

**JEFFERSON COUNTY DISTRICT COURT
GUIDELINES FOR DISSOLUTION OF MARRIAGE &
LEGAL SEPARATION CASES
WITH CHILDREN**

**PLEASE READ ALL OF THESE INSTRUCTIONS VERY
CAREFULLY PRIOR TO FILING YOUR CASE.**

**COURT STAFF ARE NOT PERMITTED TO HELP YOU
COMPLETE THE FORMS.**

**THESE 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 AN ATTORNEY.**

1. Forms

The Clerk's office is located at: 100 Jefferson County Parkway, Golden, CO 80401

Forms may be obtained from the Colorado Court's Homepage at www.courts.state.co.us under the **Self-Help Center** link.

You will need the following forms:

- | | | |
|--------------------------|-----------|----------------------------------------------------------|
| <input type="checkbox"/> | JDF 1101 | Petition for Dissolution of Marriage or Legal Separation |
| <input type="checkbox"/> | JDF 1102 | Summons |
| <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 1113 | Parenting Plan |
| <input type="checkbox"/> | JDF 1115 | Separation Agreement |
| <input type="checkbox"/> | JDF 1116 | Decree |
| <input type="checkbox"/> | JDF 1117 | Support Order |
| <input type="checkbox"/> | JDF 1820M | Completed Child Support Worksheet A <u>OR</u> |
| <input type="checkbox"/> | JDF 1821M | Completed Child Support Worksheet B |

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

2. Filing Fees

For a Dissolution of Marriage the filing fee is \$ 194.00.

For a Legal Separation the filing fee is \$189.00.

For a Response to a Petition, or the Respondent's first pleading there is a filing fee of \$80.00.

***** FILING FEES ARE SUBJECT TO CHANGE *****

3. Completion of Forms

To file your case, you must complete and submit the original Petition and pay the filing fee. The case number assigned to your case should appear on all documents related to the case. All forms must be legible and signatures notarized where required. The Clerk's office can notarize the documents pertaining to your case at no cost. **The Petition and Summons (if required) are the only forms needed to begin your case.** You will have a minimum of 60 days to complete the remainder of the required forms.

Please use ink when completing the forms, black ink is preferred. If something does not apply please indicate that by stating "not applicable" or "N/A". It is preferred that the parties do not use white out/correction fluid on legal documents. If you make a mistake please mark a line through the error and fill in the correct information.

4. Definitions

A **petition for dissolution of marriage** requests termination of a marriage.

A **petition for legal separation** requests a court order to arrange the terms of allocation of parental responsibilities, child support, maintenance, debts, and property division under which a married couple will live separately.

A **petitioner** is a person filing a formal written application to a court requesting judicial action.

A **co-petitioner** is a person filing together with the petitioner a formal written application to a court requesting judicial action.

A **respondent** is the person against whom an action is being taken.

A **hearing date** is the date when the parties will appear before the court to provide testimony prior the entry of the decree. The decree usually enters the same day as the hearing.

A **status conference** is required by certain Judges or Magistrates to be held within 45 days of the date of filing your case. Parties will be provided an order directing them how to set the status conference. Please read these orders and follow the instructions very carefully.

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 the Parties, if applicable.

6. Co-Petitioners

If you are Co-Petitioners and the signatures of both parties appear on the Petition and are properly notarized, you do **not** need to have a Summons issued or submit a Waiver of Service.

7. Service

If you are not filing as Co-Petitioners, the Petitioner must provide proof to the Court that the Respondent was provided with notice of the petition. ***Prior to having the Summons served or the waiver and acceptance of service signed the Summons must be signed by the Clerk's Office or by an attorney.*** Service must be done in **one** of the following ways:

- ◆ **Personal Service** - The Summons and a copy of the Petition may be served by the Sheriff's Department or a person over the age of 18, who is not a party to the action. The Return of Service must then be filed in the Clerk's office.
- ◆ **Waiver and Acceptance of Service** - The Waiver, which is printed on the back of the Summons, must be dated, signed by the Respondent before a notary public or a deputy court clerk, and filed with the Clerk's office.

