

STATE OF COLORADO

DIVORCE PACKAGE

UNCONTESTED - WITH MINOR CHILDREN

WITH OR WITHOUT PROPERTY

Control Number - CO-006-D

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

You and your spouse must agree to all terms of the divorce to use this packet.
All forms to be filed with the Clerk must be printed on Bond paper.

INFORMATION ABOUT DIVORCE

1. **WHO MAY USE THESE FORMS:** This packet is designed for the sole purpose of obtaining an *uncontested* divorce. This packet is only of use to you if you and your spouse are willing to agree to all the terms and conditions of your divorce. You must communicate with your spouse and keep him/her advised as to each step in the process. If you cannot agree, you will become involved in a *contested* divorce, which is beyond the scope of this packet. You may only use this package if all of the following are true:
 - a) There are minor children of said marriage;
 - b) The parties agree to all provisions of the divorce; and
 - c) The parties complete the written *Separation Agreement* indicating the division of property, debts, and spousal maintenance, if any.

2. **THE BASICS:** In a typical divorce, you must satisfy two basic requirements before you can file for divorce. Those requirements include the ***residency requirements*** and appropriate ***grounds for divorce***. These requirements are discussed in detail in their respective sections, below.

In addition, you must agree with your spouse to become divorced, and agree to all the terms of the dissolution of marriage in filling out the forms, including property division. You will complete and file the forms (see detailed instructions, below) in the **District Court** for the county where either the petitioner or co-petitioner resides. *CRCP Rule 98*

3. **RESIDENCY REQUIREMENTS:** At least one of the parties must have been a resident of the State of Colorado for a period of ninety (90) days immediately prior to the filing of the action for dissolution of marriage. The action may be filed in the county where the petitioner or co-petitioner resides. *CRS 14-10-106; CRCP Rule 98*
4. **GROUND FOR DIVORCE:** Irretrievable breakdown of the marriage is the only ground for dissolution of marriage in the State of Colorado. *CRS 14-10-106.*
5. **LEGAL SEPARATION:** This package contains form for DIVORCE, not for Legal Separation. This information on Legal Separation is provided for your information only. A legal separation cannot be obtained using the forms in this package.

A legal separation is different than a divorce. A legal separation is a court determination of the rights and responsibilities of a husband and wife arising out of the marital relationship. A decree of legal separation **does not terminate the marital status** of the parties, and the parties are **not** free to marry again. In order to review additional information, please see, *CRS 14-10-106.*

5. **WAITING PERIODS:** At least 90 days must pass from when the parties co-filed the *Petition for Dissolution* before the court will sign the *Decree of Dissolution*.
CRS 14-10-106.

7. **SPOUSAL MAINTENANCE/ ALIMONY:** Because this is an agreed divorce, you will decide issues of “spousal maintenance” (sometimes called “alimony”). The forms in this no-fault divorce package allow for either the payment of spousal maintenance or not-- you may complete the provisions and additional forms for spousal support if you desire. In a contested case, the courts might award alimony. **You should consult a local attorney regarding the possibilities concerning spousal maintenance if you have questions or foresee conflict regarding this issue.** In order to review additional information, please see, *CRS 14-10-114.*

8. **DISTRIBUTION OF PROPERTY:** In a divorce, the property such as land, house, buildings, and items of personal property owned by the couple is divided between the parties. Debts owed are also allocated to one party or the other, or both. This is accomplished by means of a **Separation Agreement**. You and your spouse must agree to the property and debt division and memorialize your agreement in the **Separation Agreement**, which will be incorporated by reference into the *Decree of Dissolution* that ultimately ends your marriage. You may agree to divide the property any way you like, as long as a basic fairness is maintained, and you both agree. If you cannot agree on any item of this division, the dissolution of marriage transforms into a **contested divorce**. A contested divorce is outside the scope of this packet.

9. **CUSTODY/VISITATION:** The court shall determine the allocation of parental responsibilities, including parenting time and decision-making responsibilities, in accordance with the best interests of the child giving paramount consideration to the physical, mental, and emotional conditions and needs of the child.

