

CHECKLIST FOR RESPONDENT ESTABLISHMENT OF CUSTODY, VISITATION, AND CHILD SUPPORT

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:

- **Overview**
- **List of Forms - Respondent**
- **Respondent's Establish Custody, Visitation, and Child Support Information and Instructions**

STEP 2: Responding to the Petition

If you received a **Summons and Petition to Establish Custody, Visitation, 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 Order Terms

If you and the Petitioner agree on all terms in the Order, sign it in front of a Notarial Officer or the Clerk. Each page should be initialed by both you and the Petitioner. The Judge will sign the Order, and a copy will be mailed to you.

- ☐ Sign the **Order Establishing Custody, Visitation, and Child Support (Unless the Court is preparing this for you.)**
- ☐ A copy will be mailed to you if the Judge signs the Order.

Your case will be complete 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 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 Trial to you.
- ☐ Take an envelope addressed to the Petitioner with postage for the Clerk to mail a copy of the Order Setting 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:

Be on time, dress respectfully, and do the following:

- ☐ Tell the Judge about your case.
- ☐ Tell the Judge why the plans for the children that you are asking for are in the children's best interest.
- ☐ Present any evidence and witnesses to support what you are requesting.

Decision by Judge:

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

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

The Court may also require these additional forms (or others) depending on the county where your case is filed. **DO NOT COMPLETE THESE FORMS UNLESS REQUIRED.**

- ☐ **Certificate of Completion of a Parenting Class** (If you are required to complete a parenting class, the instructor for the class will give you this form for you to file with the Clerk.)

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 to you.
- ☐ Take an envelope addressed to the other party with postage for the Clerk to mail a copy of the Order to the other party.

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

Your case will be complete when the Judge signs the Order and it is filed with the Clerk of District Court.