



Court Assistance Office

Forms Packet Instructions:

Divorce No Children: Step 1

PETITION FILING FEE \$207

Court Assistance Officer

Available Monday-Friday / 8:30-4:30

Email: d6cao@bannock.idcourts.gov

Phone: 208-236-7067

Text: 208-538-4816

<https://www.bannockcounty.us/courts/courtassistance/>

☑ Watch the Court Assistance videos **BEFORE** filling out your forms:



SCAN the QR Code To Access Videos From Your Phone

OR

CLICK the QR Code To Access Videos From Your Computer

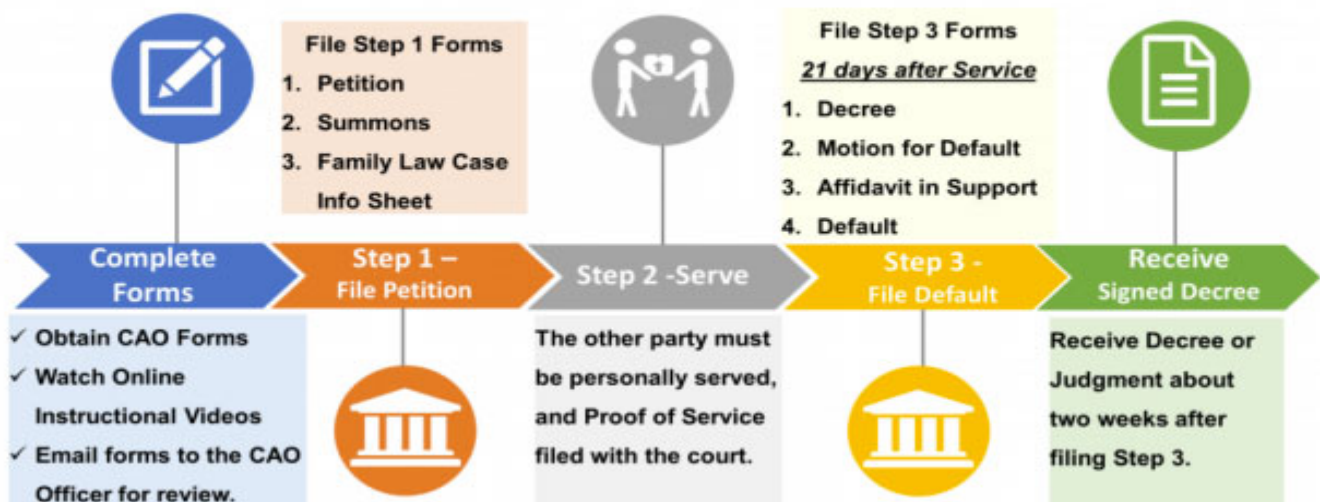
☑ Complete **All** of the included Step 1 forms:

- Family Law Case Information Sheet
- Petition for Divorce without minor children
- Summons

☑ Email the forms back for review: [**d6cao@bannock.idcourts.gov**](mailto:d6cao@bannock.idcourts.gov)

- If you printed your forms and need to scan them back to me, they must be in PDF format. We cannot accept phone images. **If you don't have access to a scanner, please visit the Bannock County Court Assistance Website for a list of scanning resources**

Timeline for Divorce - *No Minor Children*:



STEPS FOR DIVORCE WITHOUT MINOR CHILDREN

STEP 1: File

Plaintiff (person filing for divorce):

- Complete the Complaint, Summons, and Family Law Case Information Sheet.
- Sign Complaint in front of a Notary.
- Make 2 copies of Complaint and Summons. Make 1 extra copy of the Exhibits (to attach later to Decree).
- Have forms reviewed at full-service Court Assistance Office.
- File originals and copies with Clerk (filing fee \$207.00). The Clerk will keep the original Complaint, stamp your copies and return them to you (one for you, one for Defendant). Some courts issue temporary orders (one for each of you). If the Clerk gives you the original Summons, keep it safe to return after Service.
- Pick up Certificate of Divorce to complete and return to the Clerk.

STEP 2: Serve

Defendant Will Sign In Front of a Notary.

or

Third Party Will Deliver to Defendant

- Fill out Acknowledgment of Service and deliver it to Defendant with 1 copy of the Complaint, Summons, and any temporary orders.
- Defendant completes and signs Acknowledgment of Service, gets a Notary to sign and returns form to you.
- Make 2 copies of notarized Acknowledgement of Service.
- Keep 1 copy, mail 1 copy to Defendant, file original with the court. Return original Summons if you have it.

- Fill out Affidavit of Service and deliver it with 1 copy of the Complaint, Summons, any order to attend parent education class and temporary orders to:
 - A person 18 or older not a party to the case; professional process server; or the County Sherriff; for service.
- Server completes and signs Affidavit of Service in front of a Notary.
- Make 2 copies of notarized form.
- Keep 1 copy, mail 1 copy to the Defendant, file original with the court. Return original Summons if you have it.

STEP 3: Finalize

You and Defendant Agree and Both will Sign

or

Defendant Does Not File a Response (Default)

or

Defendant Files a Response

- Fill out Sworn Stipulation for Entry of Decree, Certificate of Divorce and Decree. Make 1 extra copy of the Decree to attach to the Stipulation.
- Each sign Sworn Stipulation in front of a Notary.
- Make 2 copies of Sworn Stipulation and Decree.
- File Sworn Stipulation. Deliver Decree with copies, and completed Certificate of Divorce to the Clerk. Provide self-addressed pre-stamped envelopes, 1 for you and 1 for Defendant.

