



**FGMC Newsletter**

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**“What Everyone Needs to Know About Colorado Divorce Law” by Jennifer G. Feingold**

While the specifics of Colorado divorce law may be complex and confusing to many people, there is some basic information that all lawyers should know to help navigate clients through the domestic legal process. Divorce and custody disputes place people in the most difficult, emotional gut-wrenching time of their life. This is why it is important to understand the process and consult with an attorney who is both skilled and an aggressive advocate in representing clients going through divorce and custody cases.

Colorado is a no-fault state with regard to divorce. That means either spouse may petition the court for a divorce/dissolution of marriage by alleging that the marriage is simply ‘irretrievably broken.’ In order to file for divorce in Colorado the filing party must have been a resident in Colorado for 90 days prior to filing. Once a Petition for Dissolution of Marriage is filed, the other party needs to receive notice. There is then a 90-day wait period until the divorce can become final.

During that time, all parties to a domestic case are required to exchange important and recent financial documentation including, but not limited to a sworn financial statement, recent bank statements, credit card statements and paystubs. The parties then can explore the disposition of property through mediation, settlement conferences or, if needed, litigation.

When examining the issues in your case it is important to know that Colorado is an equitable property division state, not a community property state. That means that marital property needs to be divided fairly, not necessarily equal. When dividing marital property, Colorado courts have discretion to look at factors such as how the property was acquired, the contribution of both spouses and the financial circumstances of the parties. The Court will also look at the issue of property division and maintenance (spousal support) hand-in-hand when fashioning an order that is fair. Again, a number of factors go into the Court’s analysis and it is important a party to a domestic case understands all of these issues.

While the financial aspects of a divorce are complex, the issues related to child custody are generally more emotional and heated. In a child custody (parental responsibility) case, the primary concern for the Court in hearing parenting disputes is what is in the child's best interests. The Court uses this best interest standard to determine how major decisions will be made for the child and what parenting time schedule would best suit the family. The Court applies the best interest standard and considers a variety of factors with regard to deciding custody issues, such as the ability of the parents to effectively co-parent, the ability of the parent's to put their child's needs ahead of their own and the child's wishes if they are mature enough to express their wishes independently.

Often times the most critical decision you will make in a domestic case is finding an attorney and advocate you are comfortable with.

Know your rights and how to protect yourself:

- Keep all important documents (i.e. tax returns, bank statements, investment statements, school records, social security cards)
- Know where your assets are (banking institutions, account numbers, etc.)
- Know your finances and monthly budget
- Keep a parenting journal – include any issues you are observing with the children, track how the children are doing and how much time they are spending with each parent, understand the division of labor that exists in your household with respect to raising the children
- Talk to your children – get them in counseling, engage in communication, talk to their teachers

*Transmission of the information herein is not intended to create, and the receipt does not constitute, an attorney-client relationship between sender and receiver. If you have a specific question about a divorce or custody matter, please contact Ms. Feingold by email or phone (see below) or other qualified attorney.*

***For More Information, Contact:***

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