

Frequently Asked Questions

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

For all Colorado Statutes: <http://www.michie.com/colorado/>

What If I Can't Afford the Fees to File?

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

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
- The last stamped copy is mailed **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.

See: <http://www.youtube.com/watch?v=Caq1IWUVih8>

How is Service Accomplished?

(for persons served in Colorado)

- by Personal Service OR
 - served by 3rd 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

Informal Probate Proceedings CRS §15-12-301 → 311

Definition of small estate CRS § 15-12-1201

- also distribution by Affidavit

See also: § 15-14-118 (Small Estate)

Non-Probate Transfers on Death CRS §15-15-101

Joint Tenancy CRS §15-15-408

Joint Accounts CRS §15-15-211 → 216

Bank account POD Designations CRS §15-15-223

Transfer of Real Property CRS §15-15-401

Ownership of Personal Property between Spouses

(*Joint tenancy w/survivorship presumed*) CRS §15-11-805

Claims against Estate CRS §15-12-801 → 807

Priority for Appointment as PR CRS §15-12-203

Duties & Powers of PR CRS §5-12-701-7

see also: CRS §15-1-1401; §15-1-804; §15-1-403

Impartiality CRS §15-1.1-106; §15-1-403

Loyalty CRS 15-1.1-105

Standard of Care CRS §15-1.1-102

Property kept Separate CRS §15-1-501

Termination of PR for Cause CRS §15-12-611

Breach of PR's Fiduciary Duties CRS §15-12-712-713

Effect of Fraud & Evasion CRS §15-10-106

Individual Liability of PR CRS §15-12-808

Intestate Succession CRS §15-11-101 → 114

Wills: Holographic & Witnessed CRS §15-11-502

Homestead & Family Allowance CRS §15-11-401-405

Omitted Children CRS §15-11-302

Elective Share of Spouse CRS §15-11-201 → 208

"Heirs" defined CRS §15-10-201(24)

"Interested Person" defined CRS §15-10-201(27)

Distributions defined CRS §15-11-709

per stirpes; per capita at each generation; also §15-11-106

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

➤ It means only that:

- 1) You know about the Hearing and
 - 2) You know that you have the right to appear
- 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