

# INSTRUCTIONS DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION FOR PARTIES WITH NO CHILDREN & WHO AGREE ON ALL ISSUES (NON-CONTESTED)

**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 AN ATTORNEY.**

If reviewing the instructions online, please view the relevant statutes, §14-10-101, et.seq.  
By accessing the statute, you will be leaving the Colorado Judicial Branch's website at [www.courts.state.co.us](http://www.courts.state.co.us)

## GENERAL INFORMATION

- This information only provides a guide to the forms necessary to obtain a Dissolution of Marriage (Divorce) or Legal Separation. Each district may have special requirements. You should contact the court where you plan to file to find out about any special requirements the court may have.
- If you use these instructions you and your spouse must be in agreement on all issues regarding the division of property, debts and all other financial issues. Also, you must not have children of this marriage.
- Your case should be filed in the county where you or the Co-Petitioner/Respondent resides.
- You and your spouse are filing as Petitioner and Co-Petitioner or your spouse as the Respondent is agreeable to the Dissolution of Marriage or Legal Separation and plans to sign the Waiver of Service on the Summons.
- If you cannot locate your spouse, divorce may be entered by "default" and you may proceed as a "non-contested" divorce.
- An automatic temporary injunction will be in effect upon the filing of the Petition, upon service of the Petition and Summons on the Respondent, or upon the signing of a waiver and acceptance of service by the Respondent. The temporary injunction will be in effect until the Decree is entered or until further Court Order.
- If either party believes that the other party is threatening, molesting, injuring, or contacting any other party that is resulting in physical or emotional harm, then a separate request for a temporary protection order to prevent domestic abuse should be filed. Forms are available in the clerk's office.
- If there are matters or issues that you and your spouse cannot resolve, Alternative Dispute Resolution and/or Mediation may be an option. For more information, call the State Office of Dispute Resolution at (303) 837-3672 or check with your local Court to obtain information on local mediators.
- There is a mandatory 90-day waiting period before the Court can order the divorce decree. If you and your spouse file together and sign the same paperwork, filing the petition as "Petitioner and Co-Petitioner", the 90-day period begins on the date the papers are filed with the Court. However, if one of you files a Petition for Dissolution or Legal Separation and then serves the other spouse with a copy, the 90-day period begins on the date the Petition is served. Your divorce will take at least 90 days, and may take longer, depending on the circumstances of your case and court schedules.
- If at any time after you file the Petition you change your mind about the dissolution of marriage or legal separation, you must notify the Court immediately and file a Stipulated Motion to Dismiss (JDF 1305). If all of your paperwork is filed and you do not file for a dismissal, you may find yourself divorced or legally separated even though you and your spouse have reconciled.

## COMMON TERMS

- Petition for Dissolution: Document officially commences the dissolution proceedings by requesting a Court Order to terminate the marriage and to arrange for the division of property and debts and to award maintenance, if applicable.
- Petition for Legal Separation: Document officially commences the legal separation proceeding by requesting a Court Order to arrange for the division of property and debts and payment of maintenance, if applicable, for the married couple to live separately.
- Petitioner: The person filing the Petition with the Court.
- Co-Petitioner: The person filing the Petition with the Court together with the Petitioner.
- Respondent: The person served a Petition for Dissolution or Legal Separation who must respond to the allegations of the Petition in order to have his/her desires considered. When he/she files a response to the allegations of the Petition he/she becomes the Respondent.
- Decree: A decision or final order of the Court.
- Service of Process: The official means by which a party is notified that a document has been filed against him/her and provided a copy of the document and a description of the person's rights and obligations as a party to the case.
- Hearing Date: The date that the Petitioner and Respondent must appear in Court.
- Mediation: A confidential process whereby a trained neutral third party assists disputing parties to reach their own solution.
- Alternative Dispute Resolution: A process that allow parties to resolve their dispute without litigating the matter in Court.
- May: In legal terms, "may" is defined as "optional" or "can".
- Shall: In legal terms, "shall" is defined as "required".

