— Tracking Your Colorado Divorce Case —

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The case begins with a **Petition for Dissolution of Marriage** along with a Summons and, if necessary, motions for protection orders. The initiating party is the **Petitioner**. The parties may file together as "Petitioner and "Co-Petitioner", eliminating the need for personal service of the petition on the other party.

The paperwork is filed with the Court. The Court opens the case, issues the case number and issues a **Case Management Order** with specific requirements such as parenting classes or mediation.

The paperwork is personally served on the **Respondent** (opposing spouse) and the court now has jurisdiction to decide all issues involving the marriage and the children. The **Response to the Petition** is filed with the Court and sent to the Petitioner or the Petitioner's attorney.

Mandatory Financial Disclosures

Your attorney's office gives you a questionnaire and a list of documents you are required to provide as part of the "automatic disclosures". You should begin work on this immediately. Your spouse is required to provide the same disclosures to you.

Your attorney's office prepares your **sworn financial statement** and automatic disclosure certificate. These are due 40 days after your spouse is served. You sign the paperwork. The financial statement is filed with the Court and the statement and underlying documents are provided to your spouse's attorney or directly to your spouse if he or she is not represented by counsel

Your attorney receives your **spouse's sworn financial statement** and automatic disclosures and sends you a copy for your review. Your attorney's office reviews the disclosures. If the other side does not properly or fully comply with the rules a demand is made and eventually the Court may be asked to intervene and order proper compliance.

Court Case Management

The Court conducts **Initial Status Conference** with you, your attorney, and your spouse (and attorney, if any). The Court may enter temporary orders, may order the parties to attend mediation, appoint mental health or other experts, order additional disclosures by one or both parties, and may make other interim orders on any issue.

The parties attend court-ordered **parenting class** (usually separately but may agree to attend together).

Court Litigation

The Court may appoint a **Child and Family Investigator** who will interview the parties and children, often in the home environment, report and make recommendations to the Court.

The Court may appoint other experts such as an appraiser or vocational evaluator.

Additional Discovery (with Court permission)

Either or both parties may serve the other **interrogatories** and **requests for production of documents**.

Either or both parties may conduct **depositions** of witnesses or potential witnesses in the case.

Settlement Out of Court

As the case progresses, your attorney discusses with you the issues of the marriage (children and financial) and identified elements of your case. Your attorney will discuss the possibilities of mediation, settlement meetings and other forms of resolving your case short of going to trial.

Settlement negotiations independent of formal mediation may proceed between the attorneys and parties by meetings, phone, e-mail or letter. Often "4-way" conferences are held without a mediator present.

Mediation may be agreed upon by the parties or ordered by the Court. After a mutually acceptable mediator is chosen, the parties and attorneys attend one or more mediation sessions. Your attorney will be there for advice and to advocate your interests and points of view.

The parties reach a settlement and sign a **Separation Agreement** which sets forth all terms of the divorce, including parental responsibilities and parenting time, child support, spousal maintenance, and division of property and debts.

A **non-contested permanent orders** hearing is scheduled with the Court, with one or both parties appearing. The Judge reviews and approves the Separation Agreement, and enters the final decree

One or both parties sign an **affidavit for decree without appearance of the parties**. The Court reviews the affidavit, reviews and approves the Separation Agreement, and enters the final decree.

Trial Phase

The matter may be **set for trial** by the Court or by one of the parties pursuant to the rules of procedure.

No later than sixty days before trial, the parties must identify to the court and the other side who they expect to call as **witnesses**, and provide a brief summary of their expected testimony.

Each party must identify and provide to the other party any **exhibits** they expect to use at the trial.

The attorneys for the parties meet approximately 20 days before trial to exchange exhibits and to prepare a **joint trial management certificate** outlining their positions on the issues, areas of agreement and areas of controversy.

Subpoenas are issued and served on witnesses compelling their attendance and to bring documents to the trial.

The trial is held, and the Judge enters **Permanent Orders** concerning all aspects of the divorce, including parental responsibilities, child support, parenting time, spousal maintenance, and division of property and debts.

Decree of Dissolution of Marriage

After the decree is entered, there will be follow up paperwork to implement the permanent orders and effect the division of property.

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