

**YAVAPAI COUNTY  
Self-Service Center**

**INSTRUCTIONS: COMPLETING A RESPONSE TO PETITION FOR DISSOLUTION OF MARRIAGE (DIVORCE) WITH MINOR 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.
- **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.
- **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.
- **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, parenting time, child support, health insurance and anything else about the marriage.

**ADDITIONAL DOCUMENTS IN THIS PACKET:**

- **CONFIDENTIAL SENSITIVE DATA SHEET:**  
Most court files are open to the public for review. Use this form to keep your sensitive information confidential. By writing your sensitive data on this form and then writing "SEE CONFIDENTIAL SENSITIVE DATA FORM" on the papers you file with the court, the public will not have access to this information.
- **REQUEST FOR ORDER FOR PROTECTED ADDRESS:**  
You may file this form if your address is not known to the other party and you reasonably believe that physical or emotional harm may result to you or a minor child if your address is not protected. If the court grants this request, the other party will serve you by delivering your copy of any filed documents to the Clerk of the Superior Court. The Clerk will then mail you the papers at the address you provide. **YOU MUST KEEP YOUR ADDRESS CURRENT WITH THE CLERK.**
- **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.**

## **ADDITIONAL INFORMATION**

### **DEFERRAL OF FILING FEES OR SERVICE COSTS:**

The court charges a filing fee to file for a divorce. If you believe you are unable to afford the fees and service costs, you may request a deferral. This means you will be making regular payments on the amount you owe the court for filing and/or service. If the court denies your request for a deferral, you must pay all filing fees at the time of filing and for service after filing.

### **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.

There are people in the community who will help you with your legal problems. They are called mediators. Additionally, mediation is available through the court.

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

- **Do nothing.** 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 may be able to help you with this.
- **Tell the Court you do not 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), parenting time, child support, health insurance responsibilities and anything else about the marriage. **If you file a response, the case becomes 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**.

<b>IF YOU WERE SERVED BY:</b>	<b>COUNT</b>	<b>EVENT</b>
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.....	50 days .....	after the first date of publication

**RESPONSE:**

Type or print in **BLACK** ink only.

1. Make sure your form is titled RESPONSE TO PETITION FOR DISSOLUTION OF MARRIAGE WITH MINOR CHILDREN in the upper right-hand part of the first page
2. In the top left corner of the first page, fill out the following information: your name, mailing address and DAYTIME telephone number.
3. Fill in the name of the "Petitioner" and "Respondent" the same way as it looks on the Petition. You must do that for every document you ever file with the court regarding this case from now on. **You will always be the Respondent; your spouse will always be the Petitioner.**
4. Use the DO case number that is written above the title of all the documents served on you. You must use that case number for every document you ever file with the court regarding this case from now on. Fill in your ATLAS number if you have received assistance from the Arizona Department of Economic Security for the minor child(ren).
5. If your spouse has marked the box on the Petition for Dissolution requesting an Order of Paternity, mark this box. This is used when the parties have child(ren) together who were born prior to the marriage. If your spouse marked this box and you believe the child(ren) are not common to the parties, there is a place on the Response to tell this to the court.

**GENERAL INFORMATION:**

1. **Information about my spouse.** Fill in your spouse's (the Petitioner's) name, address, date of birth, occupation and length of time lived in Arizona.
2. **Information about me.** Fill in your name (the Respondent), address, date of birth, occupation, and

length of time lived in Arizona.

3. **Information about our marriage.** Fill in the date that you were married, and the city and state or country where you were married. **If you did not enter into a covenant marriage, check the box.** Please review A.R.S. §25-901 for the definition of a covenant marriage.
4. **90-day residency requirement.** This tells the Court that you and/or your spouse have lived in Arizona, or been stationed here while in the Armed Force, for at least 90 (ninety) days prior to the date your spouse filed the divorce papers. **This MUST be true. IF IT IS NOT TRUE, your spouse filed too soon, and the case must be dismissed. YOU OR YOUR SPOUSE CAN FILE A MOTION TO DISMISS.**

#### **INFORMATION ABOUT PROPERTY AND DEBT:**

The information you give in Paragraphs 5 and 6 tells the Court about your property and debts, and how you think your property and debts should be divided.

- Community property is generally any property (vehicles, furniture, real estate, etc.) you and your spouse purchased during your marriage or paid for during the marriage, no matter who used the property or who paid the money. Unless the property was a gift or inheritance, all property acquired during the marriage is community property, and both you and your spouse are entitled to approximately an equal share of this property.
- Community debt or bills are generally any debt, you and your spouse, acquired during your marriage.
- If you have questions you should speak with a lawyer **BEFORE** you file your Response.