- Wait 21 days (including weekends and holidays) after date of service.
- Fill out Motion and Affidavit for Default, Default, Affidavit in Support of Default Decree, and Decree of Divorce.
- Sign default motions in front of a Notary. Make 2 copies of the default forms and Decree.
- File default forms. Deliver Decree with copies and Certificate of Divorce to the Clerk. Provide self-addressed pre-stamped envelopes, 1 for you and 1 for Defendant.
- Attend hearing if required.

- Defendant files a response before 21 days (includes weekends and holidays) after date served.
- Consult with an attorney about your options or schedule mediation to see if you both can agree. If you can't agree, your case will go to trial.

CAO D INSTRUCTION 1-1

Summary of Steps

- Step 1: Talk to an Attorney, if Possible
- Step 2: Obtain and Complete the Required Forms
- Step 3: Make Copies and File With the Clerk
- Step 4: Obtain Service on your Spouse
- Step 5: Wait 21 Days
- Step 6: Determine if a Reply is necessary
- Step 7: Comply with Mandatory Disclosures of Information
- Step 8: Follow Notice of Status Conference, Scheduling Order or other Court Orders
- Step 9: Consider Negotiation, Mediation, or other means to Settle your Case

Step 1: Talk to an Attorney, if Possible.

These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. We always recommend you talk to a lawyer about your problem before filing your paperwork. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the Idaho State Bar Lawyer Referral Service (208-334-4500) for the name of an attorney in your area who will provide an initial half-hour consultation for \$35. Contact the Court Assistance Office for information about resources for low-income people, or visit the Idaho Supreme Court's Self-Help Center at <http://www.courtselfhelp.idaho.gov/>.

Step 2: Obtain and Complete the Required Forms.

You will need to obtain the following forms to file for Divorce:

- Petition for Divorce, CAO D 1-5 (with Minor Child/ren); or Petition for Divorce CAO D 1-6 (No Minor Child/ren)
- Summons, CAO FL 1-3 (with Minor Child/ren)
- Certificate of Divorce or Annulment, HWH-611, available from Court Clerk or at the Court Assistance Office, not available on-line
- Family Law Case Information Sheet, CAO FL 1-1

If you have minor children of this marriage you will also need:

- Order to Attend Divorce Orientation/ Parenting Workshop
- Affidavit Verifying Income (Child Support), CAO FL 1-11
- Child Support Worksheet, CAO FL 1-12 or 1-13
- Parenting Plan, CAO FL-3

If you do not know where your spouse lives, you will also need:

- Motion and Affidavit for Service by Publication, CAO FLPI 1-5
- Order for Service, CAO FLPI 1-6
- Summons by Publication, CAO FLPI 1-4
- Affidavit of Mailing Per Order for Publication, CAO FLPI 2-3

Complete the forms you need. At the top left-hand corner of page 1 of each form fill in your name, address, telephone number, and email address (if you have one). Fill in the county and judicial district in the heading in capital letters (for example, "IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT IN AND FOR THE COUNTY OF CASSIA"). Fill in your names in the caption (for example, "John Doe , Petitioner vs. Mary Doe, Respondent"). Fill out

the remainder of each individual form, providing the information requested. If specific instructions are provided for a particular form, follow those instructions.

The Child Support Affidavit and Worksheet can be generated for you if you use the "Support" software at the Court Assistance Office, some Divorce Parenting Workshops, or elsewhere. You will need to bring information with you about your family income, work-related childcare expenses, and health insurance premiums.

Make 2 copies of the Parenting Plan so you can attach one to your Petition, and have the original to attach to the decree.

Step 3: Make Copies and File with the Clerk.

Assemble the forms following the instructions with the Petition. Make two copies of each completed set of CAO forms. (You will not need copies of the Certificate of Divorce nor of the Family Law Case Information Sheet.) Place the copies underneath each original.

Go to the window in the Clerk's Office. Give the Clerk the following:

*Filing fee (visit <http://www.courtselfhelp.idaho.gov/filingfees> for current filing fees), or a

"Motion and Affidavit for Fee Waiver,

CAO FW 1-9", and the original and a copy of a proposed "Order Re: Fee Waiver, FW 1-10".

*The completed originals and copies of the your forms.

If you have minor children of this marriage the Clerk will give you an Order to Attend a parenting program, which may be called "Divorce Orientation", "Mediation Orientation" or "Parenting Workshop", depending on the district you are in. You will need to serve this Order on your spouse, along with the Summons and Petition. Once your case has been filed, the Clerk will "conform" your copies by stamping and dating them. This will save you paying \$1.00 per page for copies of these documents from the court file later on, and will provide proof of the filing of the documents in case they become misplaced from the court file. The Clerk will hand you the Original Summons and the conformed copies of the Petition packet and Summons.

Step 4: Obtain Service on Your Spouse.

You now need to serve the Summons, Petition (with attachments), (and order to attend parenting workshop, if applicable) on your spouse. There are three different ways you can do this. You only need to serve your spouse one of these ways.

