

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

PROPERTY AND DEBT SCHEDULE