

Instructions for Answer & Forms

An Answer is a written response to the Complaint with Minor Children. This must be completed by the Defendant to protect the Defendant's rights. If the Defendant chooses to file an Answer, he/she must file the Answer with the Clerk of Courts and serve it on the Plaintiff within 30 days after Defendant is served with the Summons and Complaint (the date Defendant either signed the Admission of Service or the papers were delivered to the Defendant by the Sheriff or process server). There is a \$25 filing fee to file this responsive pleading. **If an Answer is not filed, the court may grant the Plaintiff everything requested in the Complaint and the judge may enter a Default Judgment & Decree of Divorce.**

- **Complete this form in black or blue ink only!**
- Complete the top portion of the Answer (the "caption") just as it appears in the Summons and Complaint with Minor Children. **NOTE:** The caption is the top portion of each form. You will need to know the name of your county, judicial circuit (ask your Clerk of Court if you don't know), name of Plaintiff, name of Defendant and case filing number (ask your Clerk of Court if you don't know). The caption is the same on every form.
- Answer or complete paragraphs 1-4. **You must respond to each and every paragraph of the Complaint with Minor Children. (You must Admit, Deny, Partially Admit or Deny, or state "I do not have enough information to respond to Paragraph number _____ of the Complaint.")**
- You must date and sign the Answer and provide your address and telephone number and complete the **Verification** portion. **But, do not sign the documents in either spot until you are in the presence of a notary public or clerk of court. Make sure to bring photo identification to show the notary public or clerk of court. A notary public can usually be found at the bank and sometimes at the courthouse.**
- Make 2 photocopies of the Answer; one for your file and another to be served on the Plaintiff. The original must be filed with the Clerk of Court, along with the filing fee.

WARNING: By signing your name, you are telling the court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth, if you are misleading the court, or if you are serving or filing this document for an improper purpose, the court could find you in contempt or you could be prosecuted for not telling the truth.

Affidavit of Mailing

You must prove to the Court that you mailed the Answer to the Plaintiff. This is done by completing the Affidavit of Mailing, which is a statement sworn under oath that the Defendant actually mailed the Answer to the Plaintiff on the date indicated at the correct address with the correct postage.

- The Affidavit of Service by Mail may only be completed after the papers/documents listed are placed in the United States Mail.
- Complete the top portion of the Answer (the “caption”) just as it appears in the Summons and Complaint with Minor Children.
- Fill in the blanks as indicated on the Affidavit.
- Make a photocopy of the Affidavit for your file. The original will be filed with the Clerk of Courts.
- **You must sign and date the Affidavit in the presence of a notary public or clerk of court. Make sure to bring identification to show the notary public or clerk of court. A notary public can usually be found at the bank and sometimes at the courthouse.**

STATE OF SOUTH DAKOTA)
)
:SS
COUNTY OF _____)

IN CIRCUIT COURT

_____ JUDICIAL CIRCUIT

Plaintiff,

vs.

Defendant

DIV _____

ANSWER

Defendant answers the Complaint as follows:

1. I **AGREE** with the following paragraphs of the Complaint with Minor Children:

2. I **DISAGREE** with the following paragraphs of the Complaint with Minor Children:

3. I either **PARTIALLY Agree or Disagree** with the following paragraphs of the Complaint with Minor Children: _____

4. I **DO NOT HAVE ENOUGH INFORMATION** to either agree or disagree with the following paragraphs of the Complaint with Minor Children: _____

If you wish to explain your answers to the previous statements please use the space below. If you do not wish to explain your answers further, leave these spaces blank and sign the document; however make sure you sign before a notary.

- 1.

2.

3.

4.

Dated this _____ day of _____, 20_____.

Defendant's Signature

Print Defendant's name

Street Address

If Notary, my commission expires: _____
(SEAL)