

Common Mistakes of Self-Represented Litigants in the Divorce Process

Property & Debt Schedule

- ◆ When completing either the Petition for Divorce or Decree of Divorce and if you have listed any property and/or debts on the Property & Debt Schedule, make sure you have checked the appropriate boxes on both the Petition and Decree.

For example: On the Decree of Divorce page 1, section 2, if you have any separate property listed on the Property & Debt Schedule, you would check the box that says "The separate property listed in the attached Schedule is confirmed as (your name) _____ separate property..."

- ◆ How to determine whether your items are separate property or community property:

Generally all property acquired during the marriage is presumed to be community property.

Separate property is property acquired before marriage or property acquired during marriage by gift, inheritance, or with the proceeds of separate property. It should be noted that net income on separate property is considered community property.

"Separate property" is a legal term and is not just property you want the court to award to you in the divorce.

Child Support in Idaho

- ◆ If your case involves child support, it must be calculated based upon the Idaho Child Support Guidelines (Idaho Rules of Family Law Procedure, Rule 126) and that amount must be given to the Judge.
- ◆ This means that child support must be calculated prior to initially filing and the child support worksheets must be attached to the Petition for Divorce, as well as with the final decree. Make sure that the appropriate boxes are checked and the child support amount entered in Section 9 of the Petition and Section 5 of the Decree.
- ◆ *What if we agree to no child support?* Even if you want to deviate from the Guidelines, you must calculate child support based upon the Guidelines, provide the child support worksheets, and a reason for the deviation. Ultimately it is up to the Judge whether they will grant the deviation.
- ◆ The Court Assistance Office can help with calculating child support and providing you with the necessary worksheets to submit with your forms!

Parenting Plan

- ◆ If you are asking for joint physical custody, you will need to complete and attach a Parenting Plan to your Petition and Decree of Divorce. Also make sure that the box is checked on your Petition and Decree of Divorce for joint physical custody on the terms and as described in the Parenting Plan attached as Schedule A.

Have questions about completing the Parenting Plan? Having trouble filling out the forms? Or other questions involving divorce? Join us every Wednesday from 10 am-12 pm via Zoom for our Family Law Workshops! Contact the Court Assistance Office to register.

Warning: 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 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 at 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 in your area for information about resources for low-income people, or visit the Idaho Supreme Court's Self-Help Center at <http://www.courtselfhelp.idaho.gov>

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Serving the counties of Kootenai, Bonner, Boundary, Shoshone, and Benewah

