

COMPLETING FORM FL 3-3: FAMILY CASE ANSWER (Minor Children)
(Revised 7/28/2006)

[REMOVE THESE INSTRUCTIONS BEFORE FILING FORM CAO 3-3]

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. .

You will be signing a sworn statement that you have read the answer, 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 (answering) a Complaint, Petition, Motion to Modify, or a document with some other name. The procedure for responding is the same. To simplify these instructions, the term "Complaint" refers to the document you are answering.

If you want the judge to enter an order or decree, but you disagree with what the person who filed the Complaint asked for, or you want other things not requested in the Complaint, you will need to file an Answer and Counterclaim. 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 doesn't 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 and telephone number.

The Court Heading. Fill in the county and judicial district in the heading (for example, "In the District Court of the Second Judicial District in and for the County of Latah") as they appear on the Complaint that you were served.

The Caption. Fill in the names of Plaintiff and Defendant exactly as they are in the Complaint.

The Case No. Write in the case number shown on the Complaint.

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

Review the Complaint carefully. You must admit or deny each paragraph in the Complaint individually. If you can only admit some of the facts in any paragraph, you must state specifically which facts you admit and which facts you deny.

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

Paragraph 1: Decide which specific numbered paragraphs of the complaint you completely agree with. Fill in those paragraph numbers, letters, or Roman numerals (as used in the Complaint). If you can only admit some of the facts in any paragraph, you must state specifically which facts you admit. You can either state the paragraph number, letter or Roman numeral, and list the facts you admit; or use the optional paragraphs 2 and 3.

Paragraphs 2 & 3: If you disagree with only some portions of a paragraph in the Complaint, check the box and state the paragraph number, letter or Roman numeral (as used in the Complaint) plus specially what you admit.

Paragraph 4: Decide which paragraphs of the complaint you have too little information or knowledge to evaluate. Fill in those paragraph numbers, letters, or roman numerals (as used in the Complaint). 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 Complaint that you did not specifically deny.

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

There is a **prayer** portion of the Complaint that you do not have to specifically answer. It usually starts with "Wherefore Plaintiff prays for judgment as follows:" You **do not** have to answer any of the numbered paragraphs in the prayer of the Complaint.

Affirmative Defense(s) Paragraph: Rule 8(c) I.R.C.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.

Locate a Notary Public who can watch you sign the Answer. Sign the Answer and have your signature notarized.

Certificate of Service:

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

NOTE: *Every document you file with the court in this case must contain a Certificate of Service and a copy must be sent to the 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.*

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

Serve the person(s) named in the upper left hand corner of Page 1 of the Complaint by the method specified in your Certificate of Service.

File your Answer. 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 Instruction #4 Responding to Divorce Complaint).

REMEMBER TO REMOVE THESE INSTRUCTIONS BEFORE FILING YOUR ANSWER

Full Name of Party Filing This Document _____

Mailing Address (Street or Post Office Box) _____

City, State and Zip Code _____

Telephone Number _____

IN THE DISTRICT COURT OF THE _____ JUDICIAL
DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

	,	Case No. _____
Plaintiff,		
vs.		ANSWER
	,	Fee Category: _____
Defendant.		Filing Fee: \$ _____

(your name) _____, for his/her Answer to the
_____, states:

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

_____.

2. (optional) I admit the portion of paragraph _____, that states: _

_____ and I deny
the remainder of that paragraph.

3. (optional) I admit the portion of paragraph _____, that states: _

_____ and I deny
_____ the remainder of that paragraph.

4. (optional) I deny the following paragraphs because I do not have enough information to admit or deny them (list each paragraph number): _____
_____.

5. I deny (completely disagree with) everything I did not admit.

6. The following child/ren under the age of 18 years, or 19 years 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>Addresses for last 5 years</u> (city & state) (beginning with most recent place)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. I have not participated as a party or witness, in any other case involving our child/ren. **or**
 I have participated as a party or witness in the following 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): _____
_____.

8. I do not know of any other case that could affect our child/ren. **or**
 The following court 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): _____
_____.

9. Other than the parents, no one claims custody or visitation rights with our child/ren. **or**
 In addition to the parents, the following person/s claim custody or visitation for our child/ren (list names and addresses): _____

_____.

10. Our child/ren live(s) only with one or both parents. **or**

Our child/ren lives(s) with the following person(s) instead of the parents:

Name(s)	Address(es)	Relationship

11. I want the Complaint dismissed.

AFFIRMATIVE DEFENSE(S)

(State each affirmative defense that applies in a separate paragraph - see I.R.C.P. 8(2))

VERIFICATION: I swear I have read this Answer and state that all facts included are true.

WHEREFORE, I ask the Court to enter the orders requested above.

DATE _____, 20__.

Signature of Defendant

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20__.

Notary Public for Idaho
Residing at: _____
My Commission expires: _____

CERTIFICATE OF SERVICE

I certify I served a copy to: (name all parties or their attorneys in the case, other than yourself)

(Name)

By Mail

(Street or Post Office Address)

By fax to (number) _____

(City, State, and Zip Code)

By personal delivery

(Name)

By Mail

(Street or Post Office Address)

By fax to (number) _____

(City, State, and Zip Code)

By personal delivery

Date: _____

Signature

Typed/printed Name of Party Signing