

A5

DIVORCE - WITH MINOR CHILDREN

For Respondent Only

RESPONSE

Part 3: To Respond to a Divorce Petition
(Forms Packet)

For Child Support and/or Spousal Maintenance you may also
need the following forms C14 OR C16.

**SELF-SERVICE CENTER
PROCEDURES:
HOW TO FILE A RESPONSE WITH THE COURT**

STEP 1: Complete the *'Family Court / Sensitive Data Coversheet With Children'*
(Do NOT copy this document or serve it to the other party).

STEP 2: Make 2 copies of the *"Response"* after you have filled it out.

STEP 3: SEPARATE YOUR DOCUMENTS INTO THREE (3) SETS:

SET 1 - ORIGINALS FOR CLERK OF COURT:

- *"Family Court / Sensitive Data Coversheet With Children"*
- *"Response"*

SET 2 - COPIES FOR SPOUSE:

- *"Response"*

- **SET 3 – COPIES FOR YOU:** *"Response"*

STEP 4: **FILE THE PAPERS AT THE COURT: GO TO THE COURT FILING COUNTER TO FILE YOUR PAPERS:** The court is open from 8 a.m.-5 p.m., Monday-Friday. You should go to the court at least **two hours** before it closes. You may file your court papers at the following Superior Court locations:

GRAHAM COUNTY CLERK OF THE COURT
800 W MAIN STREET
SAFFORD, AZ 85546

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FEES: A list of current fees is available from the Self Service Center and from the Clerk of Court's website.

If this is the first time one of the parties or his or her attorney has "appeared", that is, filed papers in this case, an **"appearance fee"** (also known as a "response" or "answer" fee) *will be due from that party* at the time of filing.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of the Court. Deferral Applications are available at no charge from the Self-Service Center.

PAPERS: Hand all three (3) sets of your court papers to the Clerk along with along with the filing fee.

MAKE SURE YOU GET BACK THE FOLLOWING FROM THE CLERK:

- Your set of copies
- Your spouse's set of copies

STEP 5: Keep one copy for yourself, and mail or hand-deliver the other copy to the other person (or the person's attorney, if he/she is represented by an attorney. If the person is represented by an attorney, the attorney's name and address will be on the Petition in the upper left hand corner.)

STEP 6: **What will happen next:** You will receive notice to attend either a hearing or a conference.

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO RESPOND TO PAPERS FOR “DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITH MINOR CHILDREN”

DOMESTIC VIOLENCE: Domestic violence can be a part of any marriage. Domestic violence includes **physical violence** such as hitting, slapping, pushing, or kicking you and/or your child(ren) and/or **threats** of physical violence directed at you and/or your child(ren) and/or **verbal abuse** used to control you and/or your child(ren) . Your spouse does **not** need to have been **convicted** of domestic violence or assault for you to be a domestic violence victim. You do **not** need to have sought medical care or been admitted to a hospital to be a victim of domestic violence.

All court documents will request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do not want your address known to protect yourself or your children from further violence, you **must** file and get an **“Order of Protection.”** With that Order, you do **not** need to put your address and phone number on court papers. Just write "protected" where the form asks for this information and update the Clerk of the Court with an address and phone number as soon as possible so that the court can reach you.

HOW TO COMPLETE YOUR WRITTEN RESPONSE TO THE PETITION:

1. Type or print in **BLACK ink only**.
2. Make sure your form is titled **“RESPONSE TO PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITH MINOR CHILDREN.”**
 - (A) In the top left corner of the first page, fill out the following information: YOUR name; address (if not protected); city, state and zip code; telephone number; and, your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security; Attorney Bar Number if represented by an attorney; and, whether you are representing yourself **or** if you are the attorney whether you are representing the Respondent.
 - (B) Fill in the name of the “Petitioner” and “Respondent” the same way as it is on the Petition. You must do that for every document filed with the court regarding this case from now on. Use the case number that is stamped in the upper right-hand corner of the Petition. You must use that case number for every document filed with the court regarding this case from now on.

STATEMENTS TO THE COURT, UNDER OATH OR AFFIRMATION:

- | SECTION | INSTRUCTION |
|---------|--|
| 1. | Information about my spouse. Fill in your spouse’s (the Petitioner’s) name, address (if not protected), date of birth, occupation, and length of time domiciled (lived) in this state. This is basic information about your spouse, the PETITIONER. |
| 2. | Information about me. Fill in your name, address, date of birth, occupation, and length of time domiciled (lived) in this state. This is basic information about YOU, the RESPONDENT. |
| 3. | Information about my marriage. This is general information about your marriage. Fill in the date that you were married, and the city and state where you were married. Then check the box if you have a non-covenant marriage. If you have a covenant marriage, you should file a motion to dismiss, and then petition the court for a dissolution of a covenant marriage, if you want a divorce. If you have a covenant marriage, attach a copy of the marriage license to show that you have a covenant marriage. |

4. **90-day requirement.** This tells the court that you and/OR your spouse has lived in Arizona, or been stationed here while in the Armed Forces, for at least 90 (ninety) days prior to the date your spouse filed the divorce papers. Before your spouse filed for Divorce, 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,”** then refile the divorce papers once the statement is true.

