

COMPLETING FORM CAO 3-2B: ANSWER (H&W)

[REMOVE THESE INSTRUCTIONS BEFORE FILING FORM CAO 3-2] (Revised 7/1/2005)

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, a lawyer can give you more information about your rights. Call the Idaho State Bar Lawyer Referral Service (208-334-4500) to provide you with the name of an attorney in your area who handles this type of case.

YOU WILL BE SIGNING A SWORN STATEMENT THAT YOU HAVE READ THE ANSWER, KNOW THE CONTENTS AND BELIEVE THE CONTENTS TO BE TRUE. TO AVOID MAKING ANY MISSTATEMENTS, BE SURE TO READ THE ENTIRE COMPLETED FORM AND EVERY INSTRUCTION.

You may be responding to (answering) a Complaint, Petition, Counterclaim, Motion to Modify or a document with some other name. The procedure for responding is the same. To simplify these instructions, we will use the term “Complaint” in referring 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.

Type or neatly print in black ink your information on all blanks on paper forms. If using a computer, type in the information at the “_____” before printing. Put N/A in the boxes you don’t select on the forms. 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 Fourth Judicial District in and for the County of Ada”) 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 caption of the Complaint.

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

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

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. State the paragraph number, letter or roman numeral and list the facts you admit.
2. Decide which specific paragraphs of the complaint you completely disagree with. Fill in those paragraph numbers, letters, or roman numerals (as used in the Complaint). If you only deny some of the facts in any paragraph, you must state specifically which facts you deny. State the paragraph number, letter or roman numeral and list the facts you deny.
3. 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 4 is a general denial of any statements made in the Complaint that you did not specifically deny.

Paragraph 5 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 in a separate paragraph.

Leave the spaces for the State and County blank. Go to an office where there's a Notary. Have the notary fill in the spaces.

Date: Fill in the date you sign the Answer.

Sign the answer on the line provided and, again, sign your name on the Verification section. The Verification must be signed before a Notary Public.

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 your spouse (or her/his attorney if s/he is represented by an attorney). Because your spouse 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, if you are responding to a 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 _____

_____,
Father

vs

_____,
Mother

State of Idaho, Department of Health and Welfare

Case No. _____

ANSWER

Fee Category: _____

Filing Fee: \$ _____

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

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

2. I deny the following paragraphs (list each paragraph number):

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

4. [] I deny the portion of paragraph _____, that states: _____

_____ and I admit the remaining portion of that paragraph.

5. [] I deny the portion of paragraph _____, that states: _____

_____ and I admit the remaining portion of that paragraph.

6. I deny everything I did not admit.

7. [] 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))

WHEREFORE: I demand judgment for the relief set forth above.

Date _____

Signature

STATE OF IDAHO

)
) ss.

VERIFICATION

COUNTY OF _____)

I, _____, being first duly sworn upon oath, states that s/he is a parent named in this Answer; s/he has read the document and knows and understands its contents; and it is true to the best of her/his knowledge and belief.

Signature

Subscribed and sworn to before me on: _____

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