The court, upon the motion of either party or upon its own motion, may make provisions for parenting time that the court finds are in the child's best interests unless the court finds, after a hearing, that parenting time by the party would endanger the child's physical health or significantly impair the child's emotional development. In determining the best interests of the child for purposes of parenting time, the court shall consider all relevant factors, including:

- a. The wishes of the child's parents as to parenting time;
- b. The wishes of the child if he or she is sufficiently mature to express reasoned and independent preferences as to the parenting time schedule;
- c. The interaction and interrelationship of the child with his or her parents, his or her siblings, and any other person who may significantly affect the child's best interests;

- d. The child's adjustment to his or her home, school, and community;
- e. The mental and physical health of all individuals involved, except that a disability alone shall not be a basis to deny or restrict parenting time;
- f. The ability of the parties to encourage the sharing of love, affection, and contact between the child and the other party;
- g. Whether the past pattern of involvement of the parties with the child reflects a system of values, time commitment, and mutual support;
- h. The physical proximity of the parties to each other as this relates to the practical considerations of parenting time;
- i. Whether one of the parties has been a perpetrator of child abuse or neglect under the law of any state;
- j. Whether one of the parties has been a perpetrator of spouse abuse;
- k. The ability of each party to place the needs of the child ahead of his or her own needs.

The court, upon the motion of either party or its own motion, shall allocate the decision-making responsibilities between the parties based upon the best interests of the child. In determining decision-making responsibility, the court may allocate the decision-making responsibility with respect to each issue affecting the child mutually between both parties or individually to one or the other party or any combination thereof. In determining the best interests of the child for purposes of allocating decision-making responsibilities, the court shall consider all relevant factors including:

- a. Credible evidence of the ability of the parties to cooperate and to make decisions jointly;
- b. Whether the past pattern of involvement of the parties with the child reflects a system of values, time commitment, and mutual support that would indicate an ability as mutual decision makers to provide a positive and nourishing relationship with the child;
- c. Whether an allocation of mutual decision-making responsibility on any one or a number of issues will promote more frequent or continuing contact between the child and each of the parties;
- d. Whether one of the parties has been a perpetrator of child abuse or neglect under the law of any state. If the court makes a finding of fact that one of the parties has been a perpetrator of child abuse or neglect, then it shall not be in the best interests of the child to allocate mutual decision-making with respect to any issue over the objection of the other party or the representative of the child.
- e. Whether one of the parties has been a perpetrator of spouse abuse. If the court makes a finding of fact that one of the parties has been a perpetrator of spouse abuse, then it shall not be in the best interests of the child to allocate mutual decision-making responsibility over the objection of the other party or the representative of the child, unless the court finds that the parties are able to make shared decisions about their children without physical confrontation and in a place and manner that is not a danger to the abused party or the child.

- f. The court shall not consider conduct of a party that does not affect that party's relationship to the child.

In determining parenting time or decision-making responsibilities, the court shall not presume that any person is better able to serve the best interests of the child because of that person's sex.

In the event of a medical emergency, either party shall be allowed to obtain necessary medical treatment for the minor child or children without being in violation of the order allocating decision-making responsibility or in contempt of court.

In order to implement an order allocating parental responsibilities, both parties may submit a parenting plan or plans for the court's approval that shall address both parenting time and the allocation of decision-making responsibilities. If no parenting plan is submitted or if the court does not approve a submitted parenting plan, the court, on its own motion, shall formulate a parenting plan that shall address parenting time and the allocation of decision-making responsibilities.

The court may order mediation to assist the parties in formulating or modifying a parenting plan or in implementing a parenting plan and may allocate the cost of said mediation between the parties. **14-10-124**

- 10. CHILD SUPPORT:** In a proceeding for dissolution of marriage, legal separation, maintenance, or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the child's support and may order an amount determined to be reasonable under the circumstances for a time period that occurred after the date of the parties' physical separation or the filing of the petition or service upon the respondent, whichever date is latest, and prior to the entry of the support order, without regard to marital misconduct, after considering all relevant factors including:

- (a) The financial resources of the child;
- (b) The financial resources of the custodial parent;
- (c) The standard of living the child would have enjoyed had the marriage not been dissolved;
- (d) The physical and emotional condition of the child and his educational needs; and
- (e) The financial resources and needs of the noncustodial parent.

In any action to establish or modify child support, whether temporary or permanent, the child support guideline established by the State of Colorado shall be used as a rebuttable presumption for the establishment or modification of the amount of child support. Courts may deviate from the guideline where its application would be inequitable, unjust, or inappropriate. Any such deviation shall be accompanied by written or oral findings by the

court specifying the reasons for the deviation and the presumed amount under the guidelines without a deviation. These reasons may include, but are not limited to:

- (a) The extraordinary medical expenses incurred for treatment of either parent or a current spouse;
- (b) Extraordinary costs associated with parenting time;
- (c) The gross disparity in income between the parents;
- (d) The ownership by a parent of a substantial non-income producing asset;
- (e) Consistent overtime not considered in gross income, or income from employment that is in addition to a full-time job or that results in the employment of the obligor more than forty hours per week or more than what would otherwise be considered to be full-time employment.