#### **5a. Property acquired during the marriage (Community Property).**

If you and your spouse do not have any property from the marriage, check the first box.

If you and your spouse have property together, check the second box. If you checked the second box, you must tell the court what property should go to you and what property should go to your spouse. Generally, the court will divide the property equitably, unless there are good reasons to divide it differently. It is unlikely that the court will give most or all of the property to either spouse. If you and your spouse cannot agree, the court may order that the property be sold and any money received divided between you and your spouse or may decide which party should get the property.

List the property that you want the court to award to your spouse, the Petitioner, and list the property that you want the court to award to you, the Respondent. You should describe the property thoroughly for identification purposes and tell the court how much you think the property is worth. You can use the brand name and model where applicable, and serial numbers.

#### **Types of property:**

- a. **Real Property (land or home).** Check who you think should keep the property. You can ask the court to give you the home, to give the home to your spouse, or to sell the home and divide the proceeds. Write the complete address of the property. Most property has a legal description such as "LOT 77, PINE TREE ACRES, according to Book 111 of Maps," which appears on your deed. Use this description. A cemetery plot is considered real property.
- b. **Household furniture.** This includes sofas, beds, tables, and so forth.
- c. **Household furnishings.** This includes things in the house other than furniture, for example:

dishes, small appliances, rugs, and so forth.

- d. **Other.** List things that you want or you want your spouse to have that have not already been listed.
- e. **Pension/retirement fund/profit sharing/stock plans/401K.** You and your spouse each generally have a right to a one-half interest in the other spouse's plan, for the number of years you were married. The longer the marriage, the greater your financial interest in your spouse's plan. Your interest, usually, includes up to 50 percent of the benefits/plan if you have been married the whole time the plan has existed. **Check this box if you want to divide your interest in a retirement or profit sharing/retirement/401K plan. If you check this box, you will need a document called a Qualified Domestic Relations Order or QDRO.** The Self-Service Center and the Court **do not** have Qualified Domestic Relations Order forms.
- f. **Motor vehicles.** List the vehicle identification number (VIN), the year and make of the car (Ford, Honda) and the model (Mustang, Lumina). The VIN is on the title or registration. If you owe money on the vehicle, fill in the name of that person or institution as lien holder.

**5b. Property acquired before marriage. Separate property.**

If you did not have or bring any property into the marriage, check the first box.

If your spouse did not have or bring any property into the marriage, check the next box.

If you or your spouse brought property into the marriage, check the third and/or fourth box.

If you checked the third and/or fourth box, you must tell the Court what property you brought into the marriage and what property your spouse brought into the marriage.

List the separate property you want the Court to award. Put a check in the box to award the property to which person. You should describe the property thoroughly for identification purposes. You can use the brand name and model where applicable, and serial numbers.

**5c. Summary of what I, the Respondent, ask for on property that is different from what my spouse asked for in the Petition.** Tell the court what is different between your plan for the division of the property and what your spouse asked for in the Petition.

**6a. Debts incurred during the marriage.**

If you and your spouse do not owe money on any debts incurred during the marriage, check the first box and go directly to paragraph 6b.

If you and your spouse owe money on any debts incurred during the marriage, check the second box.

If you check the second box, tell the court which debts you should pay and which debts your spouse should pay. Generally, the court will attempt to make a fair division of the debts. Ordering one person to pay all the debt is unusual. Think about what a fair division of the debts would be before answering this question. Include enough information to identify each debt.

If you and your spouse have been separated and have incurred new debts on your own before filing for divorce, you may want the Court to order that each of you pay for any new debt after the date you separated. You can make this request on your Response under Letter E "Community Debts."

**6b. Separate debts. Debts incurred prior to marriage.**

If you and your spouse did not owe money on any debts before you were married, check the first box and GO ON to 6c.

If you owed money on debts before you were married, check the second box. If your spouse owed money on debts before you were married, check the third box.

If either you or your spouse owe money on any debts you or your spouse brought into the marriage, describe the debts, and tell the court which debts you should pay and which debts your spouse should pay.

- 6c. **Summary of what I, the Respondent, ask for on debts that is different from what my spouse asked for in the Petition.** Tell the court what is different between your plan for the division of the debt from what your spouse asked for in the Petition.

**INFORMATION ABOUT TAX RETURNS:**

7. **Tax Returns:** Decide what you want to do about federal and state income taxes. Check the box that applies to you.

