

How to File for Divorce or Legal Separation

(Instructions to File for a Dissolution of Marriage or Legal Separation *with* Children)

For couples with children

Who is this for?

If you want a divorce or legal separation and have **children** who are under 19 with your current spouse:

- One party must have lived in Colorado for at least **91 days** before you may file.
- Children must have lived in Colorado for at least **182 days** or since birth if under six months old.
- Please let the court know if you need an interpreter.

Is there a waiting period?



Yes. Even if you and your spouse agree on all the issues and have children, you must still wait **91 days** after filing the Petition and serving the other spouse.

The 91 days start when the petition is filed together, or the other person is served or signs a waiver.

Can we get help to solve our disagreements?

The State Office of Dispute Resolution helps spouses try to agree about unresolved issues. www.Coloradoodr.org

Can I change my mind about the divorce?

Yes. But if you change your mind and both parties want to stop the divorce, notify the court **right away**. If you do not, you could get automatically divorced! To notify us, fill out and file form [JDF 1305](#), *Stipulated Motion to Dismiss*.

Do I have to have a lawyer?



You do not *have to* have a lawyer, but you must follow the same rules and procedures that lawyers follow. You may contact a lawyer at any time.

Are there rules that must be followed?

Yes. Once a Petition is filed, both spouses must obey the temporary court injunction:

- Do NOT sell, transfer, assign, borrow against, hide, or get rid of any marital property without permission from the other spouse or the court. You may use your income for your usual business expenses and your usual life necessities.
- Do NOT disturb the other spouse's peace.
- Do NOT cancel, stop paying, or make any changes to health, homeowner's, renter's, automobile, or life insurance policies that cover a party in this case or that name a party as a beneficiary. *Exception:* You may make changes to insurance coverage if you have written permission from the other party or a court order, and you give at least 14 days' Notice to the other party. (§§ 14-10-107; 14-10-108, C.R.S.)



Court orders must be followed.

The information on this page is legal information.
For legal advice, talk to a lawyer.



If you need a reasonable disability accommodation to access the courts, contact your local ADA Coordinator at: www.courts.state.co.us/ada/coordinator

Forms to File

① Fill out court forms.



If you and your spouse sign the petition together, the process is simpler.

Fill out these forms:

- [JDF 1000](#) Case Information Sheet
- [JDF 1101](#) Petition for Divorce or Legal Separation
- [JDF 1102](#) Summons for Dissolution of Marriage or Legal Separation (not needed if signing the petition together)

Where do I get court forms?

Go to: <http://www.courts.state.co.us/Forms/family>

Download the PDF or fill in and print the WORD doc. Keep a copy of all forms you file with the court for your records.

② File Your Forms.

- File your completed forms with the Court Clerk in the county where you or your spouse lives.
- Or, efile at www.jbits.courts.state.co.us/efiling.
- The filing fee is \$230.
- If you cannot pay this fee, file in-person or by mail with the Fee Waiver Application ([JDF 205](#) and caption box of [JDF 206](#)).
- You will be scheduled for an Initial Status Conference within 42 days of your filing.
- Domestic Orders will be given to you or mailed depending on the local court process.



***DAC Opinion: JDF 1115 and JDF 1113 do not provide enough standalone detail for longterm enforcement.**

③ Service.

- Review [JDF 1099 \(d\)](#) for how to serve your spouse.
- Skip this step if you signed the petition together.

④ Complete and File these forms:

Deadline Warning!

Within **42 days** after filing or receiving the Petition, each spouse must file:

- [JDF 1111](#) *Sworn Financial Statement*
- [JDF 1104](#) *Certificate of Compliance*
- [JDF 1115](#) *Property and Financial Agreement (Separation Agreement)*
This form shows the court how you and the other party plan to divide your property and handle spousal support (if any). Parties submit one document signed together. If you cannot agree, mediation may be ordered.
- [JDF 1113](#) *Parenting Plan*
Parties submit one document signed together. If you cannot agree, mediation may be ordered.

- *Child Support Worksheet*
(Click [here](#) for link to Family Law Software)
https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=94

- [JDF 1117](#) *Support Order*
- [JDF 1116](#) *Decree*

This is your final order. Once the court signs it, the divorce is final.

If you need a certified copy of the signed order, an added fee is to be paid by you.

⑤ Court Hearing



There will be a court hearing. If agreements are not reached, mediation may be ordered before a hearing is scheduled.