

YAVAPAI COUNTY  
Self-Service Center

**INFORMATION: RESPONDING TO LEGAL SEPARATION PAPERS  
WITHOUT MINOR CHILDREN**

**DOCUMENTS YOU SHOULD HAVE RECEIVED WHEN YOU WERE SERVED**

- **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. Be sure to file a written RESPONSE 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 and other issues while the divorce is pending. If 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.
- **PETITION FOR LEGAL SEPARATION WITHOUT MINOR CHILDREN:** This is the form your spouse completed to tell the Court what he or she wants concerning property, debt, spousal maintenance (alimony), pregnancy 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 get a legal separation and tell the judge his or her side of the story, without you telling your side at all. This is called proceeding by 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), pregnancy and anything else about the marriage. Then you and your spouse can file papers with the court stating your agreement on everything. This is called a **Consent Decree**. Lawyers and mediators can help you with this.
- Tell the Court you want a legal separation but you don't agree with everything 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), pregnancy and anything else about the marriage. **This is called 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.

- **Tell the Court you want a divorce, not a legal separation, and anything else you don't agree with in your spouse's Petition.** File a written Response stating your side of the story and how **you** want to handle everything: property, debt, spousal maintenance (alimony), pregnancy and anything else about the marriage. **This is called 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.

### **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	60 days	after the 1st date of publication