**INFORMATION ABOUT SPOUSAL MAINTENANCE (ALIMONY):**

- 8a. **Spousal Maintenance** is the term used to describe money paid from one spouse to the other spouse as part of a divorce or legal separation. You may know the term as alimony. Spousal maintenance is designed as a safety net for a spouse who cannot provide for his or her needs or who meets other requirements listed on the Petition under paragraph 8. Look at paragraph 8 to see if spousal maintenance applies to you or your spouse. If spousal maintenance applies, check the box that is most applicable. If none of the boxes apply, or you do not want spousal maintenance, go to paragraph 9. Check as many boxes as apply to your situation. **Spousal maintenance is paid separately from child support and is not a substitute for or a supplement to child support.**

- 8b. **Summary of what I want regarding spousal maintenance that is different from what my spouse asked for in the Petition:** Tell the court how your Spousal Maintenance request differs from your spouse's request.

**INFORMATION ABOUT OUR CHILDREN UNDER 18 YEARS OF AGE:**

(9) - (12) Complete all questions.

13. **Pregnancy.** If the wife is **NOT** pregnant at this time, check the first box and go to paragraph 13. If the wife is pregnant, check the second box. Fill out the date the baby is due and fill in any information regarding the parents of the unborn child.
14. **Written Legal Decision-Making Agreement.** Check this box **ONLY** if you and your spouse have a written agreement regarding legal decision-making, parenting time and child support that **both of you signed BEFORE** you filed the Response to the Petition for Dissolution of Marriage. If you have only discussed these issues and do not have a written agreement, do **NOT** check this box. File the **ORIGINAL** of the written agreement if your spouse has not already done so.
15. Generally, the Attorney General's Office may be a third party to your case if you or your spouse receives Temporary Assistance for Needy Families (TANF) or IV-D assistance. Contact your local office if you are unsure of the Attorney General's involvement.
16. **Summary of What I say about our children that is different from what my spouse asked for in the Petition.** Tell the Court how what you say about the children is different from what your spouse said.

**OTHER STATEMENTS TO THE COURT. Check only one box for each statement:**

17. **Status of Marriage and Conciliation.** Your marriage is irretrievably broken. This means that your marriage is over **AND** the conciliation requirements do not apply or have been met. This means that you do not think marriage counseling through the court will help.

**If you think marriage counseling through the court will help you save your marriage, you can request the court to order you and your spouse to attend a counseling screening session. Complete a PETITION FOR CONCILIATION and file it in the Clerk's office. There is no filing fee for a Petition for Conciliation. The form and instructions are available at the Self-Service**

**Center and the Clerk's Office.**

- 18. Child Legal Decision-Making Jurisdiction.** If you have children who are common to you and your spouse and you are now divorcing, generally, the children should have lived in the State of Arizona for at least 6 months, or Arizona must be the children's primary place of residence before your spouse files for divorce. If this is the case, the court has the power to decide legal decision-making. If you have questions regarding this requirement or for other reasons why the court may not have jurisdiction, see a lawyer for help. Then check one box:

This Court has the power to decide child legal decision-making issues. **OR**  
This Court does not have power to decide child legal decision-making issues. If this statement is true, you must tell the court why it is true.

- 19. GENERAL DENIAL.** This section tells the court that even if you did not answer everything said in the Petition, you deny anything you did not answer.

**REQUESTS TO THE COURT.** This section requests that the court grant you and your spouse a divorce and tells the court other requests you are making:

- A. DISSOLUTIONS (DIVORCE).** Mark the box that describes your situation.
- B. NAMES.** Check this box if you want to use your maiden or former name. Write in your birth name or former last name in the space provided. If you are not the person who is requesting to have your former name restored, the court must have a written request from the party who wants his or her name restored to change the name.
- C. SPOUSAL MAINTENANCE.** Check this **only** if you want yourself or your spouse to pay spousal maintenance (alimony) to the other. Check the box if your spouse (the Petitioner) will be paying spousal maintenance. Check the second box if you (the Respondent) will be paying spousal maintenance. If you or your spouse should not pay spousal maintenance, do not check any box, and go on. **If you request spousal maintenance, choose what you believe to be a reasonable monthly amount and tell the court how long the spousal maintenance should be paid. Base the amount of any request on the receiving party's need and the income of the spouse paying the spousal maintenance. Spousal maintenance is not a substitute for, or a supplement to, court ordered child support.**
- D. COMMUNITY PROPERTY.** This tells the court that you believe your division of the property is fair, and that the court should divide the property as requested by you in your Response.
- E. COMMUNITY DEBT.** This tells the court that you believe your division of the debt is fair, and that the court should divide the debts as requested by you in your Response. **IF YOU HAVE BEEN SEPARATED FROM YOUR SPOUSE FOR ENOUGH TIME THAT YOU OR YOUR SPOUSE MAY HAVE ADDITIONAL DEBTS, WRITE THE DATE OF SEPARATION ON THE LINE PROVIDED IF YOU WANT EACH SPOUSE TO PAY THE DEBTS ACQUIRED AFTER YOU SEPARATED.**
- F. SEPARATE PROPERTY.** This states that you will keep the property you owned before the marriage and that your spouse will keep the property he or she owned before the marriage.
- G1. PATERNITY:** If there are child(ren) born to you and your spouse prior to the marriage, fill in the name(s) of the children born before the marriage. If you want their legal name changed complete the section below "Change legal name to:"
- G2. LEGAL DECISION-MAKING:** Check only one box.