INFORMATION ABOUT OUR CHILDREN UNDER 18 YEARS OF AGE

5. **Domestic Violence.** This tells the court if domestic violence was in the marriage and affects a request for joint custody, (if you intend to ask for joint custody). If you are not sure what domestic violence means, see the first page of this document. Then, check the box that applies to your situation.
6. **Children of the Parties Who Are Less Than 18 Years of Age.** Write the names of any child(ren) under age 18 common to you and your spouse, whether born to you and your spouse during your marriage or adopted by you and your spouse during the marriage. Include their birthdate(s), address(es), and length of time at the last address. If you do not have any children, you should be using the Response Packet Without Children.
7. **Pregnancy.** If the wife is **NOT** pregnant at this time, check the first box and go to paragraph 8. 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.
8. **Summary of What I Request Concerning Our Minor Child(ren) That is Different From What My Spouse Requested in the Petition and Affidavit of Minor Child(ren).** Since you are responding to what your spouse asked for in the Petition, you should now summarize for the judge how what you request concerning the child(ren) is different from what your spouse asked for in both the Petition and Affidavit of Minor Children.

INFORMATION ABOUT PROPERTY AND DEBT: The information you give in paragraphs 9 and 10 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 uses the property or who paid the money. Unless property was a gift or inheritance, all property gotten (acquired) during the marriage or after the Respondent was served with a copy of the Petition for Divorce 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, you should speak with a lawyer **BEFORE** you file your Response.

- 9.a. **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 not to.

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 (property 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. You should write the complete address of the property under "Real estate located at." 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. You should use this description. A cemetery plot is considered real property.
- b) **Household furniture.** This includes sofas, beds, tables, and so forth. Be specific.
- c) **Household furnishings.** This includes things in the house other than furniture, for example: dishes, small appliances, rugs, and so forth. Be specific.
- d) **Other.** List things that you want or you want your spouse to have that have not already been listed. Be specific.
- e) **Pension/retirement fund/profit sharing/stock plans/401K.** You and your spouse each generally have a right to up to 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 legal document that requires 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, the year and make of the car (Ford, Honda) and the model (Mustang, Lumina).

9.b. Property acquired before marriage. Separate property. If you did **not** have, or bring, any property into the marriage, or you did not receive any gifts, devises, or inheritances, check the first box. If your spouse did **not** have or bring any property into the marriage, or did not receive any gifts, devises, or inheritances, check the next box. If you or your spouse brought property into the marriage, or received gifts, devises, or inheritances, 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 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. You can use the brand name and model where applicable, and serial numbers.

10.a Debts incurred during the marriage. Community debts. If you and your spouse do **not** owe money on any debts from the marriage, check the first box and go directly to paragraph 10.b. 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 has debt on it, 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 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 the last page of your Petition under Letter I "Community Debts."

- 10.b. **Debts incurred prior to marriage. Separate debts.** If you and your spouse did not owe money on any debts before you were married, check the first box and GO ON to 11. 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.
11. **Summary of What I, the Respondent, requested concerning property and debts that is different from what my spouse requested in the Petition.** Tell the court what is different between your plans for the division of the property and debt and what your spouse asked for in the Petition.
12. **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/SUPPORT (ALIMONY)

13. **Spousal Maintenance/Support** is the term used to describe money paid from one spouse to the other spouse as part of a divorce. You may know the term as alimony. Spousal maintenance/ support is designed as a safety net for a spouse who cannot provide for his/her needs or who meets other requirements listed on the Petition under paragraph 8. The idea behind spousal maintenance/support 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 13 to see if spousal maintenance/support applies to you or your spouse. Then, check the box that most applies to you. **Spousal maintenance/support is paid separately from child support and is not a substitute for or a supplement to child support.**
14. **SUMMARY OF WHAT I WANT REGARDING SPOUSAL MAINTENANCE/SUPPORT THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION.** Since you are responding to what your spouse asked for in the Petition, you should now summarize for the court how what you want for spousal maintenance/support 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.

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

15. **Status of Marriage and Conciliation.** Your marriage is irretrievably broken. This means that your marriage is over and you do not believe you can get back with your spouse. 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 you get back with your spouse. OR, Your marriage is not over AND the conciliation requirements either apply or have not been met. If this statement is true, you must tell the court why it is true.
16. **Child Custody Jurisdiction.** You are stating that the court has or does not have jurisdiction or the authority to decide child custody matters under Arizona law because the minor child(ren) has/have or has/have not lived in Arizona for at least 6 months before this Petition was filed. If you have children under the age of 18 who are common to you and your spouse and you are now divorcing, generally, you should have lived in the State of Arizona with the children for at least 6 months, or Arizona must be the child(ren)'s primary place of residence before your spouse files for divorce. If you have questions regarding this requirement or for other reasons why the court may not have jurisdiction, see a lawyer for help.

17. **GENERAL DENIAL.** This section tells the court that even if you did not answer everything said in the Petition, you deny all issues you did not address. This is extra protection for you.
18. **WRITTEN CUSTODY AGREEMENT.** Check this box **ONLY** if you and your spouse have a written agreement regarding custody, parenting time (formerly known as “visitation”) 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. Attach a copy of the written agreement if you have a copy.

