

CHECKLIST FOR PACKET 2 DEFENDANT DIVORCE WITH MINOR CHILDREN

These forms are required in all divorce cases where you and the Plaintiff agree on all of the issues:

- *Answer to Complaint for Divorce (with Children)*; and
- *Confidential Financial Affidavit*

You will also need to work with the Plaintiff to complete the *Decree of Divorce (with Children)* and sign it in front of a Notarial Officer.

STEP 1. If you were served with a copy of the *Summons and Complaint for Divorce* or if you signed an *Acknowledgement and Acceptance of Service*, file one of the following:

- Answer; **OR***
- Answer and Counterclaim*
- Take an original and 2 copies of the *Answer* or *Answer and Counterclaim* to the Clerk for filing.
- Mail a copy to the Plaintiff and keep a copy for your records.

STEP 2. File a *Confidential Financial Affidavit* and include the required attachments.

Note: This may be filed at the same time as the *Answer* or *Answer and Counterclaim*.

- Confidential Financial Affidavit*
 - If employed, attach tax returns for prior 2 years; and
 - Attach statement of earnings for the current year; OR
 - If self-employed, attach verified income and expense statements for prior two years; and
 - Attached tax returns for prior two years.

STEP 3. Complete the *Initial Disclosures*

- Send the *Initial Disclosures* to the Plaintiff within **30 days** after you were personally served by the Sheriff or signed the *Acknowledgment and Acceptance of Service* form. **DO NOT FILE** the *Initial Disclosures* with the Court.

STEP 4. If you and the Plaintiff agree on all of the terms in the *Decree of Divorce*, sign it in front of a Notarial Officer.

- Sign the *Decree of Divorce*
- A copy will be mailed to you if the Judge signs the *Decree of Divorce*.

Your divorce will be complete when the Judge signs the *Decree of Divorce* and it is filed with the Clerk.

STEP 5. If you and the Plaintiff do NOT agree on all of the issues of your divorce, fill out and file the following forms and attend the trial to finish your Divorce:

***Caution: It is strongly recommended that you hire or find an attorney to represent you at trial, even though you may represent yourself. You proceed at your own risk and will be expected to know the rules and laws.**

- If the Plaintiff has **NOT** requested a trial date, you must request one.
 - Request for Setting*
 - Order Setting Divorce Trial and Requesting Pretrial Statements* (Judge will fill out date and time)
 - Take original and two copies to the Clerk for filing
 - Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order Setting Divorce Trial and Requesting Pretrial Statements* to you
 - Take an envelope addressed to the Defendant with postage for the Clerk to mail a copy of the *Order Setting Divorce Trial and Requesting Pretrial Statements* to the Plaintiff
 - Mail a copy of the *Request for Setting* to the Plaintiff and keep a copy for your records.

Once a trial date has been set, do the following:

- Pretrial Disclosures and Pretrial Memorandum*
 - File at least **30 days** before the trial date
 - Take original and two copies to the Clerk for filing
 - Mail copy to the Plaintiff and keep a copy for your records
- If you want the trial to be recorded by an official court reporter (and if the Plaintiff has not already done so) provide notice to the court reporter as soon as possible, but no later than 3 working days before the trial. You can provide notice to the court reporter by phone or by a written request. If providing notice through the mail, the request must be received by the court reporter no later than three working days prior to the hearing.
- Attend the Trial: Present your evidence and witnesses.
- Additional Forms: The Court may also require additional forms depending on the county where your case is filed. Ask the Clerk if additional forms are required:
 - Copies and Envelopes for each additional form:
 - Take an original and 2 copies of each additional form to the Clerk for filing
 - Mail a copy of any additional form filed with the Clerk to the Plaintiff and keep a copy for your records

Your divorce will be complete when the Judge signs the *Decree of Divorce* and it is filed with the Clerk.