

YAVAPAI COUNTY
Self-Service Center

INSTRUCTIONS: COMPLETING A RESPONSE TO PETITION FOR LEGAL SEPARATION WITHOUT MINOR CHILDREN

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.**

Type or print in BLACK ink only.

- A. Make sure your form is titled RESPONSE TO PETITION FOR LEGAL SEPARATION WITHOUT MINOR CHILDREN in the upper right hand part of the first page.
- B. In the top left corner of the first page, fill out the following information: your name, **mailing** address and DAYTIME telephone number.
- C. 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.**
- D. Use the DO case number that is written above the title of 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.

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. This is basic information about the PETITIONER.
- 2. **Information about me.** Fill in your name, address, date of birth, occupation, and length of time lived in Arizona. This is basic information about YOU, the RESPONDENT.
- 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. **Legal Separation.** This tells the Court whether you want to be legally separated from your spouse.

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 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 property was a gift or inheritance, all property acquired during the marriage is community property, and both you and your spouse are entitled to roughly an equal share of this property.
- ✓ Community debt or bills are generally any debt you and your spouse acquired during your marriage, no matter who spent the money.
- ✓ If you have questions, or have a lot of community property or debt, it's a good idea to 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 50-50, 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, so put some thought into what you think would be a fair division before answering this question. Usually, if you and your spouse cannot decide which spouse should receive the property, the Court will order that the property be sold and any money received divided between you and your spouse.

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. Put a check in the box that matches the property you want to go to which person. You should describe the property thoroughly for identification purposes and tell the Court how much the property is worth (fair market value). 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 want to get 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 papers. 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 must see an attorney about a document called a Qualified Domestic Relations Order or QDRO. A QDRO is a very specialized, complicated legal document requiring professional assistance to prepare.** 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 from the marriage, check the first box and go directly to paragraph 7.
If you and your spouse owe money on any debts from 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. If you get the property that money is owed on, you probably will be given the debt. Ordering one person to pay all the debt is unusual. Think about what is a fair division of the debts before answering this question. Put enough information to identify each debt.
If you and your spouse have been separated and have acquired new debts on your own before filing for legal separation, 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 the last page of 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 and what your spouse asked for in the Petition.

INFORMATION ABOUT TAX RETURNS

- 7. Tax Returns:** Decide what you want to do about any income tax refund. Check the box that applies to you. If you have questions about which box you can check, you should see a lawyer, an accountant, and/or contact the Internal Revenue Service (IRS).

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 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. The idea behind spousal maintenance is that accomplishments during your marriage, including increases in earning potential and living standards, are shared and earned by **BOTH** parties to a marriage. Look at paragraph 8 to see if spousal maintenance applies to you or your spouse. If spousal maintenance applies, check the box that most applies to you. 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 what you want for Spousal Maintenance is different from what your spouse wants. You should do this because the Petition your spouse used might not be from the Self-Service Center, and it might be arranged differently than this form.
- 9. Pregnancy.** If the wife is **NOT** pregnant at this time, check the first box and go on. 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.

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

- 10. Conciliation.** The conciliation requirements do not apply or have been met. This means that you do not think marriage counseling through the Court will help you get back with your spouse.

OR,

You do not want to live apart from your spouse and believe there may be a chance to save your marriage. Explain.

If you think marriage counseling through the Court will help you save your marriage, you can ask 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. The form is available at the Self-Service Center or the Clerk's office.

- 11. 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. This is extra protection for you.

REQUESTS TO THE COURT. This section requests that the Court grant you and your spouse a legal separation and tells the Court other requests you are making:

- A. **LEGAL SEPARATION.** Mark the box that describes what you want.
- B. **SPOUSAL MAINTENANCE.** Complete this section **only** if you want yourself or your spouse to pay spousal maintenance (alimony) to the other. Check the second box if you (the Respondent) will be paying spousal maintenance. If you or your spouse should not pay spousal maintenance, check the first box, and **GO ON.** (You can check a box only if you checked the same box in the spousal maintenance section on page 6, paragraph 8.) If you request spousal maintenance, choose what you believe to be a reasonable monthly amount and tell the Court how long the money should be paid. Base the amount of any request on the receiving party's need and the income of the spouse paying this money. Spousal maintenance is not a substitute for, or a supplement to, court ordered child support.
- C. **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.
- D. **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.**
- E. **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.
- F. **WRITTEN AGREEMENTS.** No instructions needed.
- G. **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. This tells the Court that everything contained in the Response to the Petition for Legal Separation is true.

RESOLUTION STATEMENT

This form is used when a Response is filed. Follow the instructions provided with the form.

WHEN A RESPONSE IS FILED:

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, the Self-Service Center has a PRETRIAL PACKET and WITNESS & EXHIBIT PACKET 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.

GO ON TO: WHAT TO DO AFTER I HAVE COMPLETED ALL THE FORMS