

A divorce can be complicated, especially when children are involved. It is up to you to decide whether and how you use a lawyer in your divorce. The laws allow you to conduct your divorce “pro se,” which means “for yourself” in Latin. Divorce cases are filed and heard in the state’s district courts, not in federal or municipal courts.

**Some of the necessary forms are not identified in this brochure. Once you have obtained a forms packet (see “Forms,” below), read it closely. Consult a lawyer, if needed.**

### Facts About Filing for a Divorce in Colorado

- ⊔ In Colorado, you or your spouse must be a resident of Colorado for at least 90 days before filing your first papers with the court.
- ⊔ You begin the legal process by filing a petition with the clerk of the district court. If you file the petition, then you are the “Petitioner,” and your spouse is the “Respondent.” If you file for divorce together, then you are “Co-petitioners.”
- ⊔ Divorces are civil matters. They are supposed to be heard in the judicial district where you both live, where the Respondent lives, or where your home was or is.
- ⊔ The cost for filing a petition for divorce is \$184. When you file your petition with the court, you will be given a case number, or “docket” number. You must include your case number or docket number at the top of any forms or papers you file with the court. Also, you should use your case number or docket number as identification whenever you have contact with the court.

### Forms

- ⊔ The forms you need may be purchased for a fee in the court clerk’s office. The forms packet for Divorce With Children contains instructions and all the forms that you will need in most divorce cases. The clerks cannot fill out the forms for you and are unable to give you legal advice. They may refer you to a case manager or another resource that can help you.

### The Petition and Summons

- ⊔ The first document you must give the court is the petition. It is your official request for dissolution of marriage (divorce). A divorce is not automatic. Your marriage ends only when you complete the requirements

and the judge signs a decree of dissolution of marriage.

**After filing the petition for divorce, you must give your spouse formal notice that you are asking for a divorce and prove to the court that you have done so. You prove that you have given your spouse formal notice in one of these ways:**

- You and your spouse each sign the petition as “Co-petitioners”; **OR**
  - Your spouse may accept service by signing the Waiver and Acceptance of Service form on the back of the summons; **OR**
  - The petition and summons can be delivered to your spouse by a sheriff’s officer, private process server, or any other person over the age of 18 who is not involved in the court action. You cannot serve your spouse. The person who serves the papers must sign the Return of Service and return it to you. You must file the return with the court. This person who serves the papers usually charges a fee; **OR**
  - If you cannot find your spouse, you may file a motion with the court to have “Service by Publication.” Your divorce packet has the forms you need. If your request is granted, the court clerk will publish the notice in a newspaper.
- ⊔ The “summons” gives the Respondent 20 days to file a response if he or she is personally served within the state, or 30 days if served outside of the state.
  - ⊔ For a \$70 fee, the Respondent may then file a “response” with the clerk of the court.
  - ⊔ You may be required to attend mediation to try and resolve issues in the divorce.

### Temporary Orders

Your form packet contains forms to request a temporary orders hearing. The temporary orders hearing is to get orders to keep things stable while you are waiting to get a final divorce. The court can order temporary child support, spousal support, allocation of parental responsibilities, and parenting time, and can make temporary orders to pay debts and keep up the property.

### The Financial Affidavit

You each will need to complete and file a Financial Affidavit. The court will not consider your agreement or enter your divorce decree without this. Fill out the standard financial affidavit. Each of you will list property, income, and debts. **This may be the most important document in your divorce. Fill it out carefully and completely.**

Your first task is to distinguish “separate” from “marital” property. **Separate Property** is anything you or your spouse brought into the marriage by gifts or inheritance. It may also include anything you bought with the sale or trade of separate property. **Marital Property** is anything acquired during the marriage; it does not matter whose name is on it or who paid for it. This includes the increase in the value of **separate property** during the marriage. **Marital Debt** is any debt that took place while you were married.

### Child Support Worksheets

The child support worksheets are contained in your form packet. Once you have exchanged financial affidavits, you should have enough information to fill out the worksheets that determine child support for your family.

### The Parenting Plan

Colorado has done away with the idea that either parent has “custody.” Colorado courts now divide the responsibilities for the parenting of the children between the parties. Your packet contains a Parenting Plan form. You must submit this or another parenting plan to the court. If you and your spouse cannot agree on a plan, submit a plan you want the court to order. **If you do not, the court must make the decisions for you. The court’s plan may not be the one that you feel is best for you and your children.** Each parenting plan must contain your proposal for allocation of parental responsibilities and your division of parenting time. The parenting plan is very hard to change, so make these decisions carefully.

### Separation Agreement/Disclosure Form

Your packet contains a separation agreement/disclosure form. If you and your spouse agree about all issues of support, division of property, and debts, you will file a completed agreement, signed by both of you. If you don’t agree, or agree on only some of the issues, you will fill it out to show the court what you would like the final order to look like.

**Any separation agreement/disclosure form must include the following information:**

- Property division
- Debt division
- Spousal support, maintenance (if appropriate)
- How to divide the costs of divorce

**The Permanent Orders and Decree**

- Permanent Orders are entered by a magistrate or a judge. When you have completed all of the required steps, you have shown proof of residency, and at least 90 days have elapsed since the service was completed, you may request a decree. The forms for setting the hearing are in your packet.
- **If you do not agree on issues of children or property or support**, or if the judge or magistrate does not approve of your agreements, you will have a court hearing to get your divorce.
- Bring all of the necessary forms to the final hearing. Arrive on time and be fully prepared. The Petitioner must appear at the hearing. The Respondent must appear at the hearing if there was a response.
- At the hearing, each of you may testify on what you think would be the best solution. Fill out the separation agreement/disclosure form and the parenting plan to tell the court what you want. Then the judge will make an order concerning the allocation of parental responsibilities, parenting time, child support, property, debt, and support, and enter a decree. You may obtain a copy from the court.
- The judge or magistrate will review your parenting plan to make sure that it is in the best interests of the children. Also, the judge or magistrate will review your separation agreement.

**Final Hearing Papers Checklist:**

- \_\_\_\_\_ Two Financial Affidavits (one for each party)
- \_\_\_\_\_ Notice of Hearing (this should have been filed with the court)
- \_\_\_\_\_ Affidavit for Decree Without Appearance
- \_\_\_\_\_ Separation Agreement/Disclosure Forms
- \_\_\_\_\_ Parenting Plan
- \_\_\_\_\_ Decree
- \_\_\_\_\_ Support Order

Divorcing parents are required by statute to attend a parenting seminar or class, which will require a separate fee. Check with your local court clerk's office for information.

**Note:**

- \* You may also need a Qualified Domestic Relations Order to divide a pension. Check with the employer or entity holding the pension.
- \* If you or your children are being beaten or threatened with harm, you can get a Temporary Restraining Order (TRO) at any time.

**This brochure is published as a customer service by the Colorado Judicial Branch. For more information, call your local district court clerk's office or (303) 837-3658 in Denver.**

# Answers To Your Questions About

## Filing For Divorce With Children



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Colorado Judicial Branch  
<http://www.courts.state.co.us>

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