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

- A. **DISSOLUTION.** This is your request to end your marriage by a divorce or to dismiss the case because of one of the reasons listed. Check the box that applies to your case.
- B. **NAMES.** ONLY write in this section 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. **CHILD CUSTODY AND PARENTING TIME.**

- C.1. **SOLE CUSTODY OF CHILDREN AND PARENTING TIME.** If you want sole custody, check the box that applies, including the parenting time you are asking for. Tell the court whether you want custody of the child(ren) to go to your spouse (the Petitioner) or you (the Respondent).

PARENTING TIME: Check only one box. You can ask that the non-custodial parent (the parent having physical custody of the child(ren) less than 50% of the time) have one of the following types of parenting time (If you want to know more about custody and parenting time read the Parenting Time Guidelines in packet 4):

- Reasonable parenting time.** This suggests an amount of parenting time appropriate to the age of the minor child(ren). The court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents.
- Supervised parenting time to the non-custodial parent.** You should request supervised parenting time if the non-custodial parent cannot adequately care for the minor child(ren) without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for the child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the minor child(ren)
- No parenting time to the non-custodial parent.** You should mark this option only if the non-custodial parent has seriously harmed, abused, or otherwise 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 minor child(ren) and the non-custodial parent. You may use this as a last resort to protect the minor child(ren), **OR,**

- C.2. **JOINT CUSTODY:** If you are asking for joint custody, you must file before your court hearing a **“Joint Custody Agreement”** signed by both parents that the court must approve.

- D. CHILD SUPPORT:** Tell the court who you think should pay child support. The person who has custody of the minor child(ren), or who has physical care of the minor child(ren) more than 50% of the time, is the person who should receive the support. The other spouse, often called the "non-custodial" parent, must pay the support. The income of the parties generally determines the amount of the support according to court guidelines. You must check only one box.
- E. INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN:** Check only one box. Tell the court which parent should provide insurance for the minor child(ren). Whichever parent has the most affordable insurance plan available through work, generally should pay for insurance. Adjustments can be made to child support to reflect the costs of insurance for the minor child(ren).
- F. TAX EXEMPTION:** Decide how you and your spouse will declare the tax dependency exemptions, for which minor child(ren) for which years. Federal Tax law also determines this for you. If you are not sure, see a lawyer or an accountant for help.
- G. SPOUSAL MAINTENANCE/SUPPORT.** This tells the court that you or your spouse should pay money to the other spouse on a monthly basis to help with living expenses. Check the first box if your spouse (the Petitioner) will be paying spousal maintenance/support. Check the second box if you (the Respondent) will be paying spousal maintenance/support. If you or your spouse should not pay spousal maintenance/ support, do not check either box, and **GO ON. (You can check a box only if you checked the same box in the spousal maintenance section on page 5, paragraph 13.)** If you request spousal maintenance/support, 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/support is not a substitute for, or a supplement to, court ordered child support.
- H. COMMUNITY PROPERTY.** This tells the court that your division of the property is fair.
- I. COMMUNITY DEBT.** This tells the court that 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 the separation on the line provided if you want each spouse to pay the debts acquired after you separated.
- J. SEPARATE PROPERTY and DEBT.** This states that you will keep the property you owned before the marriage and that your spouse will keep the property he/she owned before the marriage, and that you will keep all property acquired by gift, devise, inheritance, or after you were served with the Petition, and that the Petitioner will keep all property acquired by gift, devise, inheritance, or after you were served with the Petition.
You will also pay all of your separate debts, and Petitioner will pay all of his/her separate debts.
- K. OTHER ORDERS:** Tell the Court anything else you may want ordered that has not been covered in your Response.

OATH OR AFFIRMATION AND VERIFICATION OF RESPONDENT. Sign this form in front of a notary public or a deputy clerk of the Superior Court. By doing so, you are telling the Court that everything contained in the Response to the Petition for Dissolution is true.

PARENT INFORMATION PROGRAM. Remember to attend the Parent Information Program class. For further information see the "**Order and Notice to Attend the Parent Information Program Class**" you should have received from the Petitioner. If you did not receive this information, the Self-Service Center has the form.

**ALTERNATIVE DISPUTE RESOLUTION (ADR)
STATEMENT TO THE COURT-- FAM CT**

Procedures: When and How to Use the ADR Statement to the Court

On December 1, 2001, a change in the Arizona Rules of Civil Procedure (A.R.C.P. 16(g)) imposed a duty on parties in any dispute before the courts to talk to each other (by telephone or in person) about the possibility of settlement and about whether some type of **ADR (Alternative Dispute Resolution)** process might help them to reach settlement. The Rule requires the parties to report to the court that they have discussed settlement or ADR, to inform the court about which ADR process (if any) they prefer, and when they expect to complete the process. Some of the various forms of ADR are explained on the following pages.

After a response is filed . . .

