

**CAO DPi INSTRUCTION 8-2 Completing  
CAO DPi 8-2 Decree of Divorce on Counterclaim (With Minor Children)**

In a default divorce on a Counterclaim, the Decree of Divorce must have exactly the same information as the Counterclaim. You cannot change anything without the agreement of the other party. If you do need or want to make changes that both of you agree upon, you can file a “Stipulation for Entry of a Decree of Divorce.” You will need form CAO D 6-8 Stipulation for Decree and CAO D Inst 6-1 Finalizing Decree by Stipulation. You can obtain these forms from a Court Assistance Officer or at the Idaho Supreme Court’s Self-Help Center at <http://www.courtselfhelp.idaho.gov/>.

Exactly like you did in the Counterclaim, at the top left-hand corner of page 1, fill in your name, address, telephone number, and email address (if you have one). Fill in the county and judicial district in the heading (for example, “In the District Court of the Third Judicial District in and for the County of Canyon”). Fill in your full legal name in the caption above “Respondent”. Fill in your spouse’s full legal name above “Petitioner”. Fill in the Case Number.

**Minor Child/ren of the parties:** Fill in the name and date of birth for each minor child.

Complete the following paragraphs of the Decree:

**2 A. Legal Custody of Minor Child(ren).**

Check the same boxes and insert the same terms from paragraph 6 of the Petition for Divorce with Minor Children (form CAO D 1-5) unless you and your spouse have agreed to different terms and have completed form CAO D 6-8 Stipulation for Decree. If so, insert the new terms upon which you have agreed.

**2. B. Physical Custody of Minor Child(ren).**

Check the same boxes and insert the same terms from paragraph 7 of the Petition for Divorce with Minor Children (form CAO D 1-5) ) unless you and your spouse have agreed to different terms and have completed form CAO D 6-8 Stipulation for Decree. If so, insert the new terms upon which you have agreed.

**3. Child Support.**

Check the same boxes and insert the same terms from paragraph 8 and 8a through 8g of the Petition for Divorce with Minor Children (form CAO D 1-5) ) unless you and your spouse have agreed to different terms and have completed form CAO D 6-8 Stipulation for Decree. If so, insert the new terms upon which you have agreed.

Note: If you have agreed in the Stipulation for Decree to a different amount of child support, you will need to provide a new Affidavit of Income and Child Support Worksheet which shows the calculation of the new amount.

**4. Separate Property.**

- Check the first box if you and your spouse have no separate property and have no need for a court order confirming ownership of separate property.
- If you want a court order confirming that specific separate property belongs to the Husband, or an order that separate property be returned to the Husband, check the second box and describe the property in the Property and Debt Schedule.
- If you want a court order confirming that specific separate property belongs to the Wife, or an order that separate property be returned to the Wife, check the third box and describe

the property in the Property and Debt Schedule.

#### **5. Community Real Property.**

- If you have **not** acquired any community real property during the marriage, check the first box and proceed directly to paragraph 12. **or**
- If you have acquired community real property during the marriage, check the second box **and complete the Property and Debt Schedule**
  - Fill in the residential address of the property (house number and street name),
  - The name of the city and county **and**
  - The legal description for the property.
- Check one of the next three boxes to indicate what the disposition of the community real property and any equity in the property will be, and fill in the blanks **or**
- Check the fourth box and write in your own words how the property and any equity in the property will be distributed.

#### **6. Community Personal Property.**

- If you have not acquired any community personal property, check the first box. **or**
- If you have already divided your community personal property and each of you have the property in your possession, check the second box. **and/or**
- If there is specific property awarded to the Husband and the property is already in Husband's possession, check the third box and list the property in the Property and Debt Schedule.
- If there is specific property awarded to the Wife and the property is already in Wife's possession, check the fourth box and list the property in the Property and Debt Schedule.
- If there is property awarded to the Husband that is still in the possession of the Wife, check the third box and list the property in the Property and Debt Schedule.
- If there is property awarded to the Wife that is still in the possession of the Husband, check the fourth box and list the property in the Property and Debt Schedule.

Note: The Decree of Divorce can be used to transfer titles or deeds; but only if the description of the property is first listed in the Complaint or there is a Stipulation for Entry of Decree and the property description is complete and accurate (example: for vehicles, all identifying information on the title; for real property, a legal description of the property and not just the residential address of the property).

If you have listed any property on the Property and Debt Schedule, the Schedule must be attached to every copy of the Decree of Divorce.

#### **7. Debts**

- If there are no unpaid debts, check the first box. **or**
- List each creditor Husband should pay; **and/or**
- List each creditor Wife should pay.

Note: If both of you are going to pay a part of the same debt, also put in the amount each of you should pay.

#### **8. Debts Incurred Since Separation**

- If the Decree should order that each party will assume any debt incurred by them after the separation date, check the box and write in the date you stopped living together.

**9. Name Change.**

If either party wants to stop using the last name of the spouse and go back to using their former last name (any name legally used), fill in the name of the person wanting the name change and fill in the former last name only. (Accurate spelling is very important.)

**Leave the date blank.** The judge will fill in the date when s/he signs the Decree of Divorce.

**Clerk's certificate of service:** Fill in name, mailing address, city, state and zip code for Husband and Wife. Leave the date blank. The clerk will fill it in when s/he signs the certificate.

**Attachments:** Attach the Parenting Plan to the Decree. If you have listed property on the Property and Debt Schedule, it must also be attached to the Decree.

**Make two more copies** of the Decree (total of 4) with all the attachments.

**Continue to follow CAO D Instruction 7-1, Finalizing Divorce by Default, to finalize your divorce.**