Stipulations presented to the court shall be reviewed by the court for approval. No hearing shall be required; however, the court shall use the guideline to review the adequacy of child support orders negotiated by the parties as well as the financial affidavit which fully discloses the financial status of the parties as required for use of the guideline.

When a child support order is entered or modified, the parties may agree or the court may require the parties to exchange financial information, including verification of insurance and its costs, and other appropriate information once a year or less often, by regular mail, for the purpose of updating and modifying the order without a court hearing.

- 11. NAME CHANGE:** If a party wants a prior name restored, they must indicate so on the *Petition* and *Decree*.

FORM LIST

The following forms are included in this package:

- A. Domestic Relations Case Information Sheet **(CO-JDF-1000)**
- 1. Petition for Dissolution of Marriage **(CO-JDF-1101)**
- 2. Summons **(CO-JDF-1102)**
- 3. Response to Petition for Dissolution of Marriage **(CO-JDF-1103)**
- 4. Sworn Financial Statement **(CO-JDF-1111)**
- 5. Sworn Financial Statement, Supporting Schedules **(CO-JDF-1111SS)**
- 6. Motion to Compel **(CO-JDF-1105)**
- 7. Certificate of Compliance **(CO-JDF-1104)**
- 8. Separation Agreement **(CO-JDF-1115)**
- 9. Parenting Plan **(CO-JDF-1113)**
- 10. Child Support Worksheet A **(CO-JDF-1820M)**
- 11. Child Support Worksheet B **(CO-JDF-1821M)**
- 12. Notice to Set **(CO-JDF-1123)**
- 13. Notice of Hearing **(CO-JDF-1124)**
- 14. Support Order **(CO-JDF-1117)**
- 15. Decree of Dissolution of Marriage **(CO-JDF-1116)**

Note: Depending on your County additional forms may be required that are County-specific. These forms will be available from the Clerk.

FORM EXPLANATIONS

All forms included in this package are identified and described below. If there is a space for the signature of a Notary on the form, then the form must be signed before a Notary Public.

- A. Domestic Relations Case Information Sheet (CO-JDF-1000):** This document is used by the court for informational purposes and as a means of determining whether you or your spouse has any other pending cases.
- 1. Petition for Dissolution of Marriage (CO-JDF-1101):** This document begins the divorce process, and includes the necessary legal details for asking the court to dissolve your marriage. You and your spouse sign this document as Petitioner and Co-Petitioner.
 - 2. Summons (CO-JDF-1102):** This document is used to formally notify your spouse of the institution of a suit for dissolution of marriage. The Automatic Temporary Injunction is printed on the Summons, as well as the Waiver and Acceptance of Service. Your spouse should complete the Waiver and Acceptance of Service portion of the Summons and return this document to you for filing.
 - 3. Response to Petition for Dissolution of Marriage (CO-JDF-1103):** This document is used by the Respondent if there is a dispute regarding provisions contained in the *Petition (CO-JDF-1101)*.
 - 4. Sworn Financial Statement (CO-JDF-1111):** Both parties must complete their own copy of the Sworn Financial Statement. The Sworn Statement must contain information that is current at the time of your hearing. Information in the Sworn Statement must comport with the terms of your *Separation Agreement (CO-JDF-1215)*.
 - 5. Sworn Financial Statement, Supporting Schedules: (CO-JDF-1111SS):** Both parties must also complete this form and attach with the *Sworn Financial Statement (CO-JDF-1111)* only if there are investments, retirement, miscellaneous property or separate property to report.
 - 6. Motion to Compel (CO-JDF-1105):** This document is used to request that the Court issue an order compelling the opposing party to supply you with the financial information required by law.
 - 7. Certificate of Compliance (CO-JDF-1104):** This document is used to certify to the Court that the required financial information has been provided to the opposing party.
 - 8. Separation Agreement (CO-JDF-1115):** This document memorialized you and your spouse's agreements regarding division of property and debts. Must be consistent with the *Financial Affidavits (CO-JDF-1111)*.

