

DOMESTIC RELATIONS SUMMARY PROCEEDING (DRSP)

Instructions to Plaintiff

STEP ONE: Complete the Petition - Form 2 and fill in the names only on the Summons – Form 1(a) and the Notice of Hearing – Form 1(b).

STEP TWO: Complete the Plaintiff's Financial Affidavit-Form 2(a) and if more space is needed, Continuation Sheet, Form 2(b). If combined assets total more than \$50,000 net value, excluding the value of any homestead property, you may not file summary proceedings.

STEP THREE: Sign the financial affidavit **in the presence** of a notary public or a clerk of the district court.

STEP FOUR: Return Summons, Notice of Hearing, Petition, and Financial Affidavit to the clerk and pay \$80 filing fee. You must notify the clerk at this time if matters related to custody or visitation is in dispute.

STEP FIVE: Clerk staff will give you a case number, file the Summons, Petition, Plaintiff's Financial Affidavit, and complete and file the Notice of Hearing and Appearance, setting a date for a hearing. If custody or visitation matters are in dispute, the clerk will refer your case for mediation.

STEP SIX: SERVE the defendant with one copy of each form listed here. Proof of service is an important step in the legal process. Detailed service instructions are provided.

1. **General Information - Form 1.**
2. **Completed Summons - Form 1(a).**
3. **Completed Notice of Hearing & Appearance – Form 1(b).**
4. **Completed Petition - Form 2.**
5. **Completed Plaintiff's financial affidavit - Form 2(a) and continuation sheet – 2(b) if used.**
6. **Defendant's Admission of Service Form 2 (d) if used.**
7. **Instructions to Defendant – Form 3 series.**
8. **Blank Defendant's Answer and Counterclaim – Form 3.**
9. **Blank Defendant's Financial Affidavit – Form 3(a).**
10. **Blank Defendant's Financial Affidavit continuation sheet - 3(b).**
11. **Service instructions to Defendant**
12. **Blank Defendant's Affidavit of Mailing/Personal Service – 3(c).**
13. **Blank Plaintiff's Admission of Service – 3(d)**

STEP SEVEN: Proof of service is an important step in the legal process and the document showing **proof of service must be filed with the clerk.** You may formally serve the papers on the defendant in one of three ways. You may complete the Affidavit of Mailing/Personal service, Form 2(c) and have the person mailing or serving it to the defendant sign the form in the presence of a notary or clerk. You may also have the sheriff serve the papers. In this case, he or she will provide you with a completed affidavit of service and Form 2(c) may be discarded. Finally, you may elect to use Form 2(d) where the defendant will admit receipt of the forms by signing the Admission of Service.

STEP EIGHT: Receive Defendant's forms.

STEP NINE: Attend mediation sessions to resolve custody and visitation issues if so ordered or referred.

STEP TEN: Work with Defendant to prepare proposed Findings of Fact, Conclusions of Law, and Order for Judgment. Form 4 includes much of the same information contained in the Petition and Financial Affidavits and will allow the Court to make legal findings based on that information. **File this form and supporting documentation with the clerk at least one week before your hearing.** Detailed instructions for completing the Findings of Fact are attached to the form.

STEP ELEVEN: Work with Defendant to prepare proposed the Judgment and Appendix H. The Judgment form includes much of the same information contained in the Petition and Financial Affidavits and will be signed by the Clerk to finalize your divorce. Parties are required to complete the confidential information form (Appendix H) to comply with court rules. **File these forms with the clerk at least one week before your hearing.** Detailed instructions for completing the Judgment and Appendix are attached to the forms.

STEP TWELVE: Work with the Defendant to prepare the proposed Parenting Plan. **File this form with the clerk at least one week before your hearing.**

YOU MUST COME TO COURT at the scheduled time for the hearing or the petition may be dismissed.