



Johnson · Márquez  
— legal group —

# Divorce Guide

*An Insider's Guide to Getting a Divorce in Colorado.*



---

Johnson Marquez Legal Group  
*1st Edition*

# Table of Contents

- Introduction.....4
  - The Balancing Act.....4
- Where Do You Start Your Search?.....5
- What Should You Look for in a Divorce Law Firm?.....5
- What Qualification Should You Look for in an Attorney?.....5
- Parting on Good Terms: The Mediation Option.....7
- The Divorce Process in Colorado.....8
- Your Introduction to the Court Process.....9
  - 1st Stage: The Petition.....9
  - 2nd Stage: The Initial Status Conference.....9
  - 3rd Stage: The Temporary Order.....9
  - 4th Stage: The Discovery Procedure.....10
  - 5th Stage: The Settlement Conference.....10
- How Much Will a Divorce Cost?.....10
- Division of Assets.....11
- Debts and Divorce: How Debts are Divided.....11
- Different Options to Ending a Marriage.....12
- Life Post-Divorce.....12



# Our Firm's Mission, Vision and Values

These are the three cornerstones of John Marquez Legal Group:

- Mission: With integrity and compassion, we help people start over.
- Vision: To help clients resolve conflicts through innovation and technology.
- Values: Integrity, compassion, professionalism, balance, and excellence.

# The Complete Guide to Getting a Divorce in Colorado

After serious soul searching, you've decided to end your marriage. For many, that's the most difficult part in the divorce process.

But now what? Where do you start? What are the initial steps needed to actually get a divorce? You probably have a list of similar questions like these related to navigating the divorce process.

In this guide, we'll give you real-life insight on how pursue a divorce (referred to in the legal industry as dissolution of marriage or DOM) and get your life back in order. We'll try to give you a clear outline of the whole process, and we'll try to help you set realistic expectations about your finances and applicable custody issues.

## The Balancing Act

Just keeping up with life's expectations can be daunting enough. Now you will need to balance your normal daily routine with researching and meeting with divorce attorneys, negotiating with your spouse to finalize your marriage, and attending infrequent court appearances.

This doesn't even begin to include the exhaustive explanations you'll be making to family, friends, coworkers and your children about your decision to separate.

A qualified and competent family law attorney will help to make your life so much easier. Separation is something that family law attorneys manage every day. They understand how to divide your marital assets and will seek to create the best financial outcome for you. And if they're good at what they do, they'll also be able to empathize with your situation and help you to minimize any fears or apprehensions.

## Where Do You Start Your Search?

Most people begin their search online. They'll click on an ad and go with the first law firm that has a decent looking site. Most people wouldn't choose a physician this way, and the same should be said for attorneys. The repercussions of choosing a mediocre attorney can have just as many serious consequences as randomly choosing a doctor.

A better way would be to start with an independent third party site like the following:

- Better Business Bureau
- Google Reviews
- American Bar Association
- Colorado Bar Association
- Legal Review Sites

## A Word of Caution About Legal Review Sites

Legal review sites like AVVO and Findlaw.com can be helpful in finding a great family law attorney, but the reviews on these sites can be partially gamed. Too often attorneys on these sites will ask their peers for a professional review. Although this might be beneficial for an attorney's resume, purely professional reviews don't reflect the attorney's performance with clients.

Instead, look for consistent patterns in review sites to get a broader and clearer pattern of the law firm's client feedback.



## What Qualifications Should You Look for in a Divorce Law Firm?

Look for a law firm that works specifically in the practice areas of family law and divorce. Why? Attorneys that dabble in a broad range of practice areas usually aren't well versed in the most recent statutes covering family law. Additionally, they won't fully understand the strengths and weaknesses of the opposing counsel. Likewise, they won't understand the expectations of the family law judge who will preside over the case.

Also, choosing a firm that specializes in family law carries the added benefit that attorneys within the firm may pool their experience to help resolve difficult cases. Usually one attorney will have greater strengths in a certain area, like finance or accounting, so they can be a great resource.

