IDAHO LEGAL AID SERVICES

DIVORCE WITHOUT MINOR CHILDREN

FILE

(1) **Petition for Divorce**, (2) **Summons**, and (3) **Family Law Case Information Sheet** with the Clerk of the Court.

Fee Waiver

If the parties agree to all terms right away, they can skip the SERVE step in the flowchart.

SERVE

A copy of the: (1) **Petition**, (2) **Summons**, and (3) **Joint Temporary Restraining Order (Property)** on opposing spouse.
FILE a signed copy of the **Affidavit of Service** with the Court.

Service occurs when someone over 18 who is not a party delivers the documents to your spouse.

Clerk will provide Joint Temporary Restraining Order

DEFAULT

When your spouse does not file a response within **21** days of being served.

IF spouse or his/her attorney filed an appearance, **SERVE** and **FILE** a Notice of Intent to Take Default. Wait **6 days** if you served your spouse via mail, wait **3 days** otherwise.

FILE: (1) a Motion and Affidavit for Entry of Default; (2) an Order for Default, and (3) a Decree of Divorce.

CONTESTED

When your spouse files a Response or Counterclaim within **21** days of being served.

RESPONSE & COUNTERCLAIM

When your spouse asks for something different, **FILE** a **Reply** within **21** days and serve on spouse.

RESPONSE

When spouse only files a Response, no Reply is necessary.

Attend Scheduling Conference – you will be given deadlines.

UNCONTESTED/ SETTLEMENT

When Parties agree on **all** aspects of the Divorce. This can occur any time prior to final judgment.

FILE
A Sworn Stipulation for Entry of Divorce Decree.

FILE
Decree of Divorce

PROVIDE MANDATORY DISCLOSURES

To your spouse within **35** days from when the Response is filed.
This includes two forms: (1) Inventory of Property and Debts and (2) Certificate of Service.
FILE the Certificate of Service with the Court.

CONDUCT DISCOVERY

Request information from your spouse to support your argument. Generally, as long as the information is relevant, the responding party must provide an answer within **30** days. See Form 2 at https://isc.idaho.gov/irflp for examples.

PREPARE FOR AND ATTEND TRIAL

JUDGMENT AND DECREE OF DIVORCE SIGNED BY JUDGE – File the Certificate of Divorce from your courthouse.

Can file a Motion and Affidavit for Fee Waiver in order to have filing fees waived

See https://courtselfhelp.idaho.gov/Forms/Divorce for all referenced documents