9. **Parenting Plan (CO-JDF-1113):** This document is used to provide the Court with the agreement between the parties regarding custody and visitation of the minor children of the marriage.
10. **Child Support Worksheet A (CO-JDF-1820M):** This document is used to calculate the appropriate amount of child support to be paid when the minor child(ren) are to primarily reside with one parent, spending 92 nights or less per year with one parent.
11. **Child Support Worksheet B (CO-JDF-1821M):** This document is used to calculate the appropriate amount of child support to be paid when the parents are to share residential responsibility, with the child (ren) spending at least 93 nights a year with each parent.
12. **Notice to Set (CO-JDF-1509):** This form is used to request that the Court set a date and time for the hearing on the *Petition for Dissolution of Marriage (CO-JDF-1101)*.
13. **Notice of Hearing (CO-JDF-1510):** This form is used to notify the opposing party of the date set by the Court for a hearing on the *Petition for Dissolution of Marriage (CO-JDF-1101)*.
14. **Support Order (CO-JDF-1117):** This form is used by the Court to order support or maintenance payments. It should be attached to the *Decree (CO-JDF-1116)* when submitted to Court for approval.
15. **Decree of Dissolution of Marriage (CO-JDF-1116):** The final legal statement of the terms of your divorce, which incorporates your *Separation Agreement (CO-JDF-1115)*. Once reviewed and signed by the Judge the *Decree (CO-JDF-1116)* will automatically be entered with the clerk. You and your spouse must leave self-addressed, stamped envelopes with the clerk and pay the appropriate fee in order to obtain a certified copy of the *Decree (CO-JDF-1116)*.

INSTRUCTIONS AND STEPS

Note: If a form contains a space for the signature of a Notary Public, it must be signed by you (and if necessary by your spouse) in front of a Notary Public, who must notarize the document. Prepare an original and several copies of each of your completed documents. Your spouse should have a copy of everything you file, stamped “filed” by the clerk. You should keep copies and the court must have originals.

- STEP 1:** First fill out the *Domestic Relations Case Information Sheet (CO-JDF-1000)*. Next complete the *Petition (CO-JDF-1101)* and *Summons (CO-JDF-1102)*, making certain to fill out as completely as possible. Provide copies of *Petition (CO-JDF-1101)* and *Summons (CO-JDF-1102)* to Respondent. Request that Respondent complete the *Waiver and Acceptance of Service* portion of the *Summons (CO-JDF-1102)* and return the original *Summons (CO-JDF-1102)* back to you.
- STEP 2:** File *Petition (CO-JDF-1101)* and *Summons (CO-JDF-1102)* with Clerk of Court in county of filing. Pay filing fee.
- STEP 3:** If Respondent disagrees with any of the provisions of the *Petition (CO-JDF-1101)*, he or she may file a *Response to Petition (CO-JDF-1103)*.
- STEP 4:** Within forty (40) days of providing Respondent with a copy of the *Petition (CO-JDF-1101)* and *Summons (CO-JDF-1102)* or twenty (20) days after the Respondent files a *Response to Petition (CO-JDF-1103)*, you must complete and provide the Respondent with a copy of the *Sworn Financial Statement (CO-JDF-1111)* and the *Sworn Financial Statement, Supporting Schedules (CO-JDF-1111SS)* (if necessary), along with the accompanying documents. The *Sworn Financial Statement (CO-JDF-1111)* and the *Sworn Financial Statement, Supporting Schedules (CO-JDF-1111SS)* (if necessary) should then be filed with the Clerk. The Respondent must also complete and provide you a copy of this document. If the Respondent fails to do so, you may file the *Motion to Compel (CO-JDF-1105)* to force the Respondent to comply.
- STEP 5:** After completing and providing the Respondent with a copy of the *Sworn Financial Statement (CO-JDF-1111)* and the *Sworn Financial Statement, Supporting Schedules (CO-JDF-1111SS)* (if necessary), complete and file with the Clerk the *Certificate of Compliance (CO-JDF-1104)*. This document certifies to the Court that you have provided the Respondent with the required financial information.
- STEP 6:** Both parties should jointly complete the *Separation Agreement (CO-JDF-1115)*, making certain to agree to all of the terms contained therein. This document should then be filed with the Court.

