

# Frequently Asked Questions:

For all forms: <http://www.courts.state.co.us/Forms/Index.cfm>

For all Colorado Statutes & all Court Rules: [www.checkerboard.co](http://www.checkerboard.co)

## What If I Can't Afford the Filing Fee?

The Court allows anyone who cannot afford the filing fees, to still file for divorce if they meet certain income requirements. For details on the criteria used, see: <http://www.courts.state.co.us/chs/court/forms/general/general.html> (*Guide for Determination of Indigency*)

To apply for a waiver of fees, ask the court clerk for an application to waive filing fees when you first submit the Petition for Dissolution. The form number is **JDF 205/Motion to File Without Payment, AND JDF-206/Order to Waive Fees**

## How to File Documents with the Court

- Take Original + three copies to Clerk, (*total of four*) with a Certificate of Delivery attached to each
- Ask the Clerk to date-stamp all of them
- Clerk will keep the Original and One Copy
- You keep one stamped copy for **your** files
- You mail the last copy **to the other party**

## What is Service?

Service is formal notice to the other party that there is a case involving them before the Court. Both parties have a constitutional right to a fair opportunity to appear and be heard. Service is how the Court ensures that both parties have a fair opportunity to appear and be heard.

## How is Service Accomplished?

(for persons served *in Colorado*)

- by Personal Service OR
  - served by 3<sup>rd</sup> party, without an interest in the action;
  - must file "Return of Service" with Court
- by Waiver of Service OR
  - must be signed in front of Notary Public or Court Clerk
  - must file "Waiver of Service" with Court
- by Publication in local newspaper, but requires Court approval in advance
  - can't find the person? May publish notice in the local newspaper if Court gives permission

## What Does It Mean When Someone Signs a Waiver of Service?

### ➤ It means that:

- 1) You have received a copy of the pleadings. (it's like a receipt) and
- 2) You are aware of the fact that you are being made a party to a court proceeding, and
- 3) You know that you have the right to appear and be heard.

➤ It **does not mean** the person signing the Waiver of Service agrees with anything being alleged by the other party

➤ It **does not mean** the person signing the Waiver of Service is losing any advantage, or waiving any legal rights whatsoever

**It is normal to sign the waiver of service, Which may save the parties some money**