

General Steps to Getting a Divorce or Legal Separation With Children of this Marriage

For detailed information, please read the step-by-step instructions - JDF 1100.

Forms are available at: <https://www.courts.state.co.us/Forms/SubCategory.cfm?Category=Divorce>,

Check with court clerk regarding any local court procedures and requirements.

- 1. Decide How You Will File.** You need to decide if you and your spouse will be signing the Petition jointly or if only you will be completing the forms to start the process.
- 2. File in the County Where you or Your Spouse Reside.** Either party must reside in Colorado for at least 91 days. Complete **1** Information Sheet (JDF 1000), **2** Petition (JDF 1101), and **3** Summons (JDF 1102) if not filing jointly. Pay the filing fee.
- 3. Review Documents Received from the Court.** You may receive a date for an Initial Status Conference. Please mark this date on your calendar. You may also receive a local court Case Management Order (CMO). Read this information carefully to determine if any other documents must be provided to the Court, e.g. paycheck stubs. The Court may require you and your spouse to attend a Parenting Class. If so, please schedule this as soon as possible.

If filing jointly, proceed with Step 6. If filing on your own, proceed with Step 4.

- 4. Complete Personal Service.** In order for the Court to hear your case, your spouse **must be personally served by a disinterested party who is 18 years or older** with copies of the documents mentioned in **Step 2** plus any documents received from the Court in **Step 3**. It is important to remember that the other party must have the same documents that you have.
- 5. Provide Proof of Service to the Court.** Once you obtain proof of service (notarized Return of Service), such proof must be provided to the Court. There is a mandatory 91-day waiting period before your divorce or legal separation can be final. The 91-day waiting period begins once the documents have been served to the other party or when the Petition is filed, if filed jointly.
- 6. Complete Forms.** (JDF 1111, JDF 1113, and JDF 1115 must be signed by either one or both parties. Please make sure this requirement is met before you file your documents with the Court.)
 - 4** Certificate of Compliance (JDF 1104) (Both parties must complete their own.)
 - 5** Sworn Financial Statement (JDF 1111) (Both parties must complete their own.) **6** Separation Agreement (JDF 1115)
 - 7** Parenting Plan (JDF 1113) **8** Decree (JDF 1116) (Caption only) **9** Support Order (JDF 1117)
 - 10** Pretrial Statement (JDF 1129) Only complete this form if you and your spouse do not agree on all issues identified in the Separation Agreement.

Note: You will also need to complete Child Support Worksheets A or B.

- 7. Initial Status Conference.** The Initial Status Conference is an opportunity to discuss the status of your case, exchange forms (**4** and **5**) and documents identified in the CMO, and provide the Court with any other forms you and your spouse have completed.

**If you and the other party agree on all issues, proceed with Step 9.
If you and the other party do not agree on all issues, proceed with Step 8.**

- 8. Mediation.** You and the other party may be required to participate in mediation prior to a Contested Hearing. This is an opportunity to resolve any issues. You will need to provide proof of the mediation to the Court.
- 9. Final Hearing.** If you have any contested issues, be prepared to present evidence and testimony regarding what you are requesting. Complete and file with the Court **9** Pretrial Statement (JDF 1129). This form must be filed with the Court and provided to the other party 7 days prior to the hearing. If you were required to attend a Parenting Class, please provide proof of attendance to the Court prior to the Final Hearing date.
- 10. Issuance of Decree and Order.** If all documents are complete, your **8** Decree and **9** Support Order will be entered at the conclusion of your Final Hearing.