

**INFORMATION SHEET FOR  
DECLARATION OF INVALIDITY  
(C.R.S. 14-10-111)**

**DEFINITIONS**

A Declaration of Invalidity is a Court Order that your marriage is null and void, and has been null and void since the date of the marriage. To obtain a declaration that your marriage is invalid, you need to prove one of the grounds set forth in C.R.S. 14-10-111. A copy of that statute is in this packet. Please read it carefully and make sure that your facts fit within one of those provisions.

**IF YOU DO NOT UNDERSTAND THIS INFORMATION, PLEASE CONTACT A LAWYER OR THE CASE MANAGER, IF ONE IS AVAILABLE IN YOUR DISTRICT.**

**FEES**

The fee for filing a Petition for Declaration of Invalidity of Marriage is \$94. Most courts accept only cash. Please check with your court to find out the method of payment they will accept. If you are indigent, you may fill out a Motion to File Without Payment of Fees. If you qualify, the court may waive the filing fee.

**FORMS**

- Petition for Declaration of Invalidity (JDF 1601)
- Summons for Declaration of Invalidity of Marriage (JDF 1602)
- Financial Affidavits (JDF 1111 or 1112)
- Notice to Set & Notice of Hearing (JDF 1107 & 1108)
- Decree of Invalidity of Marriage (JDF 1603)

**PETITION FOR DECLARATION OF INVALIDITY**

The Petition needs to be completely filled out. Make sure that you have given the court facts that are sufficient under the statute to declare the marriage invalid. If you and your spouse are filing the Petition together (co-petitioners), you both need to sign the Petition in front of a notary.

**SUMMONS FOR DECLARATION OF INVALIDITY OF MARRIAGE**

If you and your spouse are filing the Motion as co-petitioners, you do not need to use a Summons. Fill out the Summons, naming the petitioner and respondent; the clerk will sign it. You will need to have the respondent “served” with the Summons and a copy of Petition. Service can be done one of two ways:

1. You can arrange to have the Petition delivered to your spouse by a private process server, or the Sheriff’s Department in the county where he/she lives or works or;

2. If you cannot find your spouse, you can file a Verified Motion for Service by Publication. If the court grants your motion, your spouse may be served in one of the ways set out in the Order. If you and your spouse are filing the Petition as co-petitioners, you do not need to use the Summons.

### **NOTICE TO SET**

The request for setting is a request for an appointment with the court to decide your case. After filling out the request, make two copies. Keep one copy for yourself, send one copy to the respondent by first class or certified mail, and file the original with the clerk.

### **DECREE OF INVALIDITY OF MARRIAGE**

Fill out only the case number and names of the petitioner and respondent. Leave the rest blank. Make an extra copy. Give the original to the judge or magistrate. If the Decree is granted, ask that your copy be signed and keep that copy for your records.

### **THE HEARING**

Be on time and dress appropriately. Bring all of the papers that you have filed with you. You will have the opportunity to ask questions of your spouse, and to have other witnesses testify, if you bring them to court. Your spouse has the right to ask questions of you.