

DOMESTIC RELATIONS SUMMARY PROCEEDING (DRSP)

Instructions to Defendant

Detailed instructions are attached to the forms where necessary. If you feel that your case does not qualify for summary proceedings, you may request that the court use non-summary proceedings.

STEP ONE: Receive the General Information, Summons, Notice of Hearing, Petition, Plaintiff's affidavits, Instructions to Defendant, blank Defendant forms, Child Support Guideline, Proposed Findings, Proposed Judgment, and Proposed Parenting Plan forms.

STEP TWO: Complete the Defendant's Answer and Counterclaim – Form 3, Defendant's Financial Affidavit – Form 3a, and Continuation sheet – Form 3b if used. If Plaintiff and Defendant's combined assets total more than \$20,000 net value, excluding the value of any homestead property, summary proceedings may not be filed.

STEP THREE: Sign the Financial affidavit **in the presence of a notary public or clerk of court**, file the Defendant's Answer and Financial Affidavit with the clerk of court, and pay a \$50 Answer fee.

STEP FOUR: **SERVE** the Plaintiff with copies of the Defendant's Answer and Financial Affidavit. Proof of service is an important step in the legal process and the document showing **proof of service must be filed with the clerk**. You may formally serve the papers on the plaintiff in one of three ways. You may complete the Affidavit of Mailing/Personal service, Form 3(c) and have the person mailing or serving it to the plaintiff sign the form in the presence of a notary public or clerk of the district court. You may also have the sheriff serve the papers. In this case, he or she will provide you with a completed affidavit of service and Form 3(c) may be discarded. Finally, you may elect to use Form 3(d) where the plaintiff will admit receipt of the forms by signing the Admission of Service.

STEP FIVE: Attend mediation sessions to resolve custody and visitation issues if so ordered or referred.

STEP SIX: Work with Plaintiff to complete the proposed Findings of Fact, Conclusions of Law, and Order for Judgment – Form 4. Form 4 includes much of the same information contained in the Petition and Financial Affidavits and will allow the Court to make legal findings based on that information. **File this form and supporting documentation with the clerk at least one week before your hearing.** Detailed instructions for completing the Findings of Fact are attached to the form.

STEP SEVEN: Work with Plaintiff to complete Appendix H –Form 4(a) and the proposed Judgment – Form 4(b). The Judgment form includes much of the same information contained in the Petition and Financial Affidavits and will be signed by the Clerk to finalize your divorce. Parties are required to complete the confidential information form (Appendix H) to comply with court rules. **File these forms with the clerk at least one week before your hearing.** Detailed instructions for completing the Judgment and Appendix are attached to the forms.

STEP EIGHT: Work with Plaintiff to complete the proposed Parenting Plan – Form 4(c). The Parenting plan contains information required by law regarding proposed custody and visitation. **File this form and with the clerk at least one week before your hearing.**

YOU MUST COME TO COURT at the scheduled time for the hearing or a default order may be entered.