

**YAVAPAI COUNTY  
Self-Service Center**

**INFORMATION: RESPONDING TO PETITION FOR ANNULMENT  
WITHOUT MINOR CHILDREN**

**IMPORTANT TERMS:**

Generally, because your spouse filed the Petition, HE or SHE will **ALWAYS** be called the PETITIONER on all documents relating to your case now and for any filings in the future. YOU will **ALWAYS** be called the RESPONDENT on all documents.

The forms and instructions will refer to your “**purported spouse**” and your “**purported marriage**”. This is because your spouse is saying he or she believes the marriage to be void. While the other party may have the “**appearance**” of being your spouse, and the marriage may have the “**appearance**” of being a legal marriage, the judge may declare it void.

**ADVICE AND HELP FROM ATTORNEYS AND MEDIATORS:**

Even if you are representing yourself in court, it is always a good idea to ask an attorney to look over the papers to see if they are correct. An attorney can also help you decide many important legal issues. Many lawyers WILL HELP YOU HELP YOURSELF.

There are people in the community who will help you with your problems in addition to, or sometimes instead of, a judge. They are called mediators. They help you solve your present problem, and anticipate future problems and how to solve them, too. Mediators work with both parties in a dispute, to help resolve the areas of disagreement or trouble. You can check the Yellow Pages in your phone directory for names of attorneys and mediators.

**THERE IS A SPECIFIC GROUND FOR AN ANNULMENT IN ARIZONA:**

- **There must be an impediment that makes the marriage void. Some possible impediments are listed below. There may be others.**
  - **Undissolved prior marriage**
  - **One of the parties is underage**
  - **There is a blood relationship pursuant to A.R.S. § 25-101**
  - **Intoxication**
  - **Duress**
  - **Fraud**

**Contact an attorney if you are not sure whether your case meets the requirements for an annulment in Arizona.**

## DOCUMENTS YOU SHOULD HAVE RECEIVED

- ✓ **SUMMONS:** You have been summoned to appear in court. The Summons tells you how many days you have to file a response, depending on how you were served with the court papers. If you decide to respond, be sure to file a written RESPONSE on time. If the time to file a written RESPONSE has passed, your purported spouse must complete an **Application and Affidavit for Entry of Default** and send you a copy. Then, you have 10 more days to file your written RESPONSE. If you do not file a written RESPONSE on time, a default judgment can be entered. That means, you will not get to tell the judge your side of the story.
- ✓ **PRELIMINARY INJUNCTION:** This is an order from the court to both spouses about what you CAN and CANNOT do with property, children, and other issues while a case is pending. If you or your purported spouse do not obey this order, the party who disobeys it will be in serious trouble with the court. If your purported spouse disobeys the order, see a lawyer for help on what to do.
- ✓ **PETITION FOR ANNULMENT OF MARRIAGE WITHOUT CHILDREN:** This is the form your purported spouse completed to tell the Court why he or she believes the marriage should be annulled and what he or she wants concerning property, debt and anything else about the marriage. In the Petition for Annulment, your purported spouse must tell the Court what impediment exists that makes the marriage void.

**READ EACH DOCUMENT VERY CAREFULLY**, and decide what you want to do. Here are some choices:

- **Do nothing.** This means your purported spouse may get an annulment and tell the judge his or her side of the story, without you telling your side at all. This is called a default and the judge may make a decision based only on what is in the Petition, including whether an annulment is proper. If the judge denies the annulment, your spouse must start over by completing and filing documents asking for a divorce or documents asking for a legal separation. At a hearing on the annulment, your purported spouse can only ask for the things that are in the Petition. However, it may not be a good idea to ignore the court proceeding and have a court order in which you had no input.
- **Decide with your purported spouse how you want to handle everything:** property, debt and anything else about the marriage. Then you and your purported spouse can file papers with the court stating your agreement on everything. We call this a **Consent Decree**. Lawyers and mediators can help you with this.
- **Tell the Court you don't agree with what your purported spouse said in the Petition.** File a written Response stating your side of the story, and how **you** want to handle everything: property, debt and anything else about the marriage. **We call this a contested matter.** However, even if you file a written Response, you and your purported spouse can later decide to agree on everything and file a **Consent Decree**. Lawyers and mediators can help you. If you file a written Response and do not settle everything with your purported spouse, there are documents to file to ask the Court to set the case for trial. These forms are available at the Self-Service Center.

## TIME LIMITS FOR FILING A RESPONSE:

### HOW TO COUNT YOUR TIME LIMIT FOR FILING A RESPONSE

- Begin counting from the **DAY AFTER** you were served.
- **INCLUDE WEEKENDS AND HOLIDAYS IN YOUR COUNT** until you reach the number of days in the Time Table below. If the last day to respond falls on a Saturday, Sunday, or legal holiday, you **DO NOT** count that day. Count the next business day as the last day to respond. If you file a written response with the court on time, the Petitioner **CANNOT PROCEED BY DEFAULT WITHOUT YOUR AGREEMENT.**

IF YOU WERE SERVED BY:	COUNT	EVENT
1. Acceptance of Service in Arizona	20 days	after you signed the Acceptance of Service
2. Acceptance of Service out-of-state	30 days	after you signed the Acceptance of Service
3. Process Server or Sheriff in Arizona	20 days	after you received papers
4. Process Service or Sheriff out-of-state	30 days	after you received papers
5. Certified mail in Arizona	20 days	after you signed the certified mail receipt
6. Certified mail out-of-state	30 days	after you signed the certified mail receipt
7. Publication	60 days	after the 1st date of publication