## What Qualifications Should You Look for in an Attorney?

Some attorney qualifications are qualitative, like years worked in a particular field and years worked in a local vs national based law firm, while others really can't be measured. That's why reviews are so important.

An attorney's ability to listen to their client's issues is critical. This might seem like a given, but some attorneys enjoy hearing themselves speak and their clients can feel like they are being preached at rather than understood.

After researching a potential attorney online, search for any disciplinary actions by the Colorado Bar Association.

Next, vet the attorney through a personal phone call. Most law firms offer a free initial consultation, so use that opportunity to ask questions about their experience. If you're not comfortable with their answers, move on to your next choice.

The following are some questions that you should seek to answer before retaining any potential divorce lawyer or firm:

1. Does the firm specialize in divorce and family law or do they work in other practice areas?
2. If the law firm charges by the hour ask how long the process will take.
3. If they charge by the hour, ask if there are any junk fees associated with their billing like staples, copies, and fax charges. These charges can really add up during your case.
4. Ask if an independent third party like a forensic accountant will need to be hired, and if so, what will the costs entail.
5. Some attorneys charge when you call to ask for an update to your case. Ask if you will be billed for these updates or if you're allocated a certain amount of free minutes per month.
6. If your spouse has already hired an attorney, ask your lawyer if they are familiar with this person. Ask how this person's experience will affect your case.
7. With regard to child custody, the Colorado courts will determine parental responsibility based on the interests of the child. Ask how this will affect you.
8. Ask the attorney if your case will be lengthy.
9. Ask the attorney if they foresee any issues with your case.
10. Ask if, based on the information you provided, your case will need to go to trial.

## But We're Parting on Good Terms: The Mediation Option

Do you really need an attorney if you and your spouse are parting on good terms? Yes and no. If you and your spouse are recently married without children and have few assets, then there's probably little need to hire a firm.

In this instance, using the services of a mediator may suffice. Although divorce mediators can't make any legally binding contracts, they can provide you with definitive steps to end your marriage.

However, if you have extensive marital debts or assets like a home, car, etc. using a reputable family law firm is highly recommended.

## The Divorce Process in Colorado

Your first introduction to the legal process will start when you talk to an attorney during the consultation. Be prepared to answer some difficult questions related to your marriage and personal life. This questioning is intended to give your attorney some perspective on her strategy for pursuing your case.

You will be asked about the reason for ending the marriage. You will be asked about your finances and debts. You may also be asked if there are any pre-existing agreements in place - if a prenuptial agreement was signed before the marriage, it may change the whole dynamic of your case.

Next, you'll be asked to sign a fee agreement and pay a retainer. The retainer is basically a contract for work to be performed, and it allows your attorney to work on your case unimpeded. Once the necessary paperwork has been executed and all fees have been paid, your attorney will begin advocating for you.





# Your Introduction to the Court System

## 1st Stage: The Petition

The first step that an attorney will take is to file a Petition for Dissolution of Marriage with the court house in the county in which either you or your spouse reside. This Petition will then be served upon your spouse, and it will set a time frame to end your marriage. Once served, your spouse will have 20 days to respond.

After your spouse is served, restrictions begin on the ability to sell real or personal property. Additionally, travel restrictions will be imposed on your children traveling outside of Colorado with your spouse. The same restrictions apply to your spouse being able to take out new loans.

## 2nd Stage: The Initial Status Conference

An Initial Status Conference will be scheduled after the Petition is served. This basically allows the parties to provide the court with preliminary information regarding their case. . The conference will usually last about an hour, and it usually takes place within the first 40 days after the Petition was signed and served.

The case management (also called preliminary matters) is included with the second stage. It usually begins about six weeks after completing the Petition. At this time, you'll meet with the court's personnel to set additional appointments.

## 3rd Stage: The Temporary Order

To the extent that you and your spouse agrees to the terms of the divorce, you may file certain stipulations with the court reflecting the nature of your agreement. Additionally, you or your spouse may seek temporary relief. If temporary orders are requested, the court may require a hearing to determine if any temporary measures must be entered during the pendency of the divorce so as to prevent undue hardship.

