

YAVAPAI COUNTY
Self-Service Center

**IMPORTANT INFORMATION:
RESPONDING TO VISITATION PAPERS FILED BY GRANDPARENTS**

WHEN TO USE THIS FORM:

Use this form if you are responding to a petition filed by natural or adoptive grandparents, or great grandparents, who want to get a court order of visitation. **WARNING:** Jurisdiction over the Respondent(s) is very serious. If you have any doubts about whether it was proper for the Petitioner(s) to sue you in Yavapai County, Arizona, see a lawyer **IMMEDIATELY**, and **BEFORE** you file any written response or other court paper.

INFORMATION: THE PAPERS YOU SHOULD HAVE RECEIVED FROM THE OTHER PARTY

SUMMONS:

You have been summoned to appear in court. The summons tells you how many calendar days you have to file a response, depending on how you were served with the court papers.

PETITION FOR GRANDPARENT VISITATION:

This is the form the other party completed to tell the Court his/her/their side of the story about visitation. **Read each and every word very carefully**, and decide what you want to do. Here are your choices:

1. **DO NOTHING.** This means the other party can tell the judge his/her/their side of the story, without you telling your side at all. **This is called a default.** Even in these cases, the judge will try to decide what is best, but it is never a good idea to ignore the court proceeding and have a court order in which you had no input.
2. **DECIDE WITH THE OTHER PARTY** how to handle the visitation. Then you and the other party file an Order, stating what you have agreed upon, with the Court. This is a good way to proceed if you and the other party can talk about the critical issues and make decisions together. Mediators and lawyers can help you with this. They are listed in the Yellow Pages.
3. **PROTEST** what the other party said in the Petition **BY FILING A WRITTEN RESPONSE** stating your side of the story, and how you want to handle visitation. **If you file a response, the case becomes a "contested matter"**. But even if you do file a response, you and the other party can still come to an agreement and file an Order. If you file a response and do not settle everything with the other party, you must be sure to file the court papers you will need to set the case for trial. The Self-Service Center has a packet to request a trial date, or you may want to contact a lawyer for help.

A RESPONSE MUST BE FILED WITHIN CERTAIN TIME LIMITS:

You were served with a Summons and a Petition for grandparent visitation. The time allowed for filing a Response depends on the type and location of that service. You may have been served by a sheriff or process server, or you may have signed an "Acceptance of Service" saying that you received the papers. If you live out of state, you may have been served by either of the above means or by registered mail. You may even have seen or been told by someone that a Summons was published in the newspaper.

Look at the chart below. Find your type and location of service, and the number of days allowed to file a Response.

- ✓ **IMPORTANT: Begin counting with the day after you were served and include weekends and holidays in your count** - until you reach the number of days in the chart below. If the last day to respond falls on a Saturday, Sunday, or legal holiday, you DO NOT count that day. The last day is then the next business day.

- ✓ If a written response is filed with the court on time, the Petitioner **CANNOT PROCEED BY DEFAULT.**

DEFAULT TIME TABLE

SERVICE BY	COUNT	EVENT
Acceptance of Service in AZ	20 Days	after Respondent signed the Acceptance
Acceptance out of state.....	30 Days	after Respondent signed the Acceptance
Process Server in AZ	20 Days	after Respondent received papers from Server
Process Server out of state	30 Days	after Respondent received papers from Server
Sheriff in Arizona.....	20 Days	after Respondent received papers from Sheriff
Sheriff out of state	30 Days	after Respondent received papers from Sheriff
Registered Mail out of state only	30 Days	after Respondent signed the postal Receipt
Publication	60 Days	after the 1st date of publication

Be sure to file your Response on time. If you do not file before the time limit, the other party must complete and file an **Application and Affidavit for Entry of Default**. The Arizona Rules of Civil Procedure require that a copy of the Application and Affidavit for Entry of Default be mailed to you as soon as it is filed. Then you have 10 more business days in which to file a Response. If you do not file a Response in that time or at all, a Default Judgment can be entered, which means that you might not get to tell the judge your side of the story and the other party may get a court order for everything requested in the Petition.