**IF YOU DO NOT UNDERSTAND THIS INFORMATION, PLEASE CONTACT AN ATTORNEY. YOU MAY ALSO CONTACT THE FAMILY COURT FACILITATOR AT YOUR LOCAL COURTHOUSE, IF ONE IS AVAILABLE IN YOUR DISTRICT.**

## FEES

- Dissolution of Marriage filing fee: \$184.00
- Legal Separation filing fee: \$179.00
- If you are unable to pay your filing fee, you must complete the Motion to File Without Payment and Supporting Financial Affidavit (JDF205) (see FORMS below) and submit to the Court.

Other fees that a party to the case may encounter are as follows:

- Response \$70.00
- Service Fees Varies (not payable through or to the Court)
- Certification Fee \$10.00
- Copy of Documents .75 per page
- Motion to modify, amend or alter decree or Order (60 days after decree entered) \$90.00

**FORMS** (To access a form online, please click either PDF or WORD by the title of the form or go to the Domestic Index). You may complete a form online or you may print it and type or print legibly in black ink. (website: [www.courts.state.co.us](http://www.courts.state.co.us)) Then click on the “Self-Help Center”.

<input type="checkbox"/>	JDF 1000	Domestic Relations Case Information Sheet	PDF	WORD
<input type="checkbox"/>	JDF 1101	Petition for Dissolution of Marriage or Legal Separation	PDF	WORD
<input type="checkbox"/>	JDF 1102	Summons for Dissolution of Marriage or Legal Separation	PDF	WORD
<input type="checkbox"/>	JDF 1108	Notice of Hearing Date	PDF	WORD
<input type="checkbox"/>	JDF 1111	Affidavit with Respect to Financial Affairs	PDF	WORD
<input type="checkbox"/>	JDF 1112	Financial Affidavit – Simplified Version	PDF	WORD
<input type="checkbox"/>	JDF 1114	Notice to Set a Non-contested Permanent Orders Hearing	PDF	WORD
<input type="checkbox"/>	JDF 1116	Decree for Dissolution of Marriage or Legal Separation	PDF	WORD
<input type="checkbox"/>	JDF 1117	Support Order	PDF	WORD
<input type="checkbox"/>	JDF 1201	Affidavit of Decree without Appearance of Parties	PDF	WORD
<input type="checkbox"/>	JDF 1215	Separation Agreement/Partial Separation Agreement	PDF	WORD
<input type="checkbox"/>	JDF 1301	Motion for Publication	PDF	WORD
<input type="checkbox"/>	JDF 1302	Order for Publication	PDF	WORD
<input type="checkbox"/>	JDF 1313	Certificate of Service	PDF	WORD

**STEPS TO FILING YOUR CASE:**

**Step 1: Complete Initial Forms.** Selecting these instructions indicates that you are planning on filing for a non-contested Dissolution of Marriage or Legal Separation without Children. You are filing as Petitioner and Co-Petitioner or you are filing as Petitioner and naming your spouse as “Respondent” if he/she is agreeable to the Dissolution of Marriage or Legal Separation and all issues. The caption below needs to be completed on all forms filed. Make sure that you make a copy of all of the forms you file with the Court for your own records.

<input type="checkbox"/> District Court _____ County, Colorado			
Court Address:			
In re the Marriage of: Petitioner:			
v.			
Respondent/Co-Petitioner:		<b>▲ COURT USE ONLY ▲</b>	
Attorney or Party Without Attorney (Name and Address):		Case Number:	
Phone Number:	E-mail:		
FAX Number:	Atty. Reg. #:	Division	Courtroom
<b>NAME OF FORM</b>			

- Domestic Relations Case Information Sheet (JDF 1000):**
  - Please complete all sections of this form.
  
- Petition for Dissolution of Marriage or Legal Separation (JDF 1101):**
  - Please complete all sections of this form.
  - This form must be signed in the presence of a Court Clerk or Notary Public.
  - Both you and your spouse may sign the Petition as Petitioner and Co-Petitioner.

- If you are filing as a Petitioner and Co-Petitioner and one party desires to have a prior name restored, please indicate on sections 17 and 18. If that party is the Respondent, he or she must file a signed and notarized request for the name restoration/change.

