

CAO RFLPPi 1-2 Instructions for Inventory of Property and Debts

Instructions for filing Petitioner's/Respondent's Inventory of Property and Debts Under Rule 401 of the Idaho Rules of Family Law Procedure for Mandatory Disclosures

WARNING: These rules and requirements apply ONLY to family law cases filed in the Fourth Judicial District on or after January 1, 2013.

Once the Respondent files a response to the petition for divorce, the parties must provide each other with certain property and debt information as required by Idaho Rules of Family Law Procedure (I.R.F.L.P.) Rule 401. This must be done within 35 days from the date that Respondent filed his/her response. To provide these minimum disclosures you should:

Step 1. Talk to an Attorney, if Possible.

WARNING: When you represent yourself in a court case you are held to the same standard as an attorney. 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 an attorney 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: Obtain the proper forms. Obtain 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:

**WARNING: THESE FORMS ARE ONLY APPROVED FOR USE
IN THE 4TH JUDICIAL DISTRICT**

**CAO RFLPPi 1-2 Petitioner's/Respondent's Inventory of Property and Debts
CAO RFLPPi Cv 4-5 Certificate of Service**

Step 3: Complete the Required Forms. Fill in the forms by typing or by printing neatly and legibly in **black ink**.

- **At the top left-hand corner of page 1 of each form**, fill in your full legal name, mailing address and telephone number.
- **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. Below the Case No. check the box to indicate if you are the petitioner or respondent in the case.
- **Completing the Petitioner's/Respondent's Inventory of Property and Debts**
In the first section of the Inventory, list all property that either you or your spouse claim is community property that should be awarded to either party. List only those items that have a fair market value exceeding \$100.00. For each item describe the property (include only the last four numbers of any financial account numbers); the date it was acquired; its fair market value; and indicate who should

be awarded the item (write in the letter “H” if you want the husband to have this item or “W” if you want the wife to have this item). See example below:

	Description	Date Acquired	Value	Proposed allocation [H or W]
1	Money Bank Checking – XXXX1234	01/01/2001	\$900.00	W

In the second section of the inventory list all debts and installment payments that you currently owe. For each item list the name of the creditor, the purpose of the debt, the unpaid balance, the minimum monthly payment, the day the last payment was made on that debt and whether the husband or wife should be responsible for paying the debt (write in the letter “H” if you want the husband to pay this debt or “W” if you want the wife to pay this debt). See example below:

	Creditor Name	Purpose of Debt	Unpaid Balance	Min. Monthly Payment	Date of last Payment	Proposed allocation [H or W]
1	Money Bank Loans	Automobile	\$900.00	\$250.00	01/01/2013	H

Once the information is completed, sign and date the Inventory, and print your name underneath your signature.

- **Completing the Certificate of Service**

Complete the **Certificate of Service** Form **CAO RFLPPi Cv 4-5**. Follow the same instructions above to complete the court heading. Fill in the date that you mailed the Inventory to the other party(ies). Then fill in the names of the documents that you mailed to the other party (i.e. Petitioner’s Inventory of Property and Debts). Next, fill in name, mailing address, city, state and zip code for your spouse and any other party 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 4: Make one copy of the Inventory and two more copies of the Certificate of Service. Mail the original Inventory of Property and Debts to the other party(ies) along with a copy of the Certificate of Service. **PLEASE NOTE: As the case progresses you are required to provide updated or amended information to the other party if any of the information you provided to them changes.**

Step 5: File with the Court. Take and file the original Certificate of Service with the court clerk in the county where the divorce was filed. Do not file a copy of the Inventory of Property and Debts with the court. Keep a copy of both documents for your own personal records.

Step 6: Reaching an agreement. If you and your spouse reach a complete agreement on the division of community property and debts, neither party will have to complete the mandatory disclosures. **If such an agreement is reached, you will instead need to complete a stipulation notifying the court of that agreement.**