

CAO DPi INSTRUCTION 7-7C

When to use form **CAO DPi 7-7C Affidavit**

In Support of Default Decree of Divorce On a Counterclaim (With Children)

Use this form only if:

- You have filed a Response and Counterclaim for Divorce using form CAO FL 3-5 *Family Case Response and Counterclaim (With Children)*
- Your spouse has failed to file a response to your counterclaim
- You are asking your judge to enter a Decree of Divorce by default on your counterclaim
- You have given your spouse notice of your intent to apply for a default using form CAO Cv 7-5X *Notice of Intent to Take Default*

Note: When you apply for a default judgment in a divorce proceeding, you must provide testimony which justifies and supports your request for the divorce and the characterization and division of property and debts which you proposed in your counterclaim. You must also justify your requests on custody. Some judges require that you provide that testimony at a hearing in open court. Other judges will allow the testimony to be in the form of an affidavit instead of requiring you to come to court.

This form is an affidavit which contains the general testimony typically presented to the judge. If your judge has additional questions about your case, you may be required to present additional testimony.

Before using this form, check with the court assistance officer or court clerk where your case is filed to see if the use of this form is permitted.

Warning: This form must be signed before a notary public or other person authorized to take an oath. It is a sworn statement, so you should be sure you have read it completely, know what it says, and believe its contents are true.