## 4th Stage: The Discover Procedure

At this stage, both the opposing party's counsel and your attorney will request proof of all assets, expenses and debts. Spouses may be required to testify under oath about their complete assets.

## 5th Stage: The Settlement Conference

Mediation and parenting classes are introduced during the settlement conference. This stage gives both parties the opportunity to come to a mutual agreement with regard to their differences.

The complete dissolution of marriage process can't be completed within 91 days, because the Colorado courts will not grant a divorce before this time. If the parties can't come to an agreement within the 91 day time frame, the case will require court intervention.

On average, a dissolution of marriage will take around nine months to complete.

## How Much Will a Divorce Cost?

Unfortunately there's not one standardized cost for divorce. The cost (and duration) of your case will be influenced by numerous factors, such as the complexity of your assets, the nature of your parenting issues, the level of conflict between you and your spouse, the demeanor of your spouse's attorney, and your lawyer's experience.

Attorneys with large law firms have a structured hierarchy of skill levels. Most law firms define those skill levels as associate attorney, senior associate, and partner. Your preference for a particular skill level will also have an impact on your total costs.

## Division of Assets

Colorado is considered an equitable distribution state, meaning that assets will be divided fairly but not necessarily evenly. If a spouse owns property that's not included as marital property, any appreciation of its value during the marriage is eligible to be used in the divorce settlement. This would also include interest on a CD/savings account or the appreciation in value of an inheritance.

If the parties in a divorce are unable to agree on the division of property, the court will make a ruling. The court will not distribute property based on the fault of either party. Colorado is considered a no fault state, so issues like adultery won't have an influence on the dissolution of marriage.

The exception here would be something referred to as marital waste. This means that if your spouse spent any of the marital assets on his or her love interest, this may be taken into consideration, and a judge will take this into consideration when dividing the remaining marital assets fairly.

The marital home can be problematic, but couples have three different ways to divide their share of the home. First, they can simply sell the home, deduct any outstanding liens, then split the proceeds. Secondly, one party can complete a cash out refinance and pay off the other party. And thirdly, the custodial parent can continue to reside in the home until a designated period. For example, the children reaching a certain age, then sell the home or refinance it and pay off the other spouse.

## Debts and Divorce: How Debts are Divided

The Colorado legislature hasn't created any specific statutes with regard to equitable distribution of debts, so this will be up to the discretion of the judge or by agreement of the parties. With regard to debts that existed prior to the marriage, like student loans, these debts are considered separate from marital debts and will not be shared.

For other debts incurred during the marriage, these are usually considered as marital responsibility. This usually applies even to debts in only one party's name. Frequently, if extensive debts exceed equity, couples will file for bankruptcy along with their divorce.

## Legal Options to Ending a Marriage

Colorado residents have three different ways to legally separate: dissolution of marriage, legal separation, and annulment. The first and most common is a dissolution of marriage. The residency requirement to file for a DOM are limited to just 90 days prior to the filing.

With legal separation, couples can legally separate while remaining married. This option is often used when people have religious beliefs that prohibit them from divorcing. Sometimes people will choose to stay married yet live separate lives for tax benefits.

An annulment completely voids a marriage. Among several factors, this option may be available if one of the parties was a minor at the time of the marriage or if there was coercion involved in the union.

## Life Post Divorce

After your divorce is complete, you may still need to keep in contact with your divorce attorney. Often when there's spousal maintenance (alimony) involved, modifications to the payments may be required. For example, if the person paying spousal maintenance experiences a reduction in earnings, both parties will need to have new payments amounts approved by the courts. The same is true for those who experience increased earnings.

We're always available to assist you with your family law issues. Please call us for a free consultation at (303) 394-3030. You can also visit our site to get more information about our firm at [www.johnsonmarquez.com](http://www.johnsonmarquez.com)

Please note that the information contained in this ebook is for general information purposes only. Nothing in this ebook should be taken as legal advice for any individual case or situation.