**Summons for Dissolution of Marriage or Legal Separation (JDF 1102):**

- ONLY complete the Summons if you named your spouse as the Respondent on the Petition and your spouse did not sign the Petition.
- Complete all sections in the caption and check either Dissolution of Marriage or Legal Separation in the appropriate box. The Court will date and sign the form when it filed.

**Step 2: You are Ready to File your Case with the Court.**

- Provide the Court with the Petition, Case Information Sheet, Summons, if applicable, and any other documents completed. If the Petition or any of the documents have not been signed in the presence of a Notary Public, you and your spouse will sign the Petition and other documents before the Clerk at this time. If you are filing as Petitioner and as Co-Petitioner, the Clerk or Notary Public must witness both signatures.
- Pay the filing fee of \$184.00 or \$179.00 as appropriate.

**Step 3: Serving the Divorce or Legal Separation Papers (Only IF both parties did not sign the Petition.)**

It is important that you have your spouse served as quickly as possible as the mandatory 90-day waiting period will not start until your spouse is officially served with the Petition and Summons.

- Once you have filed your Petition, the Court will provide you with a signed summons to serve your spouse.
- Service options:

**Waiver and Acceptance of Service:**

- This is the easiest way to serve your spouse. However, your spouse must be willing to accept the divorce/legal separation papers in order to use this method.
- Have your spouse complete the Original Waiver and Acceptance of Service form on the back of the Summons.
- Make sure your spouse signs and dates the Waiver and Acceptance of Service before a Court Clerk or Notary Public.
- File the signed original with the Court.

**Personal Service:**

- Select either the Sheriff's Department, a private process server, or someone you know over the age of 18 and not involved in the case, to serve the Respondent.
- Provide the process server with the Petition and Summons.
- The process server will need to return the completed return of service to the Court for filing, or return it to you to bring and file with the Court.

**Service by Mail or Publication:**

- Service by mail or publication shall be allowed **only** upon approval by the Court. If this process is necessary, complete forms JDF 1301 and 1302.

- Step 4: Complete additional forms.** The forms below can be completed and filed any time between the date the Petition is filed and the 90-day waiting period or hearing date. Take your time and make sure you have all current and necessary information to complete the forms accurately, as these forms provide valuable information to the Court upon which to order division of property, debts, and spousal support/maintenance, if applicable.

- Affidavit with Respect to Financial Affairs (JDF 1111) OR Financial Affidavit - Simplified Version (JDF 1112):**  
 An Affidavit is your sworn statement to the Court that all the information on the document is true to the best of your knowledge. You must provide true and complete information to the Court about your assets and income. You can be assessed a fine or jailed for providing false information. In addition, your case can later be reopened due to fraud.
  - If spousal support/maintenance IS NOT an issue, you may use the Financial Affidavit - Simplified Version (JDF 1112).
  - The Affidavit must contain current personal and financial information to determine whether the Separation Agreement is fair to each party. Failure of a party to file an Affidavit With Respect to Financial Affairs may result in a refusal by the Court to enter a Final Decree or the Court may impose sanctions against the party who does not file the required paperwork.
  - Each spouse MUST complete their own Affidavit and all sections MUST be completed.
  - The document must be signed before a Court Clerk or Notary Public to witness your signature.
  - Complete a Certificate of Service (JDF 1313), indicating that you have provided the other spouse with a copy of your completed Affidavit with Respect to Financial Affairs or Financial Affidavit – Simplified Version.
  
- Separation Agreement/Partial Separation Agreement (JDF 1215):**  
 The purpose of the Separation Agreement is to provide information to the Court concerning the division of property, debts, and spousal support/maintenance, if applicable.
  - Please complete all sections of this form and make sure all issues are addressed. If you have any unique situations, identify them in section 15 – “Other”.
  - The Court must follow the agreement unless it finds the agreement unfair. Each party should re-read the agreement to ensure that it accurately represents what you and your spouse have agreed to.
  - This form must be signed by both parties in the presence of a Court Clerk or Notary Public.
  
- Decree of Dissolution of Marriage or Legal Separation (JDF 1116):**
  - Complete the caption only on this form.
  - Provide the Court with the appropriate number of copies you would like. If you want any of the copies certified, you will need to provide the Court with \$10.00 per certified copy.
  - The Magistrate or Judge will complete the rest of the Decree and give or mail you and your spouse a signed copy. Remember to provide the Court with two self-addressed stamped envelopes: one for you; and one for your spouse.
  - If you or the Co-Petitioner are requesting a name change, please complete this section on the Decree. Identify the restored name you or the Co-Petitioner are requesting.
  