- STEP 7:** Both parties should jointly complete the *Parenting Plan (CO-JDF-1113)*, making certain to agree to all of the terms contained therein. This document should then be filed with the Court.
- STEP 8:** You should next complete the appropriate *Child Support Worksheet*. *Child Support Worksheet A (CO-JDF-1820M)* is for use if the child is to primarily reside with one parent, spending 92 nights or less with one parent. *Child Support Worksheet B (CO-JDF-1821M)* is for use only if the residential responsibility is shared between the parents, with the child spending at least 93 nights with each parent. This document should then be filed with the Court.
- STEP 9:** The *Decree (CO-JDF-1116)* and *Support Order (CO-JDF-1117)* should next be completed. These documents will be brought to the hearing.
- STEP 10:** After the required waiting period of ninety (90) days has elapsed from the date the Respondent signed the *Waiver and Acceptance of Service* portion of the *Summons (CO-JDF-1102)*, the *Notice to Set (CO-JDF-1123)* should be completed and filed with the Clerk. A copy should then be sent to the Respondent.
- STEP 12:** Once a hearing date has been obtained from the Clerk, complete the *Notice of Hearing (CO-JDF-1124)* document and file with the Clerk of Court. A copy should then be sent to the Respondent.
- STEP 13:** Bring the completed *Decree (CO-JDF-1116)* and attached *Support Order (CO-JDF-1117)* to hearing for review by Judge. Also bring two stamped, addressed envelopes (one for you, one for the Respondent). Once approved by the Judge and signed, the Court will mail a copy of the finalized *Decree (CO-JDF-1116)* to you and the Respondent in the envelopes provided to the Court.

CHECKLIST

- Domestic Relations Case Information Sheet (CO-JDF-1000)* completed.
- Petition (CO-JDF-1101)* and *Summons (CO-JDF-1102)* completed; Respondent provided with copies.
- Respondent completes *Waiver and Acceptance of Service* on original *Summons (CO-JDF-1102)* and returns to you for filing with Court.
- Petition (CO-JDF-1116)* and *Summons (CO-JDF-1116)* filed with Court; filing fee paid.
- If necessary, Respondent files *Response to Petition (CO-JDF-1103)*.
- With required time frame, *Sworn Financial Statement (CO-JDF-1111)* and the *Sworn Financial Statement, Supporting Schedules (CO-JDF-1111SS)* (if necessary) completed and copy provided to Respondent. Original filed with Court.
- If necessary, *Motion to Compel (CO-JDF-1105)* filed to force Respondent to file his or her own *Sworn Financial Statement (CO-JDF-1111)*.
- Separation Agreement (CO-JDF-1115)* completed by the parties and filed with the Court.
- Parenting Plan (CO-JDF-1113)* completed by the parties and filed with the Court.
- Appropriate *Child Support Worksheet (CO-JDF-1820M or CO-JDF-1821M)* completed and filed with the Court.
- Decree (CO-JDF-1116)* and *Support Order (CO-JDF-1117)* completed.
- Required waiting period of ninety (90) days elapses before *Notice to Set (CO-JDF-1123)* filed with Court and copy sent to Respondent.
- Hearing date obtained from Clerk and *Notice of Hearing (CO-JDF-1124)* completed and filed with Court. Copy of *Notice of Hearing (CO-JDF-1124)* sent to Respondent.
- Attend hearing. Completed *Decree (CO-JDF-1116)* and attached *Support Order (CO-JDF-1117)* provide to Court for review by Judge. Two stamped, addressed envelopes provided to Court to mail signed *Decree (CO-JDF-1116)* back to parties.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet may contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible. If they do not become visible, then they were not included in this form package.

To complete the forms click on the gray shaded areas and type the information. For the separation agreement complete the gray shaded areas and also make any other changes or additions to resolve all issues.

Some forms are locked which means that the content of the forms cannot be changed unless the form is unlocked. You can only fill in the information in the fields. If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock, click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields. After any required changes relock the form, then click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/CO/CO-006-D.htm>

DISCLAIMER

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THESE FORMS WERE PREPARED FOR STATEWIDE USE. HOWEVER, SOME COUNTIES OR JUDGES MAY REQUIRE CERTAIN MODIFICATIONS TO THE FORMS FOR USE IN YOUR PARTICULAR COUNTY AND MAY REQUIRE SPECIAL FORMS NOT INCLUDED. CHANGES REQUIRED BY PARTICULAR JUDGES ARE NOT UNCOMMON EVEN IF THE FORMS HAD BEEN PREPARED BY YOUR ATTORNEY. REGARDLESS, YOU SHOULD BE ABLE TO USE THESE FORMS AND INSTRUCTIONS, WITH ANY REQUIRED MODIFICATIONS, TO MAKE IT THROUGH THE PROCESS. IF YOU NEED TO MAKE CHANGES, OR IF SPECIAL FORMS ARE REQUIRED IN YOUR COUNTY, YOU CAN MAKE THE CHANGES AND REFILE, OR OBTAIN THE SPECIAL FORMS EITHER FROM THE CLERK OR A CLOSED DIVORCE FILE WHICH YOU CAN USE AS AN EXAMPLE.