



## CAO Online Form Review Checklist

# RESPOND TO PETITION FOR DIVORCE WITH MINOR CHILDREN

### ① Complete **ALL** of these forms:

- Family Case Information Sheet
- Family Case Response With Children Form

*Filing Fee \$136*

#### **NOTICE! YOU ARE REQUIRED TO:**

Scan your completed forms into PDF form and email them to the CAO Officer for for a form review. If you do not have a scanner, you can use your smart phone by downloading a Free Scanning App. A Scanning App will PDF forms. The court needs PDF forms, you are not able to submit photos.



As the forms for each step are complete you must request an **Online Form Review**.  
*(A total of three online form reviews are needed)*  
Please **SCAN** and **EMAIL** the forms for each of the three steps as you complete them to:

[cao@bannockcounty.us](mailto:cao@bannockcounty.us)

*The Court Assistance Officer  
assigned to your form review is:*

**Rebekah F. Gruel**  
**208-236-7067**  
**cao@bannockcounty.us**

All CAO forms are available online for FREE  
at:

<https://courtsselfhelp.idaho.gov>

**OR** you may request them FREE by email at:

[cao@bannockcounty.us](mailto:cao@bannockcounty.us)

**OR** you may purchase them pre-printed at the courthouse for a fee of \$20-\$30.

## CAO FL INSTRUCTION 3-2 FAMILY CASE RESPONSE (NO MINOR CHILDREN)

### **Talk to an attorney, if possible.**

Warning: 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/>.

You will be certifying that you have read the Response, know what it says and believe it's true. To guarantee the truthfulness of that statement, be sure to read the entire completed form.

You may be responding to a Petition, Petition, or a document with some other name. The procedure for responding is the same. To simplify these instructions, we will use the term "Petition" in referring to the document to which you are responding.

If you want the judge to enter an order or decree, but you disagree with what the person who filed the Petition asked for, or you want other things not requested in the Petition, you will need to file a Response and Counterclaim, you will not use this form. If you have minor children in common with the Petitioner, you will not use this form.

Fill in the forms by typing or by printing neatly and legibly in **black ink**. Fill in "N/A" or "none" if a section does not apply. The documents have a boldface "**or**" at the start of optional sections. If the section does not contain a boldface "**or**" it is necessary and you should type in the appropriate information (which might be the word "none"). Always keep a copy of the completed form for your records.

**At the top left-hand corner of page 1**, fill in your full legal name, mailing address, telephone number, and email address (if you have one).

**The Court Heading.** Fill in the county and judicial district in the court heading the same way they are on the Petition you were served.

**The Caption.** Fill in the names of Petitioner and Respondent exactly as they are in the Petition.

**The Case No.** Write in the case number shown on the Petition.

The **Court Heading**, **Caption** and **Case Number** will be the same on all documents you prepare for this case.

Review the Petition carefully. You must admit or deny each paragraph in the Petition individually, using paragraphs 1-5 of the Response form. If you only agree with some of the facts in any paragraph, you must state specifically which facts you admit and which facts you deny. There is a **prayer** portion of the Petition that you do not have to specifically answer. It usually starts with "Wherefore Petitioner prays for judgment as follows:" You **do not** have to respond to any of the numbered paragraphs in the prayer of the Petition.

After filling in your name, complete the next blank by filling in the name of the document you are answering.

**Note:** There are several options for responding to the document.

**Paragraph 1:** Decide the numbered Petition paragraphs you completely agree with. Fill in those paragraph numbers, letters, or Roman numerals (as used in the Petition). If you can only admit some of the facts in any numbered paragraph, you must use paragraphs 2 and 3.

**Paragraphs 2 & 3:** If you disagree with only a portion of a paragraph in the Petition, state the paragraph number, letter or Roman numeral (as used in the Petition) plus specifically what you admit.

**Paragraph 4:** Decide the paragraphs of the Petition you don't have enough information to respond to. Fill in those paragraph numbers, letters, or roman numerals (as used in the Petition). If the information is something you can easily find out, you should try to find out before you deny it.