- (1) The Respondent must then immediately mail or deliver a blank copy of the ADR statement (and these instructions) to the Petitioner along with a copy of the response that was filed.** (If either party is represented by an attorney, all communications should be sent directly to the attorney.)
- (2) The parties must meet (in person or by telephone), within 90 days of the filing of the response with the court (not the date the response is delivered to the petitioner). If you have not discussed these matters with the other party as required, be prepared to explain to the court the reasons.** ("Inconvenience" is not an acceptable reason.)
- (3) Within 30 days AFTER you meet, and NOT LATER THAN 120 DAYS AFTER THE DATE THE RESPONSE WAS ORIGINALLY FILED WITH THE CLERK OF COURT you must file the "Alternative Dispute Resolution Statement to the Court."**

You may file earlier, but not later than 30 days after discussing your ADR options with the other party. If you cannot agree to file together on one form (jointly), then you must both file your own forms separately. If you have not discussed these matters as required, you must *file your separate forms* within 120 days after the date the Response was filed. There is no charge for this filing. Keep a copy of the completed form for your records.

GO TO THE COURT TO FILE YOUR PAPERS: The Court is open from 8am-5pm, Monday-Friday. You should go to the court at least **two hours** before it closes. You may file your court papers at the following Superior Court locations:

GRAHAM COUNTY CLERK OF THE COURT
800 W MAIN STREET
SAFFORD, AZ 85546

INFORMATION ABOUT ADR (ALTERNATIVE DISPUTE RESOLUTION) PROCESSES

ADR is any peaceful alternative to the courtroom process that helps parties in court disputes reach settlement without having the judge decide all issues. Court sponsored ADR programs are currently available at no extra cost, or you may choose to hire a private ADR provider at your own expense. There are different types of ADR processes, several of which, including mediation, arbitration, and settlement conferences, are explained below.

The purpose of ADR is to encourage settlement of family court cases.

Benefits of ADR include, but are not limited to:

- ADR provides parties opportunity to resolve disputes more quickly and less expensively than a full trial.
- ADR provides parties more control over the outcome in a negotiated settlement.
- ADR provides parties greater satisfaction with results than litigation.
- ADR provides parties a greater chance of establishing or maintaining a working relationship.

COURT SPONSORED ADR OPTIONS

MEDIATION OR OPEN NEGOTIATION through CONCILIATION SERVICES of child custody or parenting time (formerly "visitation"), are court-sponsored ADR alternatives where parties work with a neutral third party (the "mediator" or "negotiator") to reach mutual agreement on future parenting responsibilities. Parents choosing to mediate or negotiate through Conciliation Services are **required** to attend a minimum number of mediation sessions.

Mediation offers parents an opportunity to make their own decisions about their child(ren)'s future care. The mediator, a neutral counselor, works with parties to reach agreement regarding custody and/or parenting time. Mediation conferences are private and confidential. Nothing said or written during mediation may be disclosed unless all parties to the mediation give their consent. The mediator helps parents identify their child(ren)'s needs and each parent's ability to meet those needs, by restructuring family relationships. Together, they generate options and consider choices to develop a workable parenting plan that meet the child(ren)'s best interests. Parties who reach agreement in mediation have a 14 day "objection period" to raise any concerns or points of confusion contained in the agreement. If no objections are raised, the Parenting Plan is adopted as an order of the court, which makes it binding on the parties.

Open negotiation is a process similar to mediation, in that the negotiator helps parties identify their child(ren)'s needs, and how they will meet those needs in the future. However, open negotiation is NOT confidential. Parties meet with the negotiator to try to resolve their differences. If they are unable to agree, the negotiator may give feedback to the court on areas of agreement and disagreement. In addition, attorneys are entitled to be present in open negotiation sessions, if they so choose.

There is currently no extra charge for these services *pre-decree*. If however you return to court to mediate custody or parenting time (visitation) issues *post-decree*, after a court order has been signed, "post-decree mediation fees" will apply.

SETTLEMENT CONFERENCES are pre-trial meetings between the parties, their attorneys (if represented) and the conference officer, where they attempt to settle all issues in dispute before going to trial. The judicial officer helps parties evaluate the strengths and weaknesses of their case and may also suggest ways to resolve disputed matters, but they will not decide the case or make recommendations to the Court. There is currently no extra charge for this service.

PRIVATE PROVIDER OPTIONS (You are responsible for all costs.)

In Private Mediation, parties work with a neutral third party (the mediator), who helps them identify their needs and explore viable options to settle all issues surrounding their Family Court case, including custody, parenting time, child support, property division, etc. With the aid of the mediator, the parties can determine the outcome of their case. A roster of private mediators is available through the Court's Self-Service Center. You can access the Family Court Mediator Rosters at:

GRAHAM COUNTY CLERK OF THE COURT
800 W MAIN STREET
SAFFORD, AZ 85546

Monday – Friday, 8:00 am – 5:00 pm

In Private Settlement Conference, the ADR neutral helps parties reach settlement by taking a more directive approach than in mediation. The neutral will focus on the conflict's legal issues, realistically evaluating case strengths and weaknesses, and actively suggesting and weighing options for the parties to consider, as they attempt to resolve their case.