A. If your spouse will cooperate by accepting service:

1. Fill out an Acknowledgment of Service, form CAO FL 2-1, and make two copies.
2. Take or mail to your spouse the original and one copy of the Acknowledgment of Service, a conformed copy of the Petition, and a conformed copy of the Summons (and parent workshop order, if any).
3. Have your spouse sign and date the original Acknowledgment of Service.
4. Have your spouse return to you the original Acknowledgment of Service. Your spouse is to keep the copy of the Acknowledgment of Service, the conformed copy of the Petition, and the conformed copy of the Summons.
5. Take the original and your copy of the Acknowledgment of Service, plus the original Summons back to the Clerk at the courthouse. Ask to have your copy of the Acknowledgment of Service conformed, the conformed copy will then be returned to you. The Clerk will keep and file the original Summons and Acknowledgment of Service.

B. If your spouse will not cooperate:

1. Deliver or mail the original Summons plus a copy of the Summons, a copy of the Petition and an original Affidavit of Service to a sheriff, professional process server or other person over 18 in the county where your spouse lives, who will serve the papers. The sheriff or professional process server will need a letter stating where your spouse can be served, a description or photograph of your spouse, a description of the vehicle your spouse usually drives, and any other information that may help the process server locate and identify your spouse.
 2. If using the sheriff or a professional process server, call first to find out what they charge for serving a Summons and Petition in a divorce case, and include a money order or check for the correct amount when you send the papers.
 3. The person who serves the forms will send the completed Affidavit of Service back to you with the original Summons. You should make a copy of the Affidavit of Service for yourself, file the original Affidavit of Service and the original Summons with the Court and have your copy of the Affidavit of Service conformed.
- C. If you do not know where your spouse is:
There are separate instructions and forms for Service By Publication, CAO FL Instruction 1-4. Follow those instructions.

Step 5: Wait 21 Days.

Idaho has a mandatory 21-day waiting period between the time your spouse was served and the time you finalize your divorce. The date your spouse was served was either 1) the date s/he signed the acknowledgment of service form, or 2) the date the process server delivered the papers to your spouse, 3) the last date the papers were published in a newspaper. If you have minor children, you will need to attend the court's Parenting Workshop before you can finalize your divorce. The waiting period and attendance at the parenting workshop (if applicable) are required for you to obtain a default divorce even if you and your spouse agree on all the issues in your divorce.

If your spouse does not respond to the court in writing within 21 days of receiving service, you may finalize your divorce by default (see Finalizing Divorce By Default, CAO D Instruction 7-1).

If your spouse does respond in writing, follow the steps below:

Step 6: Determine if a Reply is Necessary.

Read your spouse's response carefully. If the document was a "Response", it is not necessary (or proper) for you to file a written reply. However, If your spouse filed a "Response And Counterclaim", you will have 21 days from the date the counterclaim was served (not received by you) to file a written reply. If the document your spouse filed asks for something different from what you asked for in your Petition, it is a counterclaim even if it doesn't say counterclaim in the title and you will have to prepare and file a reply.

IF YOU DO NOT RESPOND BY THE APPROPRIATE DEADLINE, THE COURT MAY ENTER AN ORDER OF DEFAULT AGAINST YOU AND THE RESPONDENT MAY RECEIVE EVERYTHING REQUESTED IN THE COUNTERCLAIM.

If you agree with the Counterclaim, and do not object to the terms of the divorce proposed by your spouse, it is not necessary for you to take any action before the deadline. The court will send you a copy of the divorce Decree after it has been entered. But if you disagree, or are unsure about any of the allegations or terms in the counterclaim, you should consult an attorney as soon as possible to learn what your rights are and what course of action to take.

If you will be unable to see an attorney before the 21-day deadline, you may want to file a Reply to Counterclaim, CAO Cv 3-5. This will at least prevent the entry of an Order of Default against you. Make two copies of your reply, file the original with the court clerk, and mail, fax or hand-deliver a copy to the Respondent or the Respondent's attorney at the address in the upper left corner of the first page of the Response and Counterclaim. Be sure to complete the certificate of service at the end of the Reply form.

Step 7. Comply with Mandatory Disclosures of Information

Child Support

If either party has requested a change to child support, you have to provide income information to the other party within 35 days from the day they filed the response. This will include tax returns, W-2 forms, and many other forms, see Instruction CAO FL Inst 5-1 for further details and use forms CAO FLPI 5-1 Petitioner's/Respondent's Mandatory Child Support Disclosures and CAO CvPi 4-5 Certificate of Service.

Property and Debts

If the other party disagrees in any way on the division of property and/or debts, you must both provide each other with specific property and/or debt information. You must do this within 35 days from the date that they filed a response. Use forms CAO RFLPPi 1-1 Inventory of Property and Debts and CAO CvPi 4-5 Certificate of Service.

Step 8: Follow Notice of Status Conference, Scheduling Order or Other Court Orders.

Ordinarily, you will have a trial within six months if a Response or Response and Counterclaim have been filed. In the meantime, you will receive various notices and orders from the court concerning your divorce. If you have minor children, you will have already been served with an order to attend a parenting class. Other important papers you will receive may include Notice of Status Conference or Pre-trial Conference, Scheduling Order, or a Notice of Trial Setting. Read all court notices and orders carefully, and note the deadlines and hearing dates contained in them. **Failure to meet court deadlines or to appear at scheduled conferences, hearings or at trial may result in punishment for contempt of court or in other sanctions. Such failure may also cause you to lose all or part of your case.**

Step 9: Consider Negotiation, Mediation, or Other Means to Settle Your Case.