**Paragraph 5** is a general denial of any statements made in the Petition that you did not specifically admit.

**Paragraph 6** gives you the option of asking that the Petition be dismissed. Check the box if that is what you want.

**Affirmative Defense(s) Paragraph:** Rule 208(C) I.R.F.L.P. lists the following affirmative defenses: accord and satisfaction, arbitration and award, assumption of risk, contributory or comparative negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver and any other matter constituting an avoidance or affirmative defense. You can use a legal dictionary to find out what the terms mean. You should talk to an attorney to determine whether any of these affirmative defenses are available to you. Fill in those affirmative defenses that apply to your case, listing each as a separate numbered paragraph.

Sign and date where shown certifying that the information is true and accurate, subject to the penalty of perjury if it is not.

**Certificate of Service:**

- Fill in the name and address for each other party or his/her attorney. (This information appears in the upper left corner of page one of the Petition.) You are required to deliver a copy of any document you file in this case to each party (or her/his attorney if s/he is represented by an attorney). When the other party has already "appeared" in the case by filing the Petition, you can serve him/her your response by mailing, hand-delivery or fax. If you are going to serve the Response by fax or personal delivery, write in the address you will use.
- Check the box to indicate how you are getting a copy to each other party or his/her attorney.

- Fill in the date and sign the Certificate of Service.

**NOTE:** Every time you file a document in this case you must send a copy to each other party or parties (if there are more than two parties to the case), either directly or through the attorney if s/he has an attorney. You must also file a Certificate of Service indicating how you furnished the copy. You can include the Certificate of Service with any document, or file a completely separate Certificate of Service (which you would also copy to each other party).

**Make the copies you need:** one for yourself and one for each other party.

**Serve the person(s)** named by the method specified in your Certificate of Service.

**File your Response.** Take the original (the one you signed) and your copy, with the required filing fee, to the court clerk. The original will be kept in the court's file and you can ask that the clerk conform your copy. (See CAO D Instruction 3-1 Responding to Divorce Petition).

# 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.				<input type="checkbox"/> Support <input type="checkbox"/> Custody <input type="checkbox"/> Adoption <input type="checkbox"/> Guardianship
2.				<input type="checkbox"/> Support <input type="checkbox"/> Custody <input type="checkbox"/> Adoption <input type="checkbox"/> Guardianship
3.				<input type="checkbox"/> Support <input type="checkbox"/> Custody <input type="checkbox"/> Adoption <input type="checkbox"/> Guardianship
4.				<input type="checkbox"/> Support <input type="checkbox"/> Custody <input type="checkbox"/> Adoption <input type="checkbox"/> 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.					<input type="checkbox"/> Domestic Violence <input type="checkbox"/> Child Abuse <input type="checkbox"/> No Contact Order
2.					<input type="checkbox"/> Domestic Violence <input type="checkbox"/> Child Abuse <input type="checkbox"/> No Contact Order
3.					<input type="checkbox"/> Domestic Violence <input type="checkbox"/> Child Abuse <input type="checkbox"/> No Contact Order
4.					<input type="checkbox"/> Domestic Violence <input type="checkbox"/> Child Abuse <input type="checkbox"/> 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. \_\_\_\_\_

FAMILY CASE RESPONSE  
(WITH CHILDREN)

Fee Category: \_\_\_\_\_

Filing Fee: \$ \_\_\_\_\_

(Your name) \_\_\_\_\_, for his/her

Response to the \_\_\_\_\_, states:

1. I completely agree with and admit the following paragraphs (list each paragraph number):

\_\_\_\_\_  
\_\_\_\_\_

2. I admit the portion of paragraph \_\_\_\_\_, that states: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ and I deny everything else in that paragraph.

3. I admit the portion of paragraph \_\_\_\_\_, that states: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ and I deny everything else in that paragraph.

4. I deny the following paragraphs because I do not have enough information to admit or deny them (list each paragraph number): \_\_\_\_\_
5. I completely disagree with and deny everything I do not admit.