In Private Arbitration your case is submitted to one or more neutral individuals, who after receiving evidence and hearing arguments have the power to make a decision resolving the dispute (unlike mediation, where the mediator does not make a decision for the parties). In arbitration, parties may limit the range of issues to be decided or the scope of relief to be awarded and arbitration may be binding or non-binding. When parties agree to binding-arbitration, the arbitrator's decision is final; it can be enforced by the court and may not be appealable. When arbitration is non-binding, the arbitrator's decision is advisory and will be final only if parties agree to adopt it. Some arbitration providers are listed in the Yellow Pages under "Arbitration Services".

Private Judging involves hiring an individual, usually an experienced attorney or former judge, to act as a judge in your case. The person acting as judge listens to each party present their case and makes a decision. The decision is usually legally binding (has the force of law) but may be advisory (a suggested solution), depending on what the parties agree to in advance. Attorneys may be consulted at any time. The proceedings are private and confidential. The decision may be made part of a court judgment or ruling as well.

OTHER PRIVATE OPTIONS: Private ADR providers may offer additional options or variations on those already described. Some may also offer evening or weekend hours or other conveniences. Some churches or other religious or social service organizations may also offer family counseling, arbitration or mediation services. You may also find additional providers listed in the Maricopa County Directory of Human Services and Self-Help Support Groups, available at public libraries or by phone at 602-263-8856.

You may also find private providers in the Yellow Pages under "Arbitration" and "Mediation." Be aware that there are differences among private providers. While some are trained specialists, counselors, and attorneys, others are not. There are no licensing or minimal educational requirements to advertise as a mediator, arbitrator, or alternative dispute resolution provider.

As with hiring any private business for service, we recommend asking friends and relatives for referrals for any of the services mentioned above. You are responsible for all costs involved in using private providers.

SELF-SERVICE CENTER

RESPONSE TO PETITION AND PAPERS for DIVORCE (“DISSOLUTION”) WITH MINOR CHILDREN

CHECKLIST

You may use the forms and instructions if . . .

- ✓ Your spouse filed a ***“Petition for Dissolution of a Non-Covenant Marriage (Divorce) With Minor Children”***, AND
- ✓ You want to file a ***“Response”*** to tell the Court that you disagree with something your spouse stated or requested in the ***“Petition for Dissolution”***, AND
- ✓ You and your spouse have minor children with each other **OR** the wife is pregnant by the husband.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website.

Person Filing: _____
 Address (if not protected): _____
 City, State, Zip Code: _____
 Telephone: _____
 Email Address: _____
 ATLAS Number: _____
 Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

 Petitioner Case No. _____

 Respondent ATLAS No. _____

**FAMILY COURT / SENSITIVE DATA
 COVERSHEET WITH CHILDREN
 (CONFIDENTIAL RECORD)**

Fill out. File with Clerk of Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43(G)(1).

A. Personal Information:	Petitioner	Respondent
Name	_____	_____
Gender	<input type="checkbox"/> Male or <input type="checkbox"/> Female	<input type="checkbox"/> Male or <input type="checkbox"/> Female
Date of Birth (Month/Day/Year)	_____	_____
Social Security Number	_____	_____

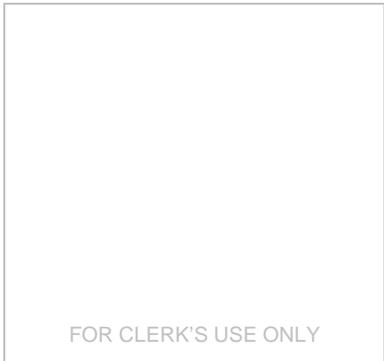
**WARNING: DO NOT INCLUDE MAILING ADDRESS ON THIS FORM
 IF REQUESTING ADDRESS PROTECTION**

Mailing Address	_____	_____
City, State, Zip Code	_____	_____
Contact Phone	_____	_____
Email Address	_____	_____
Current Employer Name	_____	_____
Employer Address	_____	_____
Employer City, State, Zip Code	_____	_____
Employer Telephone Number	_____	_____
Employer Fax Number	_____	_____

B. Child(ren) Information:			
Child Name	Gender	Child Social Security Number	Child Date of Birth
_____	_____	_____	_____
_____	_____	_____	_____

C. Type of Case being filed - Check only one category.		Interpreter Needed:
<i>*Check only if no other category applies</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Dissolution (Divorce)	<input type="checkbox"/> Paternity	If yes, what language?
<input type="checkbox"/> Legal Separation	<input type="checkbox"/> *Legal Decision Maker (Custody)/Visitation	_____
<input type="checkbox"/> Annulment	<input type="checkbox"/> *Child Support	_____
<input type="checkbox"/> Order of Protection	<input type="checkbox"/> Other	_____

DO NOT COPY OR FILE THIS DOCUMENT. DO NOT SERVE THIS DOCUMENT TO THE OTHER PARTY.



