

## CHAPTER 52

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**CHILDREN AND DOMESTIC MATTERS**

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**HOUSE BILL 12-1233**

BY REPRESENTATIVE(S) Labuda, Barker, Casso, Gardner B., Pabon, Fischer, Kagan, Kerr A., Ryden, Schafer S., Solano, Todd, Vigil, Wilson;  
also SENATOR(S) Carroll, Giron, Guzman, Nicholson.

**AN ACT**

**CONCERNING THE ABILITY OF A COURT TO ENTER A DECREE OF LEGAL SEPARATION IN CERTAIN CIRCUMSTANCES WITHOUT THE APPEARANCE OF THE PARTIES.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 14-10-106, **amend** (1) (a) introductory portion and (1) (b) as follows:

**14-10-106. Dissolution of marriage - legal separation.** (1)(a) The district court shall enter a decree of dissolution of marriage OR A DECREE OF LEGAL SEPARATION when:

(b) In connection with every decree of dissolution of marriage OR DECREE OF LEGAL SEPARATION and to the extent of its jurisdiction to do so, the court shall consider, approve, or allocate parental responsibilities with respect to any child of the marriage, the support of any child of the marriage who is entitled to support, the maintenance of either spouse, and the disposition of property; but the entry of a decree with respect to parental responsibilities, support, maintenance, or disposition of property may be deferred by the court until ~~a time subsequent to~~ AFTER THE ENTRY OF the decree of dissolution of marriage OR THE DECREE OF LEGAL SEPARATION upon a finding that ~~such~~ A deferral is ~~necessary~~ in the best interests of the parties.

**SECTION 2.** In Colorado Revised Statutes, 14-10-120.3, **amend** (1) introductory portion and (2) as follows:

**14-10-120.3. Dissolution of marriage or legal separation upon affidavit - requirements.** (1) Final orders in a proceeding for dissolution of marriage OR LEGAL SEPARATION may be entered upon the affidavit of either or both parties when:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(2) If one party desires to submit the matter for entry of final orders upon an affidavit, the submitting party shall file his OR HER affidavit setting forth sworn testimony showing the court's jurisdiction and factual averments supporting the relief requested in the proceeding together with a copy of the proposed decree, a copy of any separation agreement proposed for adoption by the court, and any other supporting evidence. The filing of ~~such~~ THE affidavit ~~shall not be deemed to~~ DOES NOT shorten any statutory waiting period required for entry of a decree of dissolution OR DECREE OF LEGAL SEPARATION.

**SECTION 3. Effective date - applicability.** This act takes effect July 1, 2012, and applies to petitions for legal separation filed on or after said date.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 22, 2012