOW BEFORE FILING WITH THE COURT**

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the day of at

(date) (month) (year) (city or other location, and state OR country)

(Printed name of Petitioner/Co-Petitioner/Respondent) *Signature of Petitioner/Co-Petitioner/Respondent

Attorney Signature, if any

***SIGNATURE IS REQUIRED BELOW BEFORE FILING WITH THE COURT**

CERTIFICATE OF SERVICE

I certify that on (date) a true and accurate copy of the **CERTIFICATE OF COMPLIANCE WITH MANDATORY FINANCIAL DISCLOSURES** 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: ****other party's address here*****

*(Your Signature) Date

select one option

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Initial Status Conference

What should I bring with me?

- **Return of Service or Waiver of Service signed by Respondent** if not already filed with the Court
- **Sworn Financial Statements and Certificates of Compliance w/Mandatory Disclosures** if not already filed with the Court

What happens at the Initial Status Conference?

Informal meeting to discuss the **management** of your case:

- Discuss whether you and the other party will be able to come to **agreements** regarding any of the issues
 - If the parties think they **can come to agreements** on all issues, the Judge or Family Court Facilitator will set deadlines for the parties to file their agreements with the Court.
 - If the parties think they **can't come to agreements** on all issues, the Judge or Family Court Facilitator will set a date for the Permanent Orders Hearing and if necessary, Temporary Orders Hearing. Parties will be required to attend mediation.
- Ask questions about the process or procedure



What if we
agree on all
issues?

The parties complete one agreement and both sign:

Separation Agreement

(Divorce only) (JDF 1115)

- Allocate all marital **property** and **debt** between the parties
- **Spousal Maintenance**
 - Parties must review the statutory maintenance guidelines



Parenting Plan

(Divorce w/ Children & APR)
(JDF 1113)

- **Parenting Time**
- **Decision Making**
- **Child Support**
 - Must attach child support worksheet
- **Additional Financial Issues**

If **no children** – Also complete **Affidavit for Decree w/o Appearance of Parties** (JDF 1018) – **No hearing required!**

If **children** – Appear at **Non-Contested Hearing**

Marital Property

■ **Marital Property and Marital Liability**- in general terms, marital property is assets/debts acquired during the marriage by either spouse, regardless of how titled (in one person's name individually or jointly titled).

❖ There are very few exceptions- Assets/Debts acquired during the marriage that are not considered marital property generally include:

- property acquired by gift or inheritance (or property acquired in exchange for property acquired by gift or inheritance);
- property acquired after a decree of legal separation; and
- Property excluded by valid agreement of the parties through a Prenuptial Agreement.

❖ Marital property includes the growth in value during the marriage of separate property.

**See Colorado Revised Statutes §14-10-113 for more information on marital verses separate property

What if we don't agree on all issues?

Your case will be set for a **Permanent Orders Hearing**.

- At the Permanent Orders Hearing, the **Judge** will decide all issues that the parties don't agree on.

You will be **required to mediate** before your **Permanent Orders Hearing**

- At mediation you will try to come to agreements on some or all of the issues
- You must file a **Certificate of Mediation** with the Court at least **21 days** before your hearing week

You also will be required to attend your **pretrial conference** with the Family Court Facilitator, approximately 3 weeks prior to your final hearing week

Remember, you can always come to agreements on **some of the issues** even if you can't agree on all of them!



Preparing for your hearing



At least **7 days prior** to the Permanent Orders Hearing, both parties **must file**:

- **Pretrial Statement** (JDF 1129): Tells the Judge what **issues are still in dispute**, what **witnesses** you plan to call, and what **exhibits** you plan to use.
- Updated **Sworn Financial Statement** (JDF 1111): Give the Judge the complete picture of your **current** financial situation.
- You must each file your own proposed **Separation Agreement** and proposed **Parenting Plan (if you have children of the marriage)** with attached **Child Support Worksheet**. This tells the Judge what you are requesting.

If your case is only an **Allocation of Parental Responsibility (Custody)** at least **7 days prior**, you must each file your own Parenting Plan with attached Child Support Worksheet, an updated Sworn Financial Statement (JDF 1111) and your Pretrial Statement (JDF 1129).

Practice presenting your case

- Most hearings are only 3 hours long, so you will have 1 ½ hours or less to present your side of the story. That time will go by fast, so be prepared!
- Check out the pamphlet re: **Admission of Evidence**
- Remember, it is your job to give the Judge all the facts that he or she will need to make decisions about your case!

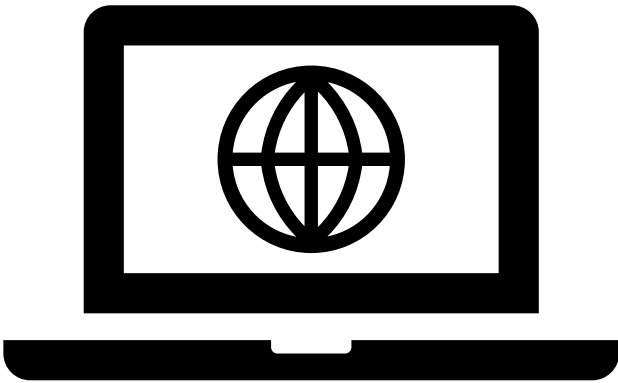
Where can I get the forms?

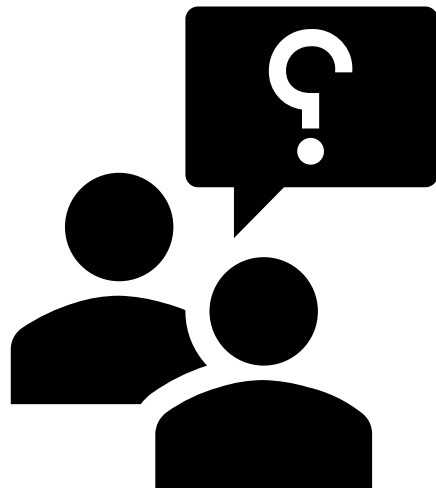
All forms and instructions can be **downloaded for free** from the Court's website:

<https://www.coloradojudicial.gov/self-help-forms>

All forms can also be **purchased for a fee** from the Clerk's Office at the Justice Center,
1777 6th Street, Boulder, CO 80302

Please note: The Clerk's Office **will not accept** double-sided forms for filing.





How can I get help?

Court Resource Center:

- Self-Represented Litigant Coordinators (SRLC) (“Sherlocks”)
- Can answer questions about **forms** and **procedures**
- **Can’t** give legal advice about your case
- Call **720-664-1505** or email BoulderCourtSelfHelp@judicial.state.co.us

Colorado Legal Help Center:

www.coloradolegalhelpcenter.us