FOR CLERK'S USE ONLY

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

Name of Petitioner (B)

Case Number: (C) _____

ATLAS Number: _____
(if applicable)

Name of Respondent

RESPONSE TO PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITH MINOR CHILDREN

STATEMENTS TO THE COURT, UNDER OATH OR AFFIRMATION:

1. INFORMATION ABOUT MY SPOUSE, THE PETITIONER

Name: _____
Address: _____
Date of Birth: _____ Job Title: _____
Starting with today, number of months/years in a row, my spouse has lived in Arizona: _____

2. INFORMATION ABOUT ME, THE RESPONDENT

Name: _____
Address: _____
Date of Birth: _____ Job Title: _____
Starting with today, number of months/years in a row, my spouse has lived in Arizona: _____

3. INFORMATION ABOUT OUR MARRIAGE

Date of Marriage: _____
City and state, or country where we were married: _____

(Check box below if true.)

We have a covenant marriage. I have attached a copy of my marriage license to show that we have a covenant marriage. (Warning: If this statement is true, divorce cannot be granted based on a petition filed relating to a NON-Covenant marriage. You may skip to page 6, "Requests to the Court", (A), or file a separate motion to dismiss the Petitioner's case, and then petition the court for a Dissolution of a Covenant Marriage, if you want a divorce.)

4. **90 DAY REQUIREMENT:** Neither I nor my spouse have lived, or have been stationed while a member of the Armed Forces, in Arizona for at least 90 days before my spouse filed this action. **(WARNING:** If this statement is true, the petitioner **cannot** proceed. You may skip to page 6, "Requests to the Court", (A)) or simply file a separate motion to dismiss the Petitioner's case, and then petition the court for a divorce when the statement IS true.)

5. **DOMESTIC VIOLENCE:** (Check the box that is true. If you intend to ask for joint legal decision making (joint legal custody), there must have been no "significant" domestic violence. A.R.S. 25- 403.03):

- Domestic violence has not occurred, **OR**
- Domestic violence has occurred but it has not been significant.
- There has been significant domestic violence.

SUMMARY OF WHAT I SAY ABOUT DOMESTIC VIOLENCE THAT IS DIFFERENT FROM WHAT MY SPOUSE SAID IN THE PETITION: _____

6. **CHILDREN OF THE PARTIES WHO ARE LESS THAN 18 YEARS OLD:**
Listed below are children still under the age of 18 born to or adopted by my spouse and me during our marriage, or where indicated, born before. Husband is the father of child(ren) listed.

Child's Name:	_____
Birthdate:	_____ <input type="checkbox"/> Born prior to marriage
Address:	_____
Length of Time at Address:	_____

Child's Name:	_____
Birthdate:	_____ <input type="checkbox"/> Born prior to marriage
Address:	_____
Length of Time at Address:	_____

Child's Name:	_____
Birthdate:	_____ <input type="checkbox"/> Born prior to marriage
Address:	_____
Length of Time at Address:	_____

Child's Name:	_____
Birthdate:	_____ <input type="checkbox"/> Born prior to marriage
Address:	_____
Length of Time at Address:	_____

Child's Name:	_____
Birthdate:	_____ <input type="checkbox"/> Born prior to marriage
Address:	_____
Length of Time at Address:	_____

Information for additional children is listed on attached page(s), made part of this document.

7. PREGNANCY (Check box to indicate whether Wife is currently pregnant, etc.)

- Wife is **not** pregnant, OR
- Wife is pregnant and the baby is due on _____ (date), (and, check one box below):
 - The Petitioner and Respondent are the parents of the child, OR
 - Husband is **not** the father of the child.

8. SUMMARY OF WHAT I WANT OR SAY CONCERNING OUR MINOR CHILD(REN) THAT IS DIFFERENT FROM WHAT MY SPOUSE SAID OR ASKED FOR IN THE PETITION and AFFIDAVIT OF MINOR CHILDREN.

9.a. COMMUNITY PROPERTY: (Check one box.)

- My spouse and I did not acquire any community property during the marriage, OR
- My spouse and I did acquire community property during our marriage, and we should divide it as follows:

	Petitioner	Respondent	Value
<input type="checkbox"/> Real estate located at: _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Legal Description: _____			

	Petitioner	Respondent	Value
<input type="checkbox"/> Real estate located at: _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Legal Description: _____			

	Petitioner	Respondent	Value
<input type="checkbox"/> Household furniture and appliances:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

	Petitioner	Respondent	Value
<input type="checkbox"/> Household furnishings:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

	Petitioner	Respondent	Value
Other items:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

	Petitioner	Respondent	Value
<input type="checkbox"/> Pension/retirement fund/profit sharing/stock plan/401K:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

		Petitioner	Respondent	Value
<input type="checkbox"/>	Motor vehicles: Make _____ Model _____ VIN _____ Lien Holder _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

		Petitioner	Respondent	Value
	Motor vehicles: Make _____ Model _____ VIN _____ Lien Holder _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

9.b. SEPARATE PROPERTY. (Check all boxes that apply.)

- I do **not** have any property (separate property) that I brought into the marriage.
- My spouse, the Respondent does **not** have any property (separate property) that he/she brought into the marriage.
- I have property (separate property) that I brought into the marriage. I want this property awarded to me as described below.
- My spouse, the Respondent, has property (separate property) that he/she brought into the marriage. I want this property awarded to my spouse as described below.

