

YAVAPAI COUNTY
Self-Service Center

INFORMATION: RESPONDING TO DIVORCE (DISSOLUTION) PAPERS WITH CHILDREN

DOCUMENTS YOU SHOULD HAVE RECEIVED WITH THE PETITION

- **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 want to file a RESPONSE, be sure to file it on time. If the time to file a written RESPONSE has passed, your 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 the divorce is pending. If either you or your spouse do not obey this order, the party who disobeys it will be in serious trouble with the court. If your spouse disobeys the order, see a lawyer for help on what to do. The Self-Service Center has a list of lawyers who will help you help yourself.
- **NOTICE OF RIGHT TO CONVERT HEALTH INSURANCE:** This is an important document that explains what to do about health care coverage for you and your children. Read it carefully. Arizona law requires this document to be served on the Respondent even if the parties have no health insurance and the Notice does not apply.
- **RESPONDENT'S PARENT EDUCATION PROGRAM FACT SHEET:** This is an important document. You and the other parent **must** attend and complete a class in the Parent Education Program. This is a very exciting and wonderful class. It is designed to help you. The purpose of the Parent Education Program is to give parents information about the impacts that divorce, the changes in the family unit and court involvement have on children involved in a divorce, paternity or legal decision-making case. This program is mandatory for all parents who file an action for dissolution of marriage or legal separation, or any paternity proceeding, on or after January 1, 1997, in which a party has requested that the court determine legal decision-making or visitation, and to any other domestic relations cases if ordered by the Court. **MAKE SURE YOU READ THIS FACT SHEET AND DO WHAT IT SAYS.**
- **PETITION FOR DISSOLUTION OF MARRIAGE (DIVORCE) WITH CHILDREN:** This is the form your spouse completed to tell the Court what he or she wants concerning property, debt, spousal maintenance (alimony), children, pregnancy, child legal decision-making, child visitation, child support, health insurance and anything else about the marriage.

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

- **Do nothing.** This means your spouse can tell the judge his or her side of the story and get a divorce without you telling your side at all. This is called a default. Your 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 spouse how you want to handle everything:** property, debt, spousal maintenance (alimony), child(ren), pregnancy, legal decision-making for child(ren), child visitation, child support, health insurance, and anything else about the marriage. Then you and your 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 spouse said in the Petition.** File a written Response stating your side of the story, and how **you** want to handle everything: property, debt, spousal maintenance (alimony), children, pregnancy, legal decision-making for child(ren), child visitation, child support, health insurance responsibilities and anything else about the marriage. **We call this a contested matter.** However, even if you file a written Response, you and your 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 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.

If a Response is filed, you are in a CONTESTED CASE. By law, certain things must be done in a contested case. The Self-Service Center has a PRETRIAL PACKET giving information and forms for some of those things.

TIME LIMITS FOR FILING A RESPONSE:

HOW TO COUNT YOUR TIME LIMIT FOR FILING A RESPONSE

- Begin counting 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.**

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 first date of publication