The overwhelming majority of civil cases, including divorce cases, settle before trial. You should attempt to settle your case with your spouse. You can discuss settlement in person with your spouse or his/her attorney, or you may submit a written settlement offer to your spouse or your spouse's attorney. You might also consider mediation. Mediation is a process in which a neutral third party (called a mediator) assists the parties in settlement negotiations. Mediation is often successful in resolving disputes concerning property and debt division, parenting schedules or child support. Your attorney, the court clerk or court assistance officer can give you a list of local mediators and more information about the mediation process.

There are other alternative means to settle your case without trial. These include arbitration and appointment of a special master. If negotiation or mediation does not resolve your case, you should consult an attorney about these alternative dispute resolution mechanisms.

If you do settle your case before trial follow CAO D Instruction 6-1, Finalizing Divorce by Stipulation and complete Sworn Stipulation For Entry Of Decree Of Divorce, CAO D 6-8. Fill out an appropriate Decree of Divorce, CAO D 8-1 (if you have minor children); or Decree of Divorce CAO D 8-3 (no children). You and your spouse must sign the Decree of Divorce to indicate that it's the one you want the judge to sign. There is room for this after the Clerk's

Certificate of Service. Follow the detailed instructions for completing the Decree form. If you have children complete the Child Support Transmittal, CSS 809. You will need to ask the court clerk or court assistance officer whether a hearing will be required by your judge.

If your case does not settle before trial, see “Guidelines for Courtroom Behavior”, CAO Cv Instruction 4-1, for general information on how to proceed. **The trial will be conducted according to formal rules of evidence and procedure, so you should consult an attorney as to how to comply with those evidentiary and procedural rules and requirements.**

For further information, please ask to see the video “**The Idaho State Court System: Family Law**” at your Court Assistance Office or public library.

CAO Online Form Review

COVER SHEET



Please select the type of form review you are submitting:

- | | |
|--|--|
| ☒ Divorce NO Minor Children | ☐ Mandatory Child Support Disclosures |
| ☐ Divorce WITH Minor Children | ☐ Eviction |
| ☐ Custody, Paternity, & Child Support | ☐ Forcible Detainer |
| ☐ Modification of Custody & Child Support | ☐ Name Change- ADULT |
| ☐ Family Case Response | ☐ Name Change- MINOR |
| ☐ Family Case Response & Counterclaim | ☐ Civil Case Answer |
| | ☐ _____ |
| | ☐ _____ |

I understand these forms will be scanned into electronic format and emailed to the Bannock County Court Assistance Officer who will perform a form review and respond to me directly within 48 hours.

The Court Assistance Office assigned to my form review is: Arianne or Trey

The Court Assistance Officer does not represent parties or any of their interests. While confidentiality practices concerning anything discussed are utilized, it is not guaranteed. The Court Assistance Officer may provide services to the opposing party/ies (other person/s involved in the same case). The Court Assistance Officer can only give information; not interpretations of laws or strategies for any case. If seeking representation, a confidential consultation, or legal advice, you will have to consult with a private attorney.

NAME

DATE

EMAIL

PHONE

Family Law Case Information Sheet

Case Number (Clerk fills in case #):

Exempt from Public Disclosure

Fill out this form to start a Family Law case.
The information you give us is **private**.

1. Describe your case: ☐ Divorce ☐ Custody ☐ Paternity ☐ Protective Order
☐ Other _____

2. Information about Petitioner

Name: _____
First Middle Last

Any other names used: _____

Address: _____
Street City State Zip

Phone numbers: _____
Home Work Cell

Email address: _____

Employer's name: _____

Social Security Number: _____ Date of Birth: _____ Sex: ☐ Male ☐ Female

Is English your first language? ☐ Yes ☐ No *If no, what language?* _____

Do you speak, read and write English? ☐ Yes ☐ No

3. Information about Respondent

Name: _____
First Middle Last

Any other names used: _____

Address: _____
Street City State Zip

Phone numbers: _____
Home Work Cell

Email address: _____

Employer's name: _____

Social Security Number: _____ Date of Birth: _____ Sex: ☐ Male ☐ Female

Is English your first language? ☐ Yes ☐ No *If no, what language?* _____

Do you speak, read and write English? ☐ Yes ☐ No

4. List Petitioner's natural and adopted children under 18:

Child's name	Date of birth	Social Security No.
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

List Respondent's natural and adopted children under 18:

Child's name	Date of birth	Social Security No.
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

5. Other Cases Involving Children

List any child support, custody, adoption, or guardianship order for any child listed on this form:

Case Number	Date of Order (or date requested)	County / State	For which children?	Type of case
1.				☐ Support ☐ Custody ☐ Adoption ☐ Guardianship
2.				☐ Support ☐ Custody ☐ Adoption ☐ Guardianship
3.				☐ Support ☐ Custody ☐ Adoption ☐ Guardianship
4.				☐ Support ☐ Custody ☐ Adoption ☐ Guardianship

6. Any Cases Involving Violence or Abuse

List any protective order, domestic violence or child abuse case involving any adult or child listed on this form:

Case Number	Who was the Order against?	Who did the Order protect?	Date of Order (or date requested)	County / State	Type of case
1.					☐ Domestic Violence ☐ Child Abuse ☐ No Contact Order
2.					☐ Domestic Violence ☐ Child Abuse ☐ No Contact Order
3.					☐ Domestic Violence ☐ Child Abuse ☐ No Contact Order
4.					☐ Domestic Violence ☐ Child Abuse ☐ No Contact Order

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

Petitioner,

vs.

