

CAO GCS INSTRUCTION 3-2
Completing form CAO GCS 3-2 Response (H&W) Case

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, or visit the Idaho Supreme Court's Self-Help Center at <http://www.courtselfhelp.idaho.gov/>.

You will be signing a sworn statement that you have read the Response, know what it says, and believe it's true. To guarantee the truthfulness of that statement, be sure to read the entire completed form.

If you have been served with a complaint, petition, motion or other court pleading in a case which was brought by, or involves the Department of Health and Welfare and you have received a notice or summons telling you that you must file a written Response to contest the case, you may use this form to file that Response. If you wish to contest the case filed against you **and** raise a claim against the other parent or your spouse, you will need to use a different form.

Instructions.

Fill in the forms by typing or by printing neatly and legibly in black ink. If you are working on a computer, you may delete the optional sections you don't need and renumber the remaining sections, or type in "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 legal name, current mailing address, telephone number, and email address if you have one.

The Court Heading. Fill in the county and judicial district in the heading in capital letters (for example, "IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND FOR THE COUNTY OF BANNOCK") as they appear on the Petition.

The Caption. Fill in your full legal name in the caption and the other parent's full name exactly as they appear on the Petition.

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

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

Review the Petition (or other pleading) you are answering. You must admit or deny each paragraph in the Petition 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.

Paragraph 1: Decide the numbered Petition paragraphs you completely agree with. Fill in those paragraph numbers, letters, or Roman numerals (as used in the Petition). If you can only admit some of the facts in any numbered paragraph, you must use paragraphs 2 and 3.

Paragraphs 2 & 3: If you disagree with only a portion of a paragraph in the Petition, state the paragraph number, letter or Roman numeral (as used in the Petition) plus specifically what you admit.

Paragraph 4: Decide the paragraphs of the Petition you don't have enough information to respond to. Fill in those paragraph numbers, letters, or roman numerals (as used in the Petition). 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 Petition that you did not specifically admit.

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

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

Affirmative Defense(s) Paragraph: Rule 208(C) I.R.F.L.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.

Signature: Go to an office where there's a Notary. Have the notary fill in the spaces. Sign the Response in front of the Notary and have your signature notarized.

Certificate of Service

You are required to deliver a copy of any document you file in this case to the 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 Petition, you can serve him/her your response by mailing, hand-delivery or fax.

- 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 Petition. If you are going to serve the Response 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: A copy of every document you file with the court in this case must be sent to the other party, either directly or through the attorney if s/he has an attorney. Make your copies.

File your Response. Take the original (the one you signed) and your copy to the court clerk. The original will be kept in the court's file and you can ask that the clerk "conform" or stamp your copy.