

# INSTRUCTIONS TO FILE DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

The filing fee is \$75.00.

**PETITION MUST BE NOTARIZED AND MAILED TO  
CFR COURT, P.O. Box KK, Towaoc, CO 81334**

## HOW TO FILE YOUR CASE

**Step 1: Complete Petition for Dissolution or Legal Separation**

**Step 2: You are Ready to File your Case with the Court.**

Provide the Court with the Petition. If the Petition has not been signed in the presence of a Notary Public, you will sign the Petition before the Clerk at this time.

Pay the \$75.00 filing fee with a money order.

**Step 3: The Magistrate will Review your Petition**

If the Magistrate determines that jurisdiction appears to be proper in this Court of Indian Offenses, you will be provided a (1) summons to respond to petition; (2) order regarding temporary injunction; (3) blank response to petition; (4) copy of your original petition; and (5) proof of service documents.

**Step 4: Serve the Dissolution or Legal Separation Papers or Obtain a Waiver of Service from the Respondent.**

It is important that you have your spouse served as quickly as possible because your mandatory initial status conference and any waiting period will not start until your spouse is officially served with the Petition and Summons.

Service options:

**Waiver and Acceptance of Service:**

This is the easiest form of service. However, your spouse must be willing to accept the dissolution/legal separation papers and sign the waiver.

Have your spouse sign the Original Waiver and Acceptance of Service form on the back of the Summons before a Court Clerk or Notary Public.

\*File the signed original waiver with the Court.

**Personal Service:**

Select an approved private process server who knows the rules of service to serve the Respondent.

Provide the process server with all of the documentation set forth in step 3 above and provided to you by the Clerk of Court.

\*You or the process server will need to return the completed return of service to the Court for filing.

## RESPONDENT FILES A RESPONSE

The Respondent may file a response to the Petition. The purpose of the response is for the Respondent to state in writing if he/she agrees or disagrees with the information in the Petition. The Respondent must file the original Response Form with the Court and mail a copy to the Petitioner.

## SETTING STATUS CONFERENCE OR HEARING DATES

Once proof of service/waiver of service has been filed with the court, this matter will be scheduled for an initial status conference. Notice of the initial hearing will be provided in an order regarding procedures for a dissolution or legal separation proceeding.

## COMPLETE PARENT RESOURCE AFFIDAVIT AND LIST OF PROPERTY BEFORE YOUR INITIAL STATUS CONFERENCE

**These documents must be filed prior to the initial status conference.** You must provide true and complete information to the Court about your assets, debts, and income. **Each party must complete their own parent resource affidavit and list of property.** The form must be signed in the presence of a Court Clerk or Notary Public.

## COURT HEARING

A final hearing is required. If the parties have reached an agreement to all issues the hearing will be very short in duration. If the parties have not resolved all issues, the parties will present evidence at a contested hearing.

**THE UNITED STATES OF AMERICA  
IN THE COURT OF INDIAN OFFENSES  
IN INDIAN COUNTRY (Colorado)  
UTE MOUNTAIN UTE AGENCY**

**In re the Marriage of:**

**Case Number:** \_\_\_\_\_

\_\_\_\_\_  
**Petitioner**

**PETITION FOR DISSOLUTION  
OR LEGAL SEPARATION**

\_\_\_\_\_  
**Respondent**

**COMES NOW**, the Petitioner, upon his/her verified complaint and petitions the Court to enter:

**1.** Petition for Dissolution of Marriage or Legal Separation

**2. Information about Wife:** Petitioner Respondent

Check if Member of Ute Mountain Ute Tribe  Check if in Military

Full Legal Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Length at current residence: \_\_\_\_\_

Email Address: \_\_\_\_\_ Cell Phone #: \_\_\_\_\_

Occupation: \_\_\_\_\_

**3. Information about Husband:** Petitioner Respondent

Check if Member of Ute Mountain Ute Tribe  Check if in Military

Full Legal Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Length at current residence: \_\_\_\_\_

Email Address: \_\_\_\_\_ Cell Phone #: \_\_\_\_\_

Occupation: \_\_\_\_\_

**4.** The marriage is irretrievably broken:

- The parties have lived separate and apart for 180 days next proceeding the filing of the within petition; or
- There is serious marital discord affecting the attitude of one or both of the parties toward the marriage and there is no reasonable prospect of reconciliation.

**5.** That this Court has personal and subject matter jurisdiction. At least one of the parties is domiciled within the exterior boundaries of the Ute Mountain Ute Reservation.

6. Date of Marriage: \_\_\_\_\_ Place of Marriage: \_\_\_\_\_

7. Date the Parties Separated and have lived apart: \_\_\_\_\_

8. The Wife  is  is not pregnant

9.  There are no minor children of this marriage; or  the minor child(ren) of this marriage is/are:

Full Name of Child	Present Address	Sex	Date of Birth

10. The child(ren) listed above:

- Are members of the Ute Mountain Ute Tribe or are eligible to be Ute Mountain Tribal Members; or
- Have lived on the Ute Mountain Reservation a minimum of six months prior to the filing of this Petition or since birth if under six months of age?

11. The following matters pertaining to custody, support and maintenance have been agreed to by the parties.

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**WHEREFORE**, the Petitioner prays that an order dissolving the marital relationship that now exists between the parties be entered and that the Court enter orders regarding the  Status of the Marriage,  Best interest of the child(ren),  Order for Maintenance,  Orders for Child Support,  Division of Property and Debts,  Attorneys Fees and Costs,  Restoration of the Previous name of a Party, and  Any other Orders the Court deems necessary.