Respondent.

Case No. _____

PETITION FOR DIVORCE:
NO MINOR CHILDREN
Fee Category: B.1.b.

The Petitioner states:

1. **Residence of the Parties.** I am now and have been a resident of the State of Idaho for at least six (6) full weeks prior to the filing of this action. Respondent is currently a resident of the State of _____.
2. **Marriage of the Parties.** The parties were married at (city) _____, (state) _____, on (month, day, year) _____, and are still married.
3. **Grounds for Divorce.** Irreconcilable differences exist between the parties.
4. **Minor Child/ren.** The parties do not have any minor children.
☐ Wife is not pregnant. or
☐ Wife is pregnant with Husband's child expected to be born _____.
5. **Wife's Child/ren, Born or Conceived During this Marriage.**
☐ None.

- ☐ Wife **is** pregnant with a child expected to be born (date) _____;
however, Husband is not the father of the Wife's child.
- ☐ The following child/ren was/were born to Wife during the marriage; however,
Husband is not the father of the children: *(write full name(s) and date(s) of birth)* _____
-

6. Separate Property. (Land and/or Personal Property)

- ☐ None.
- ☐ Prior to or during the marriage, I, (your name) _____
acquired the separate property listed on the attached Schedule. That property should
be confirmed as my separate property. (spouse's Name) _____
_____ should be ordered to return to me any such property in his/her
possession. **and/or**
- ☐ Prior to or during the marriage, (spouse's Name) _____
_____ acquired the separate property listed on the attached Schedule. That
property should be confirmed as spouse's separate property. (your name) _____
_____ should be ordered to return to him/her any such property in my possession.

7. Community Real Property. (Land) During the marriage, the spouses acquired:

- ☐ no community real property.
- ☐ community real property should be awarded as set out in the attached Schedule.

8. Community Personal Property. During the marriage, the spouses acquired:

- ☐ no community personal property. **or**
- ☐ community personal property they have already divided. The property should be
awarded to the party who presently has possession.
- ☐ It would be fair for the court to award to the parties, as their sole and separate
property, the community property as set out in the attached Schedule.
- The court should order each party to deliver to the other any of the community
personal property currently in his/her possession that is awarded to the other party.
- The court should also order each party to sign and deliver any documents necessary
to carry out the property division.

9. Debts.

- ☐ The Petitioner has no knowledge of any unpaid debts. **or**
- ☐ It would be fair for the court to order me, (your name) _____
_____ to pay the debts listed in the attached Schedule as or before they
become due and to order me to hold spouse harmless for any further liability

concerning these debts. and/or

☐ It would be fair for the court to order (spouse's name)_____ to pay the debts listed in the attached Schedule as or before they become due and to order him/her to hold me harmless for any further liability concerning those debts.

10. ☐ **Debts Incurred Since Separation.** The parties have been separated since (date) _____. It would be fair for the court to order that each party will assume any debt incurred by that party since the date of separation. The court should order each party to pay those debts as or before they become due and to hold the other party harmless from any obligation concerning those debts.

11. ☐ **Name Change.** _____ should be restored to the former last name of _____.

VERIFICATION: I certify I have read this Petition and state that all facts included are true.

WHEREFORE, Petitioner prays for judgment as requested above.

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: _____

Typed/Printed Name

Signature

Property and Debt Schedule

Separate Property

☐ (your name)_____ Separate Property:

☐ None. or (list separate property below)

☐ (spouse's name)_____ Separate Property:

☐ None. or (list separate property below)

Community Real Property.

☐ The real property, located at _____
in the City of _____, County of _____,
State of Idaho, and described in the deed as follows:

☐ shall be sold and the net proceeds divided _____ % to (your name) _____
and _____ % to (spouse's name) _____.

or

☐ is awarded to: (Name of party who will own the home) _____, subject to
any liens. Spouse, (spouse's name) _____ is ordered to convey his/her
interest in the property to the other party when (name of party who will own the home) _____
_____ pays spouse \$ _____.

or

☐ _____

Community Personal Property

☐ (your name)_____ Community Personal Property:

☐ None. or (list community personal property below)

☐ (spouse's name)_____ Community Personal Property:

☐ None. or (list community personal property below)

Community Debts

Creditor Name & Last four digits of account number.	(your name)	Spouse shall pay
	shall pay	
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (If any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____ Petitioner, vs. _____ Respondent.	Case No. _____ SUMMONS
--	--------------------------------------

NOTICE: You have been sued. The court may enter judgment against you without further notice unless you respond. Read the information below.

Served with this Summons is/are copy/copies of the Petition

- ☐ Order to Attend parent education program
- ☐ Joint Temporary Restraining Order (Children)
- ☒ Joint Temporary Restraining Order (Property)

If you want to defend this lawsuit, you must file a written response (Response to the Petition or appropriate Rule 502 I.R.F.L.P. Motion) to the Petition at the Court Clerk's office for the above-listed District Court at: [mailing address, physical address (if different from the mailing address) and telephone number of the district court clerk]_____

_____ within 21 days from the service of this Summons.

If you do not file a written response the court may enter a judgment against you without further notice. A letter to the Judge is not an appropriate written response.