- Support Order (JDF 1117):**
  - Complete this form ONLY if spousal support/maintenance is requested.
  - Complete the caption and the Petitioner and Co-Petitioner/Respondent informational sections on this form.
  - Make two copies, as you will need to file the original and two copies with the Court.
  - The Magistrate or Judge will complete the remaining sections of the Support Order and give or mail you and your spouse a signed copy.
  
- Affidavit of Decree without Appearance of Parties (JDF 1201) OR Follow the 3-steps to Obtain a Non-contested Permanent Orders Hearing:**  
 All paperwork should be completed and filed with the Court before you decide if you want to file the non-appearance affidavit or set a date for a final hearing.

- Affidavit of Decree without Appearance of Parties (JDF 1201):** Complete this form if you would like the Magistrate or Judge to review your case and grant your divorce or legal separation without a hearing. This is the fastest and easiest way to process your case.
  - Complete all appropriate blanks and check the appropriate boxes on the Affidavit.
  - Sign the form before a Court Clerk or Notary Public. If your spouse did not sign the form, you will need to complete the Certificate of Service on the form.
  - Attach the receipt you receive from the Post Office to the Affidavit for Decree without Appearance of Parties as your proof that the Affidavit was sent to your spouse.
  - If you are requesting a name change, please indicate this on section 7.
  - Provide the Court with two addressed stamped envelopes for both you and your spouse to receive copies of the Decree and Support Order, if applicable.

OR

**Obtain Hearing Date (3-Steps).**

**1. Notice to Set a Non-Contested Permanent Orders Hearing (JDF 1114):**

- Make sure you can answer the questions on page 2 of this form (JDF 1114), before you send this form to the Court to request a hearing date.
- Obtain from the Court the days/times to call the division assigned your case to obtain a hearing date. Allow 7 - 10 working days from the date you file this document to the date you plan to call the Court to set the hearing date. This time is necessary so that the Court knows when you plan to call.
- Complete all sections on this form.
- Estimate the amount of time you will need at the hearing.
- Complete the Certificate of Service portion identifying the method selected to provide the other party with a copy of this document.
- File the original with the Court.

**2. Contact the Court:**

- Notify the Clerk that you need a date for a Non-Contested Permanent Orders Hearing. Provide the Clerk with your case number and the earliest date that you can set your case by calculating when your 90-day mandatory waiting period will end.
- The clerk will provide you will several available dates for the hearing. Write down the dates and the times.
- Contact your spouse or attorney if he/she is represented to determine which dates/times will work for both of you.
- Once you have secured a date between you and your spouse, or attorney if applicable, contact the Court to confirm the date for the hearing.

**3. Notice of Hearing Date (JDF 1108):**

- Complete all sections on this form.
- Select Permanent Orders Hearing and enter in the confirmed date that was selected between you and your spouse and confirmed with the Court.
- Complete the Certificate of Service portion identifying the method selected to provide the other party with a copy of this document.
- File the original with the Court.

**Step 5: Awaiting Final Divorce or Legal Separation Decree.**

- If you have a Court Hearing, the Judge or Magistrate will grant your divorce by entering an Order/Decree as to division of property, debts, and spousal support/maintenance, if any. You will receive a copy of the Final Decree and Support Order, if applicable, following the hearing.

- If your address has changed since you initially filed your case, please provide this information to the Court in writing.
- If you filed an Affidavit for Decree without Appearance of Parties (JDF1201), you will receive copies of your Final Decree and Support Order, if any, in the mail, **ONLY** if you provided the Court with addressed stamped envelopes.

**NOTICE:** If you are applying for a Legal Separation only, and not Dissolution of Marriage, §14-10-120(2), C.R.S. allows for a change/conversion of a Legal Separation to a Dissolution of Marriage no earlier than six months after entry of a Decree of Legal Separation. Upon a motion filed with the Court and proof of service to the other party, the Court can order the change in accordance with the statute.