

FINALIZING YOUR DIVORCE WITH A SWORN STIPULATION FOR ENTRY OF A DECREE

D Instruction 6-1

This procedure should be followed if you and your spouse want the Judge to sign (enter) a Decree of Divorce with different terms than those contained in the Complaint that was filed, to settle the divorce case after the Defendant filed an Answer, or to simply agree to settle the case without a default being entered against the Defendant. This procedure will allow the judge to sign a Decree of Divorce both of you agree upon. Plaintiff will not have to file an "Amended Complaint" and Defendant will not have to file an "Answer".

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.

Step 1: Complete the Required Forms.

At the top left-hand corner of page 1 of the **Sworn Stipulation for Entry of Decree and Decree of Divorce**, fill in the Plaintiff's full legal name, current address, and telephone number. Fill in the county and judicial district in the heading (for example, "In the District Court of the Fourth Judicial District in and for the County of Ada"). Fill in your Full Legal Names on the lines above "Plaintiff" and "Defendant" the same way they are shown on the Complaint. Fill out the remainder of each form.

- Sworn Stipulation for Entry of Decree, D 6-8
- Decree of Divorce, D 8-1 (Children); or D 8-3 (No Children)
 - Complete the form for the Decree of Divorce, following the instructions attached.
 - Check the second box on the first page, indicating "Defendant and Plaintiff have agreed and signed a written Sworn Stipulation to the entry of this Decree".
- Parenting Plan, FL 3 **if you have agreed to changes in the Parenting Plan; if the Parenting Plan attached to the Complaint is your agreement, simply copy that Plan to attach to the Decree, and each of you sign it.**
- Affidavit Verifying Income and Child Support Worksheet(s) (these can be generated for you by the Court Assistance Officer, using the child support program) **if the child support amount requested in the Complaint has not been calculated accurately pursuant to the Idaho Child Support Guidelines and you are changing the amount of child support you want to have ordered.**

Step 2: Sign the Completed D 6-8. Both you and your spouse must sign the Sworn Stipulation in the presence of a notary public. You can often locate a Notary at a bank, insurance, real estate or payroll offices, or the courthouse.

Step 3: Initial and Date the Exhibits to the Decree. If you are using Exhibits for your property division, you and your spouse must both initial and date each exhibit.

Step 4: Make Copies and File with the Clerk

- Make a copy of the completed Decree of Divorce to attach to the Sworn Stipulation. Then make two copies of that entire packet.
- Make two copies of the Decree if you do not have minor children in common, and three copies of the Decree if you do have minor children in common.

If you have not already done so file the completed originals of the following forms with the court clerk (keep a copy for your records):

- Acknowledgment of Service, or Affidavit of Service or of Publication
- Original Summons

Also file with the clerk:

- The original Sworn Stipulation for Entry of Decree (the original Sworn Stipulation is the one both parties signed before a Notary Public – each party should keep a copy of the Sworn Stipulation).
- If the child support amount requested in the Complaint needs to be changed, an original Affidavit Verifying Income and Child Support Worksheet(s) for the corrected child support. – each of you should keep a copy.

You will also bring to the court clerk's office:

- The original and two copies of the Decree if you do not have minor children in common **or**
- The original and three copies of the Decree if you do have minor children.
 - ***Attach your Parenting Plan to every copy of the Decree of Divorce.***
- The Child Support Order Transmittal Form if you have minor children.
- The Vital Statistics Certificate of Divorce or Annulment
- Two envelopes, one addressed to each of you, with enough postage attached so the court clerk can mail you copies of the Decree after it has been signed by the judge.

The court clerk will file your paperwork, including the Sworn Stipulation for Entry of Decree, and send the file with all the paperwork and the Decree of Divorce to the judge. You should receive a copy of the Decree of Divorce in the mail. If the judge requires a hearing for any reason, you will be notified.

If you wish to have a copy of the Decree certified so you can record it or provide it to agencies, the fee is \$1.00 PLUS \$.50 per page if you supply the copy, \$1.00 a page if the court clerk has to make a copy.