The written response must comply with Rule 207 and other Idaho Rules of Family Law Procedure and include: your name, mailing address and telephone number; or your attorney's name, mailing address and telephone number; and the title and number of this case.

If your written response is a Response to the Petition, it must state the things you agree with and those you disagree with that are in the Petition. You must also state any defenses you have.

You must mail or deliver a copy of your response to the moving party or the moving party's attorney (at the address listed above), and prove that you did.

To determine whether you must pay a filing fee with your response, contact the Clerk of the District Court.

If you are considering talking to an attorney, you should do so quickly to protect your legal rights.

Dated this _____ day of _____.

CLERK OF THE DISTRICT COURT

By: _____
Deputy Clerk

STOP

WOULD YOU LIKE YOUR FORMS
REVIEWED BY THE COURT
ASSISTANT OFFICER?

Scan & Email your forms to
d6cao@bannock.idcourts.gov

You may also call 208-236-7067 or
text 208-538-4816 and request an in-
person form review



Court Assistance Office

Forms Packet Instructions:

Divorce No Children: Step 2

SERVING THE OTHER PARTY

Court Assistance Officer

Available Monday-Friday / 8:30-4:30

Email: d6cao@bannock.idcourts.gov

Phone: 208-236-7067

Text: 208-538-4816

<https://www.bannockcounty.us/courts/courtassistance/>

☒ Watch this quick Step 2 Video Refresher:

SCAN the QR Code To Access The Video From Your Phone

OR

CLICK the QR Code To Access The Video From Your Computer



☒ Complete ONE of the included service processes:

- **Acknowledgment of Service**– This would be signed by the other party in front of a notary acknowledging they received the paperwork on a specific day.

OR

- **Affidavit of Service**– This would be signed by an uninterested party, 18 years or older, who would personally hand the documents to the other party, and then sign the Affidavit certifying that they did so. This document does NOT need to be notarized.

⇒ Alternatively, you can pay the **Sheriff or a professional process server** to serve the other party for you. They will have their own form for their process. Contact them directly for information on their process.

☒ Email the service form back for review: d6cao@bannock.idcourts.gov

- If you printed your forms and need to scan them back to me, they must be in PDF format. We cannot accept phone images. **If you don't have access to a scanner, please visit the Bannock County Court Assistance Website for a list of scanning resources**

LOOKING AHEAD:

Once you know what day the other party was served, you are now ready to begin Step 3 (waiting the mandatory 21 day waiting period, and preparing the finalizing paperwork).

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

Petitioner,
vs.

Respondent.

Case No. _____

AFFIDAVIT OF SERVICE

1. I am a resident of _____ County, State of _____,
over the age of eighteen (18) years, and not a party to the above-entitled action.

2. On (date) _____ I personally served copies of the Summons, Petition,
(check all that apply, if any)

☐ Joint Temporary Restraining Order (Property)

☐ Order to attend the parent education program

☐ Joint Temporary Restraining Order (Children) on: (name of person served) _____

_____, the above-named ☐ Petitioner ☐ Respondent,

in _____ County, State of _____

at (address) _____.

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing
is true and correct.

Date: _____

Typed/Printed Name

Signature

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

Petitioner,
vs.

Respondent.

Case No. _____

ACKNOWLEDGMENT OF SERVICE

I, _____, the ☐ Respondent ☐ Petitioner,
admit and acknowledge that service of a copy of the Petition, Summons, ☐ Order to
Attend parent education program ☐ Joint Temporary Restraining Order (Children) ☐ Joint
Temporary Restraining Order (Property) ☐ other _____

was made on me because I received them on (date received) _____.

I certify that: I am over the age of eighteen, I am mentally competent, I read and write the
English language; and:

[check all that apply]:

☐ I am NOT in the uniformed services as defined by the Servicemembers Civil Relief Act.

or

☐ I am in the uniformed services as defined by the Servicemembers Civil Relief Act. I understand and waive my rights under the Act.

☐ I submit to this court's jurisdiction, decline to plead, waive hearing, and agree that a final decree be entered.

Date: _____

Signature

STATE OF IDAHO)
) ss.
County of _____)

On this _____ day of _____, before me, the undersigned, a Notary Public in and for the State, personally appeared _____, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that s/he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above written.

Notary Public for Idaho
Residing at _____
Commission expires _____

STOP

WOULD YOU LIKE YOUR FORMS
REVIEWED BY THE COURT
ASSISTANT OFFICER?

Scan & Email your forms to
d6cao@bannock.idcourts.gov

You may also call 208-236-7067 or
text 208-538-4816 and request an in-
person form review



Court Assistance Office

Forms Packet Instructions:

Divorce No Children: Step 3

FINALIZING THROUGH DEFAULT

Court Assistance Officer

Available Monday-Friday / 8:30-4:30

Email: d6cao@bannock.idcourts.gov

Phone: 208-236-7067

Text: 208-538-4816

<https://www.bannockcounty.us/courts/courtassistance/>

☒ Watch this quick Step 3 Video Refresher:

SCAN the QR Code To Access The Video From Your Phone

OR

CLICK the QR Code To Access The Video From Your Computer



☒ Complete ALL of the included Step 3 documents:

- Proposed Decree— See all important information below
- Motion & Affidavit for Default
- Affidavit in Support of Default
- Default
- Certificate of Divorce—See important information below

☒ Email the forms back for review: d6cao@bannock.idcourts.gov

- If you printed your forms and need to scan them back to me, they must be in PDF format. We cannot accept phone images. **If you don't have access to a scanner, please visit the Bannock County Court Assistance Website for a list of scanning resources**

Tip!

