

Frequently Asked Questions:

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

For all Colorado Statutes & all Court Rules: www.courts.state.co.us

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 if I file all my paperwork, but the other party doesn't file anything?

Not to worry. You're only responsible for your own paperwork. If the other party doesn't file anything, the Court will take that up with the other party at the right time.

But make absolutely sure that you have provided proper notice to the other party, and that you have provided one copy of everything you have filed to the other party. (*See the instructions for [How to File](#)*)

COLORADO'S STATUTES OF LIMITATIONS

CRS §13-80-101 through §13-82-107 check the statute

ALWAYS CHECK EVERY TIME to see which statute of limitation applies to your case - these are general descriptions ; check to be sure

The most common are: (*but not limited to*)

- 13-80-101:** three years; including: contract, fraud, breach of fiduciary duty, UCC claims, replevin, motor vehicle claims under Title 42, Article 7.
- 13-80-102:** two years; including torts, strict liability, claims against veterinarians, wrongful death, liability based on federal statute, any claim where statute of limitations is not otherwise defined
- 13-80-102.5:** medical or health care
- 13-80-103:** one years; including civil claims arising from criminal acts, claims against law enforcement, motor vehicle repair claims, claims against real estate brokers/salesmen
- 13-80-103.5:** six years; including actions to recover debt, arrears of rent, bad checks

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*

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

Colorado Rules of Procedure for Small Claims (Rules 501 – 521), including:

- Rule 503: Place of Action
- Rule 504: Service of Notice, Claim & Summons
- Rule 507: Responses & Defenses
- Rule 508: Counterclaim
- Rule 510: Discovery & Subpoenas
- Rule 513: Evidence
- Rule 515: Default & Judgment
- Rule 516: Costs
- Rule 520: Attorneys