



# Guide to Convert a Legal Separation to a Divorce

## Legal Advisory

- These standard instructions are for informational purposes only and do not constitute legal advice about your case.
- If you choose to represent yourself, you are bound by the same rules and procedures as you would be if you were an attorney.
- If you do not understand the information in this document, please contact an attorney.

## General Information

- This information provides a guide to the process and forms necessary to convert a Legal Separation to a Divorce.
- Your motion should be filed in the District Court where the Decree for Legal Separation was issued.
- You must wait a minimum of 182 days from the date of the Decree of Legal Separation before you can file your motion to convert.
- The law that directs this process is Colorado Revised Statutes (C.R.S.) section (§) 14-10-120(2).
- If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator: [[www.coloradojudicial.gov/ada-coordinators](http://www.coloradojudicial.gov/ada-coordinators)].

## Fees

Filing fee: \$

For information on fees and fee waivers, visit [[www.coloradojudicial.gov/self-help/list-fees](http://www.coloradojudicial.gov/self-help/list-fees)].

## Forms

Find forms online at [[www.coloradojudicial.gov/self-help-forms](http://www.coloradojudicial.gov/self-help-forms)].

Read these instructions carefully to determine what forms you may need. Check with the Court where you plan to file your case to determine if they have any special requirements.

- JDF 1019 Final Decree (Divorce/Legal Separation)
- JDF 1321 Motion to Convert Decree of Legal Separation to Decree of Dissolution
- JDF 1322 Order to Convert Decree of Legal Separation to Decree of Dissolution
- JDF 1315 General Response

## Step-By-Step

### Step 1: Complete Forms

#### 1) Motion to Convert (JDF 1321)

- a) Please complete all sections of this form.

- b) If both parties agree to the conversation, they should both sign the form.
- c) If a party desires to have a prior name restored, that person must indicate that fact on the Motion.
- d) Complete the Certificate of Service at the bottom of the form if only one party signed the form.

**2) Order to Convert (JDF 1322)**

- a) Complete the caption only on this form.
- b) The Magistrate or Judge will complete the remaining sections of this Order and give you and the other party a signed copy.

**3) Decree (JDF 1019):**

- a) Complete/mark all sections on this form consistent with your Decree for Legal Separation.
- b) If you or the Co-Petitioner/Respondent are requesting to have a name changed/restored, please identify the restored name you or the Co-Petitioner/Respondent are requesting.
- c) Provide the Court with the number of copies you would like. If you want any of the copies to be certified, you will need to provide the Court with a certified copy fee of \$20.00.

**Step 2: File with the Court**

- 1) Pay the filing fee or request a fee waiver.
- 2) If your address has changed since you originally filed your case, please provide your current address to the Court in writing. Use form JDF 1312 – Contact Information Change.
- 3) Provide the Court with a self-addressed stamped envelope for each party to receive a copy of the Decree. If e-filed, self-addressed stamped envelopes may not be required.

**Step 3: Service**

[Skip this step if both parties signed the motion.](#)

If only one party signed the Motion, then you must provide a copy to the other party. You can serve this Motion on the same day that you file it with the Court.

**Step 4: Response**

[Skip this step if both parties signed the motion.](#)

- 1) As the responding party, you have 21 days to file a response.
- 2) Let the court know if you want to have your prior name restored in the response.
- 3) No specific response form exists for this process. However, you can use form *JDF 1315 – General Response*.

**Step 5: Court Decision**

The Judge or Magistrate will review the Motion and any Response filed. If approved, the Court will sign the Order to Convert the Legal Separation to a Divorce.