Regarding page 3 of the Decree- Certificate of Service: If you do not indicate “email” on the certificate of service for both you and the other party, you will need to provide 2 large manila envelopes with 3 stamps each so the judge can mail the finalized Decree of Divorce. Please address one envelope to you and one to the other party.

Regarding the Certificate of Divorce Form: You will need an original of this form. When you go to the courthouse to file these step 3 forms, ask the clerk for an original certificate of divorce, and fill it out there. It has to be turned in with all this other Step 3 paperwork.

Wait Mandatory 21 Before Filing Step 3: Once the other party is served, you will count 21 Calendar days before filing the step 3 default forms.

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

Petitioner,

vs.

Respondent.

Case No. _____

DEFAULT

☐ Respondent ☐ Petitioner was served and has failed to plead or otherwise defend
this case within the time allowed;

THEREFORE, default is entered against _____.

Date: _____

Judge

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____ Petitioner, vs. _____ Respondent.	Case No. _____ MOTION AND AFFIDAVIT FOR ENTRY OF DEFAULT
--	--

Petitioner moves this Court for Entry of Default on the grounds that Respondent, **(a)** has received notice of this action by personal service; or **(b)** has been served by publication, and has failed to appear within the time period for answering the Petition in this case. This motion is based on Rule 301 Idaho Rules of Family Law Procedure and the pleadings filed in this case.

I certify:

1. I am Petitioner in this action.
2. Proof of service upon Respondent is on file in this case.
3. Respondent has failed to answer or defend this case as required by law within twenty-one (21) days of the date of service.
4. Respondent is mentally competent and over the age of eighteen (18) years.
5. ☐ Respondent is not in the uniformed services as defined by the Servicemembers Civil Relief Act; I know this because _____

or ☐ I am unable to determine whether Respondent is in the uniformed services as defined by the Servicemembers Civil Relief Act.

or ☐ Respondent is in the uniformed services as defined by the Servicemembers Civil Relief Act, and has waived in writing Respondent's rights under the Act.

6. I certify the name of Respondent is _____,
and the address most likely to give Respondent notice of entry of judgment of
default is (address) _____
_____.

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: _____

Typed/Printed Name

Signature

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

Petitioner,

vs.

Respondent.

Case No. _____

AFFIDAVIT in SUPPORT OF DEFAULT
DECREE OF DIVORCE (NO CHILDREN)
(I. C. 32-703)

1. I am the Petitioner.
2. The community property division I asked for in my verified Petition is substantially equal, considering debts.
3. My spouse and I do not have any minor children.
4. Briefly, the irreconcilable differences I have with my spouse include: _____

5. These differences are irreconcilable because: _____

6. A default divorce decree should be entered against my spouse based upon this affidavit and my verified Petition.

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: _____

Typed/Printed Name

Signature

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

Petitioner,
vs.

Respondent.

Case No. _____

DECREE OF DIVORCE

JUDGMENT IS ENTERED AS FOLLOWS:

1. Divorce.

The bonds of matrimony now existing between the Petitioner and the Respondent are dissolved on the grounds of irreconcilable differences, and the Petitioner is awarded an absolute decree of divorce from the Respondent.

2. Separate Property.

- ☐ No separate property is awarded to either party. **Or**
- ☐ The separate property listed in the attached Schedule is confirmed as (your name) _____ separate property, and (spouse's name) _____ shall return to him/her any such property in his/her possession. **and/or**
- ☐ The separate property listed in the attached Schedule is confirmed as (spouse's name) _____ separate property, and (your name) _____ shall return to him/her any such property in his/her possession.

3. Community Real Property.

- ☐ No community real property is awarded to either party. **Or**

☐ Community real property is awarded as set out in the attached Schedule.

4. Community Personal Property.

☐ No community personal property is awarded to either party. **Or**

☐ Each party is awarded the community personal property now in his or her possession.

☐ Community personal property is awarded as set out in the attached Schedule.

Each party shall deliver to the other any of the community personal property currently in his/her possession that is awarded to the other party, and the parties shall execute and deliver any documents necessary to effectuate the property division.

5. Community Debts.

☐ No community debt is assigned to either party. **Or**

☐ Each party shall pay the debts as listed in the attached Schedule as or before they become due and each party shall hold the other party harmless for any further liability concerning these debts.

6. Debts Incurred Since Separation.

☐ Each party shall assume any debt incurred by that party since (date) _____, the date of the parties' separation. Each party shall pay those debts as or before they become due and hold the other party harmless for any liability concerning those debts.

7. Name Change.

☐ _____ is restored to the former last name of _____.

Date: _____

Magistrate Judge

CLERK'S CERTIFICATE OF SERVICE

I certify that a copy of this Decree was served:

(Name)

(Street or Post Office Address)

(City, State, and Zip Code)

- ☐ By United States mail
☐ By personal delivery
☐ By fax (number) _____
☐ By email to: _____

(If allowed)

(Name)

(Street or Post Office Address)

(City, State, and Zip Code)

- ☐ By United States mail
☐ By personal delivery
☐ By fax (number) _____
☐ By email to: _____

(If allowed)

Date: _____

Deputy Clerk

Complete the Property and Debt Schedule that follows (if you are using it).
Otherwise, remove this page and the Property and Debt Schedule that follows.