**SOLE LEGAL DECISION-MAKING FOR CHILDREN AND PARENTING TIME.** If you want sole legal decision-making, check the box that applies. Tell the court whether you want legal decision-making for the children to go to your spouse (the Petitioner) or you (the Respondent).

OR

**JOINT LEGAL DECISION-MAKING:** If you are asking for joint legal decision-making, you must file a Joint Parenting Plan signed by both parents that the court must approve. A parenting plan is available in this packet.

**G3. PARENTING TIME.** The Parenting Time Guidelines for Yavapai County are included in this packet for your information and to help you determine the parenting time you want.

**Parenting time:** Check only one box:

- **Reasonable parenting time.** This suggests an amount of parenting time appropriate to the circumstances. The amount of parenting time can vary by agreement of both parents.
- **Supervised parenting time.** You may request supervised parenting time if you believe the other parent cannot adequately care for the children without another person present. You may request this if the other parent abuses drugs or alcohol, is violent or abusive. Remember, supervised parenting time is not intended to punish the parent, but to protect the child.
- **No parenting time.** You may mark this option only if the other parent has seriously harmed, abused the child(ren) or you believe there is a serious danger to the child(ren)'s physical and emotional health, or if there is a criminal court order stating no contact between the child and the non-legal decision-other parent.

**H. CHILD SUPPORT:** Tell the court who you think should pay child support. The income of the parties, parenting time, insurance cost and childcare cost generally determines the amount of the support according to the child support guidelines. You must check the appropriate boxes.

**I. INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN:** Check only one box. Tell the court which parent should provide insurance for the children. Generally, whichever parent has the most affordable insurance plan available should pay for insurance. Adjustments can be made to child support to reflect the costs of insurance for the child(ren).

**J. TAX EXEMPTION:** Decide how you and your spouse will declare the tax dependency exemptions, for which children, for which years.

**K. OTHER ORDERS:** Tell the court anything else you may want ordered that has not been covered in your Response.

**OATH AND VERIFICATION OF RESPONDENT.** Sign this form in front of a Notary Public. By doing so, you are telling the court that everything contained in the Response to the Petition for Dissolution is true.

**GO ON TO COMPLETE:**

- **CHILD SUPPORT WORKSHEET FOR CHILD SUPPORT AMOUNT AND CHILD SUPPORT ORDER**
- **LEGAL DECISION-MAKING/PARENTING TIME PLAN:** The instructions are included with the form.
- **RESOLUTION STATEMENT:** This form is not needed unless the court requests it. If this happens, follow the instructions provided with the form.



- **DISCLOSURE AND DISCOVERY:** Parties are generally required to exchange information and documents about the case. For more complete information, see Rules 49-65 of the Arizona Rules of Family Law Procedure (ARFLP). If your case proceeds to trial or hearing, the Self-Service Center has a PREPARING FOR TRIAL PACKET, PRETRIAL STATEMENT PACKET and BEFORE TRIAL - WITNESS & EXHIBIT LIST available.

***Self-represented persons are required to know and follow proper procedures, just like an attorney. The Arizona Rules of Family Law Procedure, which are found in the Law Library, contain the rules you are required to follow. No allowance is made for a person who does not understand or is unaware of things that must be done.***

**WARNING!** IF YOU IGNORE A COURT ORDER, FAIL TO ADEQUATELY PREPARE FOR A SCHEDULED CONFERENCE OR HEARING, OR FAIL TO ATTEND A CONFERENCE OR HEARING, THE JUDICIAL OFFICER MAY ORDER SANCTIONS AGAINST YOU, INCLUDING HOLDING YOU IN CONTEMPT OF COURT OR REQUIRING YOU TO PAY THE OTHER PARTY'S ATTORNEY FEES.

**IF YOU DO NOT HEAR FROM THE COURT WITHIN A REASONABLE AMOUNT OF TIME, CONTACT THE COURT TO SEE IF THERE IS SOMETHING ELSE YOU MUST DO.**