Separate Property: (List the property and the value of the property, and check the box to tell the court who should get the property.)

Description of Separate Property:	Petitioner	Respondent	Value
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

10.a. COMMUNITY DEBTS: (Check one box.)

- My spouse and I did **not** incur any community debts during the marriage, **OR**
- We should divide the responsibility for the debts incurred during the marriage as follows:

DESCRIPTION OF DEBT:	Petitioner	Respondent	Amount Owed
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

10.b. SEPARATE DEBTS. (Check all boxes that apply.)

- My spouse and I do **not** have any debts that were incurred prior to the marriage or separate debt **OR**
- I have separate debt or debt that I incurred prior to the marriage that should be paid by me as described below.
- My spouse has separate debt or debt that he/she or incurred prior to the marriage that should be paid by my spouse as described below.

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

11. SUMMARY OF WHAT I, THE RESPONDENT, REQUEST CONCERNING PROPERTY AND DEBTS THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION:

12. TAX RETURNS: (Check this box if this is what you want).

After the judge or commissioner signs the Decree of Dissolution of Marriage (Divorce), we will pay federal and state taxes, according to IRS Rules and Regulations, as follows: For previous years (the years we were married, **not** including the year the Decree was signed), the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will, according to IRS Rules and Regulations, pay and hold the other harmless from half of all additional income taxes if any and other costs, and each will share equally in any refunds. For the calendar year (the year that the Decree is signed) and all future calendar years, each party will file, according to IRS Rules and Regulations, separate federal and state income tax returns. Each party will give the other party all necessary documentation to do so.

13. SPOUSAL MAINTENANCE (ALIMONY): (Check the box that applies to you.)

Neither party is entitled to spousal maintenance (alimony), OR
 Wife OR **Husband** is entitled to spousal maintenance because: (Check one or more of the box(es) below that apply. At least one reason must apply to get spousal maintenance)

- Person lacks sufficient property to provide for his/her reasonable needs;
- Person is unable to support himself/herself through appropriate employment;
- Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
- Person lacks earning ability in the labor market adequate to support himself/herself; and,
- Person contributed to the educational opportunities of the other spouse or had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself/herself.

14. SUMMARY OF WHAT I REQUEST REGARDING SPOUSAL MAINTENANCE THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION:

OTHER STATEMENTS TO THE COURT:

15. STATUS OF MARRIAGE AND CONCILIATION: (Check only one box.)

My marriage is irretrievably broken and there is no reasonable prospect of reconciliation. (My marriage is over.) The conciliation requirements under Arizona law, A.R.S. 25-381.09 either do **not** apply or have been met. (This means that we have obtained marriage counseling through Conciliation Services, **or** going to marriage counseling would not help), **OR**

- My marriage is not irretrievably broken** and there **are** reasonable prospects of reconciliation. The conciliation requirements under Arizona law, A.R.S. 25-381.09 either apply or have **not** been met. **Explain** to the court why you disagree with Petitioner's statement (that the marriage is irretrievably broken):

16. JURISDICTION OVER MATTERS OF PHYSICAL CUSTODY AND LEGAL DECISION MAKING CONCERNING CHILDREN. (Check only one box).

- This court **has jurisdiction** to decide matters of physical custody and authority for legal decision-making concerning minor child(ren) common to the parties who have lived in Arizona for at least the past 6 months, or since birth if younger than 6 months, **OR**
- This court does **not have jurisdiction** to decide matters of physical custody and authority for legal decision-making concerning minor child(ren) common to the parties under Arizona law because the minor children have not lived in Arizona for at least 6 months before this Petition was filed. **Explain:** (There are other reasons why the court may not have jurisdiction due to the residence of the children. See a lawyer for help.)

17. GENERAL DENIAL. I deny anything stated in the Petition that I have not specifically admitted, qualified or denied.

18. WRITTEN AGREEMENT:

- My spouse and I have a written agreement signed by both of us about the maintenance of a spouse, division of property/debt, where the children will live, authority for legal decision-making concerning the children (legal custody), parenting time, and child support, **AND**
- I have attached a copy of the written agreement.

REQUESTS TO THE COURT:

A. DISSOLUTION (DIVORCE):

- Dissolve the parties' marriage and return each party to the status of a single person;
- Deny the petition and refuse to dissolve the marriage due to my answers in:
 - Number 3 about covenant marriage;
 - Number 4 about domicile for 90 days;
 - Number 15 about the marriage not being irretrievably broken;
 - Dissolve the marriage and return each party to status of a single person, but refuse to decide child legal decision making (custody) matters due to lack of jurisdiction as stated in number 16 above.

B. RESTORE NAME:

I took the name of my spouse at the time of marriage and I want to restore my last name to the name I used before this marriage or to my maiden name.

