

Plaintiff's
 Name:
 Pro Se

Address:

Phone
 Number:

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

)	Case No.:
)	
vs.)	COMPLAINT FOR DIVORCE
)	(Children Involved)
)	
)	Fee Category: F
Defendant.)	
_____)	Filing Fee: \$_____

The plaintiff complains and alleges against the defendant as follows:

I. IDAHO RESIDENCE

The plaintiff is now and has been a resident of the State of Idaho for more than six (6) full weeks next preceding the commencement of this action.

II. MARRIAGE

The plaintiff and the defendant were married on _____,
 _____, in _____, _____, and ever since that
 time have remained husband and wife.

III. GROUNDS FOR DIVORCE

During the course of the marriage there have arisen between the parties certain irreconcilable differences that cannot be resolved and which constitute substantial

reasons for not continuing the marriage, and therefore, the marriage should be dissolved.

IV. REAL PROPERTY

During the course of the marriage, the plaintiff and the defendant acquired:

no community real property.

community real property located at _____

in the City of _____, County of _____, State of Idaho. This real property is more fully described in the deed under which the parties acquired the property as follows: _____

V. DISPOSITION OF THE REAL PROPERTY

The real property described above should be:

ordered sold and the net proceeds divided _____% to the plaintiff and _____% to the defendant.

awarded to the plaintiff, subject to any liens thereon, and the defendant should be ordered to convey the defendant's interest in the property to the plaintiff upon payment of \$_____ by the plaintiff to the defendant for the defendant's equity in the property.

awarded to the defendant, subject to any liens thereon, and the plaintiff should be ordered to convey the plaintiff's interest in the property to the defendant upon

payment of \$_____ by the defendant to the plaintiff for the plaintiff's equity in the property.

VI. COMMUNITY PERSONAL PROPERTY

During the course of the marriage, the plaintiff and the defendant acquired:

no community personal property.

certain items of community personal property which have already been divided between the parties, and the property should be awarded to the party who presently has possession.

certain items of community personal property which are listed in Exhibits A and B. It would be just and equitable for the court to award to the plaintiff, as the plaintiff's sole and separate property, the community property described in Exhibit A. It would be just and equitable for the court to award to the defendant, as the defendant's sole and separate property, the community property described in Exhibit B. Exhibits A and B are attached to this complaint and incorporated in this complaint by reference. The court should order each party to deliver to the other party any of the community property in his/her possession that is awarded to the other party.

VII. SEPARATE PROPERTY

Prior to or during the course of the marriage, the plaintiff acquired the following separate property which should be confirmed as the plaintiff's separate property: _____

Prior to or during the course of the marriage, the defendant acquired the following separate property which should be confirmed as the defendant's separate property: _____

The defendant has possession of the following items which are the separate property of the plaintiff, and the court should order the defendant to return them to the plaintiff: _____

VIII. COMMUNITY DEBTS

The plaintiff has no knowledge of any outstanding debts.

The parties have unpaid and outstanding debts which are listed in Exhibits A and B. It would be just and equitable for the court to order the plaintiff to pay those debts listed in Exhibit A as or before they become due, and to order the plaintiff to hold the defendant harmless from any further obligation concerning the debts listed in Exhibit A. It would be just and equitable for the court to order the defendant to pay those debts

listed in Exhibit B as or before they become due, and to order the defendant to hold the plaintiff harmless from any further obligation concerning the debts listed in Exhibit B. Exhibits A and B are attached to this complaint and incorporated in this complaint by reference.

IX. DEBTS INCURRED SINCE SEPARATION

It would be fair and equitable for the court to declare that each party will assume any debt incurred by that party since the date of their separation, to order each party to pay those debts as or before they become due, and to hold the other party harmless from any obligation concerning those debts. The date of the parties' separation was _____, _____.

X. CHILDREN

The parties are the parents of the following child/children under the age or eighteen years who has/have been born as a result of their union:

NAME	DATE OF BIRTH	PRESENT ADDRESS
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The wife of the marriage is not now pregnant.

The wife is of the marriage is now pregnant and is expecting a child to be born about _____, 20__.

3. The plaintiff [] has [] has not participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child/children listed in Paragraph X of this complaint. If so, the court, the case number, and the date of any child custody determination are as follows: _____

4. The plaintiff [] does [] does not know of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoption. If so, the court, the case number, and the nature of the proceeding are as follows: _____

5. The plaintiff [] does [] does not know of any person, not a party to this proceeding, who has physical custody of the child/children listed in Paragraph 10 of this complaint, or who claims to have custody or visitation rights with respect to the child/children listed in Paragraph 10 of this complaint. If so, the name and current address of each such person are: _____

XII. CUSTODY

[] The plaintiff and the defendant are fit and proper persons to be awarded joint legal and physical custody of the child/children. The schedule for when the child/children will live with each parent should be as follows: _____

The plaintiff and the defendant are fit and proper persons to be awarded joint legal custody of the child/children listed in Paragraph 10 of this complaint. The plaintiff defendant should be awarded primary physical custody, subject to reasonable visitation by the defendant plaintiff. Reasonable visitation includes at least the following: _____

The plaintiff is a fit and proper person to be awarded sole custody of the minor child/children listed in Paragraph 10 of this complaint, subject to reasonable visitation by the defendant. Reasonable visitation should be limited to the following: _____

The defendant should not be awarded joint custody of the child/children because _____

[] The plaintiff is a fit and proper person to be awarded sole custody of the minor child/children. The defendant should not be allowed any visitation with the child/children because: _____

