

In the Supreme Court of the State of Idaho

IN RE: COURT ASSISTANCE OFFICE)
COMMITTEE)
_____)

ORDER APPROVING CAO FORMS

The Idaho Supreme Court having received a recommendation from the Court Assistance Office Committee that certain amended forms be approved for statewide use and distribution through Court Assistance Offices, and certain previously approved forms be removed from the approved list, and the Court having reviewed and approved the amended forms attached to this order;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the following forms, which are attached hereto as Schedule A, are hereby approved and adopted for statewide use and distribution through Court Assistance Offices and on the Court's website:

- CAO D 1-6 Petition for Divorce (No Minor Children)
- CAO D 8-3 Decree of Divorce (No Minor Children)
- CAO FL 3-4 Family Case Response and Counterclaim (No Children)

Until further order of this court, these forms shall be accepted by courts and clerks, subject to the right of a judge to refuse to accept a form when, through a change in the substantive law, the form has become out of date or inappropriate. The local court shall not require modifications of these forms.

IT IS FURTHER ORDERED, that the effective date of this order shall be October 16th, 2018.

Dated this 16 day of 2018.

By Order of the Supreme Court

R. Burdick
Roger S. Burdick, Chief Justice

ATTEST:

Karel Lehrman
Karel Lehrman, Clerk

I, Karel A. Lehrman, Clerk of the Supreme Court/
Court of Appeals of the State of Idaho, do hereby
certify that the above is a true and correct copy of the
Order entered in the above entitled
cause and now on record in my office. WITNESS my
hand and the Seal of this Court October 16, 2018
Karel A. Lehrman, Clerk

By Cathy Clark Deputy

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. _____

FAMILY CASE RESPONSE AND
COUNTERCLAIM (NO CHILDREN)

Fee Categories: I. _____
Filing Fee: \$ _____

RESPONSE

(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. 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))

COUNTERCLAIM

The Respondent/Counterclaimant says:

1. **Residence of the Parties.** I am a resident of the State of _____.
 I have been a resident of the state of Idaho for at least six (6) full weeks prior to the filing of this Counterclaim. Petitioner 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 of the Parties.** The parties have no minor children.
 Wife is not pregnant. or
 Wife is pregnant with Husband's child expected to be born (date) _____.
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: (name(s) and date(s) of birth)

Name of Children

Date 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 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 carry out the property division.

9. Debts.

The Respondent 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 Response and Counterclaim and state that all facts included are true.

WHEREFORE, Counterclaimant asks 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

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
- By email to:

(If allowed)

(Name)

(Street or Post Office Address)

(City, State, and Zip Code)

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

(If allowed)

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. _____

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.**

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	
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$