6. The following child/ren under the age of 18, or 19 and still pursuing a high school education, was/were born to or adopted by the parties:

<u>Name</u>	<u>Date of Birth</u>	<u>Current Address</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- Wife is not now pregnant.
- Wife is now pregnant with a child expected to be born \_\_\_\_\_

7. Our child/ren have lived with the following persons in the following places within the last five years:



Name of Person	City and State	Time Period (mm/yr – mm/yr)	Child's Name if not all children

The names and current addresses of each non-parent our children have lived with during the last 5 years are: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. I have not participated as a party or witness, in a different case involving our child/ren. **or**

I have participated as a party or witness in the following different case involving our children (provide all specifics including the parent's name, the state, the court, the case number and the date of the child custody order, if any): \_\_\_\_\_

\_\_\_\_\_

9. I do not know of a different case that could affect our child/ren. **or**

The following different case could affect our child/ren (provide all specifics including the parent's name, the state, the court, the case number and the nature of the proceeding): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. Other than the parents, no one has or claims custody or visitation rights with our child/ren. **or**

In addition to the parents, the following person/s have or claim custody or visitation for our child/ren (list names and addresses): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11.  I want the Petition dismissed.

**AFFIRMATIVE DEFENSE(S)**

(State each affirmative defense that applies in a separate paragraph - see I.R.F.L.P. 208(C))

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I have read this Response and state that all facts included are true.

I ask the Court to enter any order 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

CERTIFICATE OF SERVICE

I certify that on (date) \_\_\_\_\_ I served a copy to: (name all parties in the case other than yourself)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street or Post Office Address)

\_\_\_\_\_  
(City, State, and Zip Code)

- By mail
- By fax (number) \_\_\_\_\_
- By personal delivery

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street or Post Office Address)

\_\_\_\_\_  
(City, State, and Zip Code)

- By mail
- By fax (number) \_\_\_\_\_
- By personal delivery

\_\_\_\_\_  
Typed/printed name

\_\_\_\_\_  
Signature

## CAO FL 5-1 Instructions

### Petitioner's/Respondent's Mandatory Child Support Disclosures

If your case involves child support, you must provide the other party with proof of monthly income, costs, and expenses within 35 days from the day a response was filed. The other party must do the same. If the Department of Health and Welfare is a party, they are not required to provide the same disclosures. To provide these mandatory disclosures you should:

#### Step 1. Talk to a Lawyer, if Possible.

**WARNING:** When you represent yourself in a court case you are held to the same standard as a lawyer. This applies to your preparation of paperwork and your conduct at all hearings and/or trial. Your lack of legal knowledge may cause you to make serious errors in handling your case. These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee that your rights are protected or that you will be satisfied with the result. You should always talk to a lawyer about your legal problems before filing any legal paperwork. Even if you do not hire a lawyer to appear in your case, you may be able to find a lawyer to review your paperwork or give you more information about your rights. Call the Idaho State Bar (208-334-4500) to provide you with the name of a lawyer who handles this type of case. 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. Get the proper forms.** Get the forms you need either from the Supreme Court's Self-Help Center Website at <http://www.courtselfhelp.idaho.gov/> or from your local court assistance office at the county courthouse. You will need the following forms:

CAO FL Pi 5-1 Petitioner's/Respondent's Mandatory Child Support Disclosures  
CAO Cv 4-5 Certificate of Service

#### Step 3. Complete the Petitioner's/Respondent's Mandatory Child Support Disclosures.

This form is the cover sheet showing the court which items you gave to the other party as required by the court rule. Fill in the form by typing or by printing neatly and legibly in **black ink**. **At the top left-hand corner of page 1**, fill in your full legal name, mailing address, telephone number, and email address (if you have one).

**The Court Heading.** Fill in the county and judicial district in capital letters (for example, "IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT, IN AND FOR THE COUNTY OF ADA").

**The Caption.** Fill in the names of the petitioner and respondent and case number exactly as they appeared in the caption in the case. After the case number, check the appropriate box to indicate that you are either the petitioner or respondent.

**The Form.** In the first paragraph, check the correct box to indicate that you are either the petitioner or respondent. Then, check the box in front of each numbered paragraph to show that you are providing proof of that item. For each item that you provide, you will attach it to the end of the disclosure form, and write the exhibit number at the bottom of the page (for example: write "**Exhibit 1**" for the items in paragraph 1).

**1. Paragraph 1.** The Affidavit Verifying Income and Child Support Worksheet must be fully completed. The Affidavit Verifying Income must be signed in front of a notary.