**If you have already completed a
Property & Debt Schedule with
your original petition, you will
need to attach a copy of the debt
schedule you filed here.**

Vital Statistics
P.O. Box 83720
Boise, Idaho 83720-0036

State of Idaho

CERTIFICATE OF DIVORCE OR ANNULMENT

State File No. _____

Court File No. _____

ONLY A COPY OF THIS DOCUMENT CERTIFIED BY THE STATE REGISTRAR, WITH THE DEPT. OF HEALTH & WELFARE RAISED SEAL, SHALL BE USED AS PRIMA FACIE EVIDENCE OF THIS DIVORCE UNDER IDAHO CODE 39-2411(i) & 39-274.

PETITIONER**

RESPONDENT**

MARRIAGE**

ATTORNEY

DECREE

1a. PETITIONER'S NAME (First, Middle, Last, Suffix)		1b. MAIDEN SURNAME (if applicable)		2. PETITIONER'S SEX	
3a. RESIDENCE - STREET ADDRESS OR ROUTE NUMBER		3b. RESIDENCE - CITY, TOWN OR LOCATION		3c. RESIDENCE - COUNTY	
3d. RESIDENCE - STATE OR FOREIGN COUNTRY		4. STATE OR FOREIGN COUNTRY OF BIRTH		5. DATE OF BIRTH (Month, Day, Year)	
6a. RESPONDENT'S NAME (First, Middle, Last, Suffix)		6b. MAIDEN SURNAME (if applicable)		7. RESPONDENT'S SEX	
8a. RESIDENCE - STREET ADDRESS OR ROUTE NUMBER		8b. RESIDENCE - CITY, TOWN OR LOCATION		8c. RESIDENCE - COUNTY	
8d. RESIDENCE - STATE OR FOREIGN COUNTRY		9. STATE OR FOREIGN COUNTRY OF BIRTH		10. DATE OF BIRTH (Month, Day, Year)	
11a. CITY, TOWN OR LOCATION OF THIS MARRIAGE		11b. COUNTY OF THIS MARRIAGE		11c. STATE OR FOREIGN COUNTRY OF THIS MARRIAGE	
12. DATE OF THIS MARRIAGE (Month, Day, Year)		13. DATE COUPLE LAST RESIDED IN SAME HOUSEHOLD (Month, Day, Year)		14. NUMBER OF CHILDREN UNDER 18 IN THIS HOUSEHOLD AS OF THE DATE IN ITEM 13 Number _____ ☐ None	
15a. NAME OF PETITIONER'S ATTORNEY (Type/Print)		15b. ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code)			
16. I CERTIFY THAT THE MARRIAGE OF THE ABOVE WAS DISSOLVED ON: (Month, Day, Year)		17a. TYPE OF DECREE - Divorce or Annulment (Specify)		17b. LEGAL GROUNDS FOR DIVORCE OR ANNULMENT	
18a. WAS CHILD SUPPORT AWARDED? ☐ Yes ☐ No		18b. NUMBER OF CHILDREN UNDER 18 WHOSE PRIMARY PHYSICAL CUSTODY WAS AWARDED TO: Petitioner _____ Respondent _____ Joint (Petitioner/Respondent) _____ Other _____ ☐ None (No Children Under 18)		19. TITLE OF COURT	
				20. COUNTY OF DECREE	
21. SIGNATURE OF CLERK OF DISTRICT COURT				22. DATE SIGNED (Month, Day, Year)	

**CONFIDENTIAL INFORMATION FOR STATISTICAL USE ONLY.
THE INFORMATION BELOW WILL NOT APPEAR ON CERTIFIED COPIES OF THE RECORD.**

PETITIONER

RESPONDENT

23. NUMBER OF THIS MARRIAGE -- First, Second, etc. (Specify below)	24. IF PREVIOUSLY MARRIED, LAST PREVIOUS MARRIAGE ENDED		25. OF HISPANIC ORIGIN? (Specify No or Yes -- If yes, specify Cuban, Mexican, Puerto Rican, etc.)	26. RACE -- Black, White, American Indian, Japanese, etc. (Specify below)	27. EDUCATION (Specify only highest grade completed)	
	By Death, Divorce, Dissolution, or Annulment (Specify below)	Date (Month, Day, Year)			Elementary/Secondary (0-12)	College (1-4 or 5+)
23a.	24a.	24b.	25a. ☐ No ☐ Yes (Specify) _____	26a.	27a.	
23b.	24c.	24d.	25b. ☐ No ☐ Yes (Specify) _____	26b.	27b.	

HWH-0611 (5-2015)

IMPORTANT NOTE: This is a scanned copy of the certificate of divorce. You will need an original form. When you go to the courthouse to file your step 3 forms, ask the clerk for an original certificate of divorce form & fill it out there. If you need one mailed you please, please reach out to the Court Assistance Officer @ 208-236-7067. This scan is provided for you as a courtesy, to remind you to get the original, and also to give you notice of what information is required to be able to fill it out.

STOP

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ASSISTANT OFFICER?

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person form review