_____.

XIII. CHILD SUPPORT

A. Monthly Support Payments

The plaintiff [] is [] is not capable of providing support for the child/children. If not, the plaintiff is incapable of providing support because _____

_____.

The defendant [] is [] is not capable of providing support for the child/children. If not, the defendant is incapable of providing support because: _____

_____.

The [] plaintiff [] defendant should be ordered to pay child support, in an amount to be determined by the court in accordance with the Idaho Child Support Guidelines, and payable through the Idaho Department of Health and Welfare, as follows:

1. All child support payments will be due on the _____ day of each month, beginning the first month after the decree of divorce or order of support becomes final, unless otherwise ordered in the divorce decree or support order. The child support payments will continue until each child reaches the age of eighteen (18) years, unless the child continues with his or her high school education after reaching the age of

eighteen (18) years. In that event, the child support payments will continue until the child discontinues his or her high school education, or reaches the age of nineteen (19) years, whichever occurs first.

2. All payments will be made in cashier's check or money order, and identified by the number of this case and the names of the plaintiff and the defendant.

3. All payments will be made payable to the Department of Health and Welfare, and mailed to the Idaho Child Support Receipting, PO Box 7008, Boise, ID 83707-0108.

4. The plaintiff and the defendant will promptly notify the Idaho Department of Health and Welfare in writing of any change in address.

5. Any payments made directly to the other parent and not through the Idaho Department of Health and Welfare may be considered a gift in any support enforcement action.

For purposes of child support, the plaintiff's social security number is _____ . The defendant's social security number is _____ .

B. Health Care Expenses and Insurance

It would be fair and equitable that any medical, dental, orthodontic, and optical bills for each child that are not covered by insurance of either party, and any premiums for medical, dental, orthodontic, or optical insurance for the child/children, be paid _____% by the plaintiff, and _____ % by the defendant.

It would be fair and equitable for the [] plaintiff [] defendant to maintain each child as a beneficiary of any medical, dental, and optical insurance program that is now

or may become available through his/her employment and to continue such coverage so long as it is reasonably available through such employment.

To the extent that neither party has medical insurance available through their employment, it would be fair and equitable for the plaintiff defendant to maintain each child as a beneficiary of a medical insurance program.

It would be fair and equitable for the plaintiff defendant to maintain each child as a beneficiary of any and every life insurance policy he/she may have through employment or otherwise, until each child attains the age of majority or otherwise becomes emancipated, whichever occurs first.

C. Child Care Expenses

1. Reimbursement of Child Care Expenses

It would be fair and equitable that the defendant pay a portion of all work-related child-care expenses incurred by the plaintiff.

It would be fair and equitable that the plaintiff pay a portion of all work-related child-care expenses incurred by the defendant.

2. Rate of reimbursement

It would be fair and equitable for the work-related child care expenses to be paid _____ % by the plaintiff and _____ % by the defendant.

It would be fair and equitable for the net amount of the work-related child care expenses (actual costs minus child care tax credits) be paid _____ % by the plaintiff and _____ % by the defendant.

XIV. FORMER NAME

The wife of the marriage asks to be restored to her former name, which is

_____.

The wife does not ask to be restored to a former name.

THEREFORE, the plaintiff prays for judgment that:

1. The court award the plaintiff an absolute decree of divorce from the defendant, that dissolves the bonds of matrimony now existing between the plaintiff and the defendant on the grounds of irreconcilable differences, and that restores both parties to the status of an unmarried person;

2. The court award any community real property of the parties described in Paragraph IV above as set out in Paragraph V above, and order the sale or conveyance of any community real property as set out in Paragraph V above;

3. The court award any community personal property of the parties as set out in Paragraph VI above and Exhibits A and B attached to this complaint; and order the parties to deliver to the other party any community personal property in their possession that is awarded to the other party.

4. The court confirm as separate any property set out in Paragraph VII above, and order the defendant to return to the plaintiff any items of the plaintiff's separate property still in the defendant's possession, as set out in Paragraph VII above;

5. The court order each party to assume and pay any debts incurred during their marriage as set out in Paragraphs VIII above and Exhibits A and B attached to this complaint, to assume and pay any debts incurred after their separation as set forth in

Paragraph IX above, and to hold the other party harmless from any obligation concerning debts assumed by that party;

6. The court award custody of the child/children as set out in Paragraph XII above.

7. The court order the parties to pay child support, and to maintain insurance for the children, as set forth in Paragraph XIII above.

8. The court include a Notice of Income Withholding in the decree of divorce as required by Idaho Code §32-1204;

9. The court restore the wife to her former name, if and as sought in Paragraph XIV above.

10. The court order each party to execute any documents necessary to carry out the terms of the decree of divorce;

11. For such other and further relief as the court deems just.

DATED this _____ day of _____, 20 ____.

Plaintiff's Signature

VERIFICATION

STATE OF IDAHO)
) ss.
County of _____)

I, _____, being duly sworn, depose and say that:

I am the plaintiff in this case, I have read and know the contents of the complaint (including the attached exhibits); and I believe the matters stated in the complaint (including the attached exhibits) are true.

Plaintiff's Signature

SUBSCRIBED AND SWORN TO before me this _____ day of _____,
20____.

NOTARY PUBLIC FOR IDAHO
My commission expires:

EXHIBIT "A"

PERSONAL PROPERTY TO BE AWARDED TO THE PLAINTIFF

Item

Value

DEBTS TO BE PAID BY THE PLAINTIFF:

Creditor

Debt Amount

EXHIBIT "B"

PERSONAL PROPERTY TO BE GRANTED TO THE DEFENDANT

Item

Value

DEBTS TO BE PAID BY THE DEFENDANT

Creditor

Debt Amount