**2. Paragraph 2.** To provide proof of all sources of income you must:

- Provide W-2, 1099 and K-1 forms for the past 2 years, and
- Provide year-to-date information for the current year for all sources of income, such as:

Year-to-date pay stub	Salaries	Wages	Commissions
Dividends	Severance pay	Pensions	Interest
Annuities	Capital gains	Social Security	Worker's Comp.
Unemployment	Disability	Recurring gifts	Prizes
Bonuses	Trust Income	Benefits	Spousal Maintenance

**3. Paragraphs 3-6.** You must provide proof of the expenses or costs paid for each item identified in those paragraphs.

**4. Certification Under Penalty of Perjury.** You must sign and date the disclosure and by doing so you are certifying to the court that all of the information that you provided is true and correct.

PLEASE NOTE: As the case progresses, you are also required to provide updated or corrected information to the other party if any of the information you provided to them changes.

**Step 4. Complete CAO Cv 4-5 Certificate of Service** You must let the court know that you have given the other party the child support disclosures by completing the Certificate of Service form and filing it with the court. Fill in the form by typing or by printing neatly and legibly in **black ink** and follow the instructions above for completing the court heading and caption.

- **The Form.** Fill in the date that you mailed the information to the other party(ies). Then fill in the name(s) of the documents that you mailed to the other party (i.e. Petitioner's Mandatory Child Support Disclosures). Next, fill in name, mailing address, city, state and zip code for the other party(ies) to the case. Last, sign and date the Certificate of Service, and print your name in the space to the right of your signature.

**Step 5. Make copies.** Make one copy of Petitioner's/Respondent's Mandatory Child Support Disclosures and Exhibits to keep for your own personal records; do not file it with the court. Make 2 copies of CAO Cv 4-5 Certificate of Service.

**Step 6. Mail the copies.** Mail the original Petitioner's/Respondent's Mandatory Child Support Disclosures and attached Exhibits to the other party(ies) or their attorney if they have one, and a copy of the Certificate of Service. Keep a copy of the Certificate of Service for your own personal records.

**Step 7: File with the Court.** Take and file the original CAO Cv 4-5 Certificate of Service with the court clerk in the county where the case is filed.

Do Not file a copy of the child support disclosures with the court.

\_\_\_\_\_  
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. \_\_\_\_\_

PETITIONER'S  RESPONDENT'S  
MANDATORY CHILD SUPPORT  
DISCLOSURES

Petitioner  Respondent provides the following disclosures required by IRFLP 401.A:

(check all that apply)

1.  Affidavit Verifying Income and a Child Support Worksheet, see attached Exhibit 1.
2.  Proof of my income from all sources, see attached:
  - Exhibit 2a: W-2, 1099 and/or K-1 forms for the past two (2) years, and
  - Exhibit 2b: Proof of year-to-date income from all sources.
3.  Proof of court-ordered child support and spousal maintenance that I pay in other cases, see attached Exhibit 3.
4.  Proof of all medical, dental, and vision insurance premiums that I pay for any child listed or referenced in the petition, see attached Exhibit 4.
5.  Proof of any childcare expense that I pay for any child listed or referenced in the petition; see attached Exhibit 5.
6.  Proof of any expenses that I pay for private or special schools or other particular education needs of any child listed or referenced in the petition, see attached Exhibit 6.

7.  Proof of any expenses that I pay for the special needs of any gifted or handicapped child listed or referenced in the petition, see attached Exhibit 7.

**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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Full Name of Party Filing This Document

\_\_\_\_\_  
Mailing Address (Street or Post Office Box)

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
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. \_\_\_\_\_  
CERTIFICATE OF SERVICE

I certify on (date) \_\_\_\_\_, I served a copy of the following  
documents \_\_\_\_\_

to: (name all parties or their attorneys in the case, other than yourself)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street or Post Office Address)

\_\_\_\_\_  
(City, State, and Zip Code)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street or Post Office Address)

\_\_\_\_\_  
(City, State, and Zip Code)

\_\_\_\_\_  
Typed/printed name

- By mail
- By fax (number) \_\_\_\_\_
- By personal delivery
- By email to:

\_\_\_\_\_  
(If allowed)

- By mail
- By fax (number) \_\_\_\_\_
- By personal delivery
- By email to:

\_\_\_\_\_  
(If allowed)

\_\_\_\_\_  
Signature