8. 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, which may be obtained from the District Court Clerk's Office, along with **2 copies of the Petition, the original and 2 copies of the completed Summons, and a stamped envelope with the last known address of the Respondent.** The District Court publishes all notices of dissolution by consolidated notice in the Golden Transcript newspaper. Please include \$5.00 for the cost of the publication. The publications are sent to the paper on the 20th of each month. It takes approximately 10 days for the proof of publication to be returned to the Court.

When the proof of publication is in the case file, you may set your case for hearing. You must appear in person to 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.**

9. Setting a Status Conference

A Status conference is required to be held within 40 days of the date of filing your case. A Case Management Order will be issued at the time the Petition is filed with the Court. The Case Management Order will contain the date of the status conference.

10. Attending A Parenting Class

All judicial officers encourage the completion of a parenting class and some require completion before a decree will be signed. You will be issued an order regarding the parenting class, please read the Order carefully and follow the directions to schedule the parenting class. Failure to attend a parenting class could result in the delay of your decree or other sanctions deemed appropriate by the court.

11. Sworn Financial Statement

The Financial Statement must be completed for the Court to review at the Status Conference. A financial statement must be completed by each party and must be accompanied by proof of earnings (i.e. copy of paycheck, W-2 tax form. Profit/Loss statement). You may complete the financial statement on line at:

<http://www.courts.state.co.us/chs/court/forms/domestic/alldomesticforms.htm>

You will need to attach 3 months of pay stubs or last years tax return to the Sworn Financial Statement.

12. Certificate of Compliance with Colorado Rules of Civil Procedure 16.2(e)

Each party is required to exchange the Mandatory Disclosure as required by Colorado Rules of Civil Procedure (C.R.C.P. 16.2.) 16.2(e)(7) and file with the Court the Certification of Compliance. DO NOT FILE THE DISCLOSURES THEMSELVES WITH THE COURT.

13. Separation Agreement

You may choose to complete the Separation Agreement that was included in the packet of forms, or you may draft your own Separation Agreement covering the below stated topics. A Separation Agreement is required. It must be signed and dated by both parties and must be notarized. **The Separation Agreement must provide:**

- ◆ Parental Responsibilities (Parenting Time, Decision-Making Responsibilities, Dispute Resolution)
- ◆ Support of the child(ren) pursuant to the child support guidelines, with the payment dates.
- ◆ Payment of all debts incurred during the marriage.
- ◆ Division of all property, real and personal, acquired during the marriage. (This includes house, real estate, furniture, household goods, cars, bank accounts, etc.)
- ◆ Spousal Maintenance (alimony) as to both parties. **(If maintenance is being waived, this must be indicated in writing).**
- ◆ Whether child support and/or maintenance payments, if any, will be made directly between the parties or through the Registry of the Court.

**A SEPARATION AGREEMENT IS REQUIRED IN A DISSOLUTION
OF MARRIAGE AND A LEGAL SEPARATION**

13. Parenting Plan

Colorado law no longer uses the term “custody.” The law speaks of “Parental Responsibilities” and encourages parents to identify the children’s needs and define how they will assume the responsibility for meeting those needs.

A parenting plan is the tool used to define the parenting time and decision-making responsibilities of each parent. It should identify how the parents will make decisions for the children, how they will spend time with each child and should include a dispute resolution plan that outlines how the parents will resolve conflict.

If there are children of the marriage, you must submit a parenting plan to the court.

- ◆ The parenting plan may be included as part of your separation agreement.
- ◆ You may choose to complete one of the parenting plans included in the packet of forms.
- ◆ You may draft your own parenting plan.