**VERIFICATION AND ACKNOWLEDGEMENT**

I swear/affirm under oath that I have read the foregoing document and that the information provided set forth therein is true and correct to the best of my knowledge and belief.

RESPECTFULLY SUBMITTED this \_\_\_\_\_ of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

Subscribed and affirmed, or sworn to before me  
by \_\_\_\_\_  
in the County of \_\_\_\_\_,  
State of \_\_\_\_\_, this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_.  
My Commission Expires: \_\_\_\_\_

Witnessed: \_\_\_\_\_  
Court Clerk or Notary Public

**THE UNITED STATES OF AMERICA  
IN THE COURT OF INDIAN OFFENSES  
IN INDIAN COUNTRY (Colorado)  
UTE MOUNTAIN UTE AGENCY**

**In re the Marriage of:**

**Case Number:** \_\_\_\_\_

\_\_\_\_\_  
**Petitioner**

**LIST OF PROPERTY AND DEBTS**

\_\_\_\_\_  
**Respondent**

**Debts (unsecured)**

List unsecured debts such as credit cards, store charge accounts, loans from family members, back taxes owed to the I.R.S., etc.

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**Assets**

**List all Real Estate**

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**List all Motor Vehicle and Recreation Vehicles**

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**List all cash on hand, bank, checking and savings accounts**

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**List all Life Insurance**

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**List all Furniture, Household Goods and other Personal Property**

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**List all investments and retirement accounts**

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**List all business interests, livestock, crops, farm equipment**

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**VERIFICATION AND ACKNOWLEDGEMENT**

I swear/affirm under oath that I have read the foregoing document and that the information provided set forth therein is true and correct to the best of my knowledge and belief.

RESPECTFULLY SUBMITTED this \_\_\_\_\_ of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
(Area Code) Home Telephone Number

Subscribed and affirmed, or sworn to before me  
by \_\_\_\_\_  
in the County of \_\_\_\_\_,  
State of \_\_\_\_\_, this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_.  
My Commission Expires: \_\_\_\_\_

Witnessed: \_\_\_\_\_  
Court Clerk or Notary Public

**THE UNITED STATES OF AMERICA  
IN THE COURT OF INDIAN OFFENSES  
IN INDIAN COUNTRY (Colorado)  
UTE MOUNTAIN UTE AGENCY**

**In re the Marriage of:**

**Case Number:** \_\_\_\_\_

**RESOURCE AFFIDAVIT**

\_\_\_\_\_  
**Petitioner**

\_\_\_\_\_  
**Respondent**

1. Income you receive from all sources:  
\_\_\_\_\_
2. If you are a member of a federally recognized Tribe, list all payments you receive from the Tribe:  
\_\_\_\_\_
3. If you are unemployed or not full-time employed, explain why you are underemployed:  
\_\_\_\_\_
4. What money does the child receive?  
\_\_\_\_\_
5. List any monthly daycare expenses or health related expenses paid on behalf of the children who are subject to this proceeding including, but not limited to, health insurance premiums:  
\_\_\_\_\_
6. Does the child(ren) have any special needs? (i.e. physical, emotional and/or educational)  
\_\_\_\_\_
7. Child Support: (List all children not involved in the above-captioned case and who are living with you the majority of the time or the amount of child support you actually pay for each such child):  
\_\_\_\_\_
8. What **essential** expenses do you incur on a **monthly** basis for the following:  

<b>Payee</b>	<b>Amount YOU pay</b>	<b>State why essential</b>
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Mandatory Withholding: \_\_\_\_\_

Voluntary Withholding: \_\_\_\_\_

Rent/Mortgage: \_\_\_\_\_

Student loan payment: \_\_\_\_\_

Other loan payments: \_\_\_\_\_



Utilities: \_\_\_\_\_

Medical needs: \_\_\_\_\_

You're Food: \_\_\_\_\_

Other: \_\_\_\_\_

**VERIFICATION AND ACKNOWLEDGEMENT**

I swear/affirm under oath that I have read the foregoing document and that the information provided set forth therein is true and correct to the best of my knowledge and belief.

RESPECTFULLY SUBMITTED this \_\_\_\_\_ of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
(Area Code) Home Telephone Number

Subscribed and affirmed, or sworn to before me  
by \_\_\_\_\_  
in the County of \_\_\_\_\_,  
State of \_\_\_\_\_, this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_.  
My Commission Expires: \_\_\_\_\_

Witnessed: \_\_\_\_\_  
Court Clerk or Notary Public

**CERTIFICATE OF SERVICE**

**\*\* Please make copies of any and ALL income documentation for the last 12 months (i.e. pay stubs, income tax returns, receipts and expense documentation) and provide those copies to the other party. You will also be required to submit these documents to the court at your final hearing.**

I, the Petitioner Respondent (check one) hereby certify that I have sent the other party the following Documents as required.

I certify that on \_\_\_\_\_ (date) the original was filed with the Court and a true and accurate copy of this **RESOURCE AFFIDAVIT** was served on the other party by:

- Hand Delivery,
- E-filed,
- Faxed to this number: \_\_\_\_\_, **or**
- by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature