

## 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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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2.

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Print Defendant's name

\_\_\_\_\_  
Street Address

City, State, Zip

\_\_\_\_\_  
Telephone Number

**VERIFICATION**

STATE OF SOUTH DAKOTA     )  
  : SS  
COUNTY OF \_\_\_\_\_ )

Defendant, being first duly sworn, deposes and states that he or she verifies the facts expressed within the Answer are true.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Defendant's Signature  
(Sign only in front of a Notary or Clerk of Courts)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public/Clerk of Courts

(SEAL)

If Notary, my commission expires: \_\_\_\_\_

STATE OF SOUTH DAKOTA )  
:SS  
COUNTY OF \_\_\_\_\_)

IN CIRCUIT COURT  
\_\_\_\_\_ JUDICIAL CIRCUIT

\_\_\_\_\_,  
\_\_\_\_\_ Plaintiff,

DIV

vs.

\_\_\_\_\_,  
Defendant

**AFFIDAVIT OF MAILING  
ANSWER**

I, \_\_\_\_\_, being sworn, state that on  
*(Full legal name of Defendant)*

\_\_\_\_\_, 20\_\_\_\_\_, I served the Answer on the Plaintiff by  
placing a true and correct copy of the document in an envelope addressed to:

\_\_\_\_\_ at \_\_\_\_\_  
*(Full legal name of Plaintiff)* *(Plaintiff's mailing address)*

in the City of \_\_\_\_\_, State of \_\_\_\_\_, Zip Code \_\_\_\_\_

and depositing the envelope, with sufficient postage, in the United States Mail at

\_\_\_\_\_.  
*(City and State mailed from)*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Defendant  
**(Sign only in front of a Notary or Clerk of Courts)**

Printed name of Defendant: \_\_\_\_\_

Sworn/affirmed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_

\_\_\_\_\_  
(Notary Public/Clerk of Courts)

If Notary, my commission expires: \_\_\_\_\_  
(SEAL)