14. Child Support Worksheets

If there are children, child support must be provided for. Parties cannot waive their right to child support. It is mandatory that child support guidelines Worksheet A or B be completed and submitted to the Court. It is the responsibility of the parties to make all calculations and have the worksheets completed in accordance with statutory guidelines in order for a divorce/separation to be granted. Please follow the instructions provided with the packet to assist you with any questions you may have.

The child support provided in your separation agreement must not be less than the amount determined by the worksheet.

The Court cannot assist you in this procedure. If you have additional questions you may make an appointment with the Court Facilitator by calling (303) 271-6105 or a child support worksheet may be completed on line on the Colorado Court’s Homepage at www.courts.state.co.us. If the calculations or worksheets are not fully or properly completed, the Court may not order the entry of the Decree.

15. Support Order

A Support Order is required if there is to be child support or maintenance paid. **You must complete the form and have it ready for the Court’s signature.** It is the responsibility of one of the parties to complete and submit accurate forms to the court prior to entry of any orders. The Support Order must have the date of birth and social security number for both parties and the child(ren), and current addresses for both parties. The Support Order must indicate whether the payments will be made directly between the parties or paid through the Family Support Registry. **An incomplete support order could result in the delay of your child support/maintenance payments.**

If you have been ordered to make payments through the court, they must be made payable to FSR and mailed to:

**Family Support Registry
P. O. Box 2171
Denver, CO 80201-2171
(303) 299-9123 or 1-800-374-6558**

- ◆ When making a payment to FSR, be sure to include the FSR number on the check or money order.
- ◆ You must notify Jefferson County Combined Court of any name and address change in writing including both the court case number and the FSR number.
- ◆ You must notify the Family Support Registry directly of any address change.

16. Final Decree

The Decree form must be completed by one of the parties and submitted to the Court. You may file this at any time but it must be in the Court file before the hearing date so the Judge or Magistrate had something to sign.

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

You must wait six months after 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 along with proof that the other party received a copy of the motion. The court requires a filing fee of \$100.00 for this motion. The party should provide a completed Decree for the Judge/Magistrate to sign.

18. Obtaining Copies of the Final Decree

The Court will not automatically send you a copy of the Decree once the Judge or Magistrate has approved it. If you would like a copy of the Decree returned to you, you must provide the court with a copies of the Decree and a self-addressed, stamped envelope.

If you would like a certified copy of the Decree by mail, furnish the Court with a self-addressed, stamped envelope, a photocopy of the Decree plus \$15.00 for certification. You may obtain as many copies as you need, however, there is a \$15.00 certification fee for each copy.

19. The Self-Help Center

The Self-Help center is located on the first floor of the main clerk's office - the window to the right of the Domestic window. You do not need to make an appointment, as it is first come, first served. The Self-Help Center will serve as a resource for litigants representing themselves. The coordinator will recognize the need for and make referrals to appropriate agencies/organizations; understand court procedures for handling various proceedings and be familiar with court rules. The Self-Help center staff are NOT attorneys and are not permitted to provide legal advice or fill out forms for you.

The Court provides this information as a courtesy. The court staff **cannot** answer questions on legal issues. **It is your responsibility and not the responsibility of the Court Clerks or Courts to prepare and submit adequate and complete documents.** If your case is complex or you have additional questions, please obtain legal counsel.

20. Informational Clinic For Doing Your Own Divorce/Legal Separation

On the second Wednesday of each month from 12 p.m. to 1:30 p.m., an informational clinic will be offered to litigants without attorneys. Each clinic is designed to provide information on filing a simple divorce/legal separation without the assistance of an attorney. The clinic is informational **only** and will cover the following procedures and forms:

- * Initial Filings
- * Temporary Orders
- * Maintenance
- * Financial Affidavits
- * Separation Agreements

The clinics will be held in the Jury Commissioner's Office, Please purchase the forms for Dissolution of Marriage/Legal Separation prior to attending the clinic. **No reservation is required to attend the clinic. The clinics will begin promptly at 12 noon.**

Rev. 7/2/2007