My complete married name is:

--	--	--

I want my name restored to: (List complete maiden or legal name before this marriage):

--	--	--

WARNING: If you are not requesting to have your **own** 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. PRIMARY RESIDENTIAL PARENT, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION MAKING (CUSTODY):

1. PRIMARY RESIDENTIAL PARENT: Declare which parent shall be designated as "Primary Residential Parent" for each minor child as follows:

Declare **Mother** as primary residential parent for the following named children:

Declare **Father** as primary residential parent for the following named children:

SUBJECT TO PARENTING TIME, AS FOLLOWS:

2. PARENTING TIME: Award parenting time as follows:

- Reasonable parenting time rights to the non-primary residential parent, **OR**
- Supervised parenting time between the children and Mother **OR** Father, **OR**
- No parenting time rights to the Mother **OR** Father.

Supervised or no parenting time is in the best interests of the child(ren) because: *

Explanation continues on attached pages made part of this document by reference.

a. Name this person to supervise: _____

b. Restrict parenting time as follows: _____

c. Order cost of supervised parenting time (if applicable) to be paid by:

- Mother
- Father, **OR**
- Shared equally by the parties.

3. AUTHORITY FOR LEGAL DECISION MAKING (LEGAL CUSTODY):

Award legal authority to make decisions concerning the child(ren) as follows:

AWARD SOLE AUTHORITY FOR LEGAL DECISION-MAKING to: **Mother** **Father**
OR

AWARD JOINT AUTHORITY FOR LEGAL DECISION MAKING to BOTH PARENTS.

Mother and Father will agree to act as joint legal decision makers concerning the minor child(ren) and will submit a Parenting Plan and Joint Legal Decision Making Agreement signed by the both parties.
 (Note: For the court to order "joint" legal decision making, there must have been no "significant" domestic violence according to Arizona law, A.R.S. § 25-403.03)

D. CHILD SUPPORT: Order that child support will be paid by: Petitioner, OR Respondent in a reasonable amount as determined by the court under the "**Arizona Child Support Guidelines.**" Support payments will begin on the first day of the first month following the entry of the divorce decree. These payments, and a fee for handling, will be paid through the Support Payment Clearinghouse and collected by automatic Income Withholding Order.

E. INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN: Order that:

Mother should be responsible for providing: medical dental vision care insurance.

Father should be responsible for providing: medical dental vision care insurance.

The costs of medical/dental/vision care expenses not paid by insurance should be shared as follows:
Mother _____% **Father** _____%.

F. TAX EXEMPTION: The parties will claim the children as income tax dependency exemptions on federal and state income tax returns as follows:

Parent entitled to claim	Name of minor child	in Tax Year
<input type="checkbox"/> Mother <input type="checkbox"/> Father	_____	_____
<input type="checkbox"/> Mother <input type="checkbox"/> Father	_____	_____
<input type="checkbox"/> Mother <input type="checkbox"/> Father	_____	_____
<input type="checkbox"/> Mother <input type="checkbox"/> Father	_____	_____
<input type="checkbox"/> Mother <input type="checkbox"/> Father	_____	_____

Pattern shall repeat for subsequent years.

G. SPOUSAL MAINTENANCE (ALIMONY):

Order spousal maintenance to be paid by **Wife**, or **Husband** in the amount of _____ per month beginning with the first day of the month after the Judicial Officer signs the Decree and continuing until the person receiving spousal maintenance remarries or either party is deceased, or for a period of _____ months. These payments, and a fee for handling, will be paid through the Support Payment Clearinghouse.

H. COMMUNITY PROPERTY: Make a fair division of all community property as requested in this Response.

I. COMMUNITY DEBTS: Order each party to pay community debts as requested in this Response, and to pay any other community debts unknown to the other party. Order each party to pay and hold the other party harmless from debts incurred by him or her since the parties separation on this date: _____, or since the date the Respondent was served with the Petition for Dissolution.

J. SEPARATE PROPERTY and DEBT: Award each party his/her separate property and make each party pay his/her own separate debt.

K. OTHER ORDERS I AM REQUESTING (Explain request here):

OATH OR AFFIRMATION AND VERIFICATION

I affirm the information on this document is true and correct under penalty of perjury.

Signature

Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(notary seal)

Deputy Clerk or Notary Public

Copy of this document mailed to the other party on: _____
Month / Date / Year

To the following address: _____

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

Petitioner

Case No. _____

ATLAS No. _____

Respondent

ALTERNATIVE DISPUTE RESOLUTION STATEMENT TO THE COURT A.R.F.L.P. 66(E)

Check appropriate box below:

- Petitioner's Statement
- Respondent's Statement
- Joint Statement (signed by both parties)

Pursuant to the Arizona Rules of Family Law Procedure, we hereby state the following, under penalty of perjury:

1. The parties agree to participate in the following Alternative Dispute Resolution (ADR) process and:
 - a. have selected the following ADR process:
 - Arbitration
 - Mediation
 - Settlement Conference
 - Other: _____
 - b. The parties will use a private provider OR The parties request a program provided through the court.
 - c. The person or company providing the ADR service is: _____
 - d. The parties expect to complete the ADR process by _____, ____.
2. The parties have been unable to agree on an ADR process.
 - The Petitioner Respondent believe(s) that the following ADR process would be appropriate: _____
 - The Petitioner Respondent request(s) a conference to discuss ADR.
 - The Petitioner Respondent believe(s) that an ADR process would not be appropriate for the following reason: _____

Date

Petitioner

Date

Respondent