

**CHECKLIST FOR PACKET 8
MODIFICATION OF CUSTODY AND CHILD SUPPORT - RESPONDENT**

This checklist is for your convenience and is not a substitute for the detailed instructions. Please be sure to read the detailed instructions.

STEP 1: Getting Started

Not all the forms in this packet may be needed for your specific situation. It's important to go through them and read the instructions to know which ones you need.

Start by reviewing these three forms below:

- **List of Forms - Respondent**
- **Custody and Child Support Modification Information and Instructions - Respondent**

STEP 2: Responding to the Petition

If you received a **Summons and Petition for Modification of Custody and Child Support** or if you signed an **Acknowledgement and Acceptance of Service**, you need to file one of the following:

☐ **Response;**

OR

☐ **Response and Counterclaim.**

☐ Take the original and two copies of all forms to the Clerk of District Court for filing. Mail a copy to the Petitioner and keep one for yourself.

☐ Mail a copy to the Petitioner and keep a copy for your records.

STEP 3: Financial Disclosure

File a **Confidential Financial Affidavit** along with the required attachments. This can be done simultaneously with Step 2.

☐ **Confidential Financial Affidavit**

☐ **If employed**, attach tax returns for past two years; and

☐ Attach statement of earnings for the current year; and

☐ Attach documentation about health insurance if applicable.

OR

☐ **If self-employed**, attach verified income and expense statements for past two years; and

☐ Attached tax returns for past two years.

☐ Attach documentation about health insurance if applicable.

STEP 4: Initial Disclosure

Send the Initial Disclosures to the Petitioner within 30 days after being personally served or signing the Acknowledgment and Acceptance of Service. **DO NOT** file these with the Court.

- ☐ Send **Initial Disclosures** to the Petitioner within **30 days** after you were personally served.

STEP 5: Agreement on Terms in the Order Modifying Custody and Child Support

If you and the Petitioner agree on all terms in the **Order Modifying Custody and Child Support**, sign it in front of a Notarial Officer or the Clerk. The Judge will sign the Order, and a copy will be mailed to you.

- ☐ Sign the **Order**
- ☐ A copy will be mailed to you if the Judge signs the Order.

Your custody and child support order will be modified when the Judge signs the Order, and it is filed with the Clerk of District Court.

STEP 6: Trial Preparation (If you can't reach an agreement.)

If you and the Petitioner don't agree on all issues the following steps are needed.

CAUTION: It is strongly recommended that you hire or find an attorney to represent you at trial, though you may represent yourself. If you choose to represent yourself, you proceed at your own risk and will be expected to know the laws and court rules.

Request a Trial Date

If the Petitioner has **NOT** requested a trial date, you must request one.

- ☐ **Request for Setting.**
- ☐ **Order Setting Modification Trial** (Judge will fill out date and time.)
- ☐ Take original and two copies to the Clerk for filing.
- ☐ Take an envelope addressed to you with postage for the Clerk to mail a copy of the Order Setting Modification Trial to you.
- ☐ Take an envelope addressed to the Petitioner with postage for the Clerk to mail a copy of the Order Setting Modification Trial to the Petitioner.
- ☐ Mail a copy of the **Request for Setting** to the Petitioner and keep a copy for your records.

Pretrial Disclosures

- ☐ File at least **30 days** before the trial date, unless otherwise ordered by the court.
- ☐ Take original and two copies to the Clerk for filing.

- ☐ Mail copy to the Petitioner and keep a copy for your records.

Request a Court Reporter

If you want the trial to be recorded by an official court reporter, provide notice to the court reporter as soon as possible, but no later than three working days before the trial. You can notify the court reporter by phone, email or by submitting a written request. If providing notice through the mail, the request must be received by the court reporter no later than three working days prior to the hearing.

- ☐ Request a court reporter.

Attend the Trial:

Present your evidence and witnesses. When attending court, dress in a respectful and neat manner. Wear clean, conservative clothing such as a collared shirt, slacks, or a modest dress. Avoid casual or revealing attire like jeans, shorts, t-shirts, or flip-flops. Dressing appropriately shows respect for the Court.

Decision by Judge:

The Court will tell you at the end of the trial if it will prepare the **Order Modifying Custody and Child Support** or if it wants you or the other party to prepare the **Order Modifying Custody and Child Support** and the terms to include in it. Have a blank **Order Modifying Custody and Child Support** ready to fill out in case the Judge asks you to prepare the **Order Modifying Custody and Child Support**. This way, you can fill it out as he/she gives their ruling.

- ☐ **Order Modifying Custody and Child Support** (Unless the Court is preparing this for you.)
- ☐ **Order for Income Withholding**

Copies and Envelopes:

- ☐ Take an original and two copies of each form to the Clerk for filing.
- ☐ Take an envelope addressed to you with postage for the Clerk to mail a copy of the **Order Modifying Custody and Child Support** to you.
- ☐ Take an envelope addressed to the other party with postage for the Clerk to mail a copy of the **Order Modifying Custody and Child Support** to the other party.
- ☐ Mail a copy of the other forms to the Petitioner and keep a copy for your records.

Your custody and child support order will be modified when the Judge signs the Order Modifying Custody and Child Support and it is filed with the Clerk of District Court.