

**DIVORCE - WITH MINOR
CHILDREN
For Respondent Only**

Do not copy
or file this page

3

Response

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

SELF-SERVICE CENTER

**DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE)
WITH MINOR CHILDREN
FOR RESPONDENT ONLY**

PART 3 -- RESPONSE TO A PETITION

This packet contains court forms about how to respond to a ***“Petition for Dissolution of a Non-Covenant Marriage (Divorce) With Minor Children.”*** The documents should appear in the following order:

Order	File Number	Title	# pages
1	DRDC3ft	Table of forms in this packet	1
2	DRDC3k	Checklist: <i>You may use these forms if . . .</i>	1
3	DRSDS10f	<i>“Sensitive Data Sheet”</i>	1
4	DRDC31f	<i>“Response”</i>	8
5	DRAD10f	<i>“Alternative Dispute Resolution (ADR) Statement to the Court”</i>	1

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SELF-SERVICE CENTER

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

CHECKLIST

Use the forms and instructions in this packet ONLY if the following factors apply to your situation:

- ✓ You want to file a Response to a *“Petition for Dissolution of a Non-Covenant Marriage (Divorce) With Minor Children”*, AND
- ✓ You and your spouse have minor children with each other OR the wife is pregnant by the husband or will be pregnant by the husband before the divorce is over.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. The Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self-Service Centers or on the Internet at:
www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/LawyersAndMediators/.

Name: _____

Representing: Self Petitioner Respondent

(If Attorney) State Bar Number: _____



FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Petitioner

Case No. _____

Respondent

ATLAS No. _____

SENSITIVE DATA SHEET

(Not public record)

Fill out. File with Clerk of Court. Omit Social Security Numbers when requested on other forms.
Do NOT serve this document on the other party.

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	_____	_____
Driver's License Number	_____	_____
Mailing Address	_____	_____
City, State, Zip Code	_____	_____
Daytime Phone	_____	_____
Evening Phone	_____	_____
Other Phone (cell/pager)	_____	_____
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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Clerk of Court
Issued:

***For Court use only. NOT public record. Do NOT provide a copy of this document to the other party.**

Name of Person Filing: (A) _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
ATLAS Number (if applicable): _____
Attorney Bar Number (if applicable): _____
Representing Self (Without Attorney) OR
 Attorney for Petitioner OR Respondent



SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Name of Petitioner (B)

Case Number: _____ (C)

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 your 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, you, have lived in Arizona: _____

3. INFORMATION ABOUT MY MARRIAGE:

Date of Marriage: _____
City and state or country where we were married: _____
 We have a covenant marriage. I have attached a copy of my marriage license to show that I 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.** (If you intend to ask for joint custody, check the box that makes a true statement): Significant domestic violence **has** OR **has not** occurred during this marriage.

6. **CHILDREN OF THE PARTIES WHO ARE LESS THAN 18 YEARS OLD** (check one box):

There are **no** children common to the parties, under the age of 18, either born to or adopted by, the parties. **NOTE: IF YOU CHECKED THIS BOX, STOP. YOU SHOULD BE USING THE PETITION PACKET TO GET A DIVORCE WITHOUT CHILDREN.**

The following child(ren), common to the parties, are under age 18 and were born to, or adopted by, my spouse and me: (Attach extra pages if necessary).

Child's Name _____
Birth Date: _____
Address: _____
Length of Time at Address: _____

Child's Name _____
Birth Date: _____
Address _____
Length of Time at Address: _____

Child's Name _____
Birth Date: _____
Address _____
Length of Time at Address: _____

Child's Name _____
Birth Date: _____
Address _____
Length of Time at Address: _____

7. **PREGNANCY**

Wife is **not** pregnant, OR

Wife is pregnant

The baby is due on _____ (date), (and, check one box below):

The Petitioner and Respondent are the parents of the child, OR

Petitioner is not the parent of the child, OR.

Respondent is not the parent of the child.

8. **SUMMARY OF WHAT I WANT CONCERNING OUR MINOR CHILD(REN) THAT IS DIFFERENT FROM WHAT MY SPOUSE 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"/>	\$ _____
_____	<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"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

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

Case No. _____

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

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
- Petitioner OR Respondent 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: _____

16. CHILD CUSTODY JURISDICTION. (Check only one box).

- This court has jurisdiction to decide child custody matters under Arizona law because the minor children have lived in Arizona for at least 6 months before the Petition was filed or if the minor children are younger than 6 months old, that they have lived in the State of Arizona since birth.
- This court does not have jurisdiction to decide child custody matters under Arizona law because the minor child(ren) have not lived in Arizona for at least 6 months before the Petition was filed. **Explain:** (There are other reasons why the court may **not** have jurisdiction due to the residence of the minor 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 CUSTODY AGREEMENT. (Check the boxes that apply, if they apply)

- My spouse and I have a written agreement signed by both of us about the custody, parenting time and child support for our minor child(ren).
- 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 custody matters due to lack of jurisdiction as stated in number 16 above.

B. NAMES:

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. CHILD CUSTODY AND PARENTING TIME: Award custody and parenting time of the children under the age of 18 and common to the parties, as follows: (Check either the sole custody box or the joint custody box.

If you check the sole custody box, check only one box related to visitation.)

- C.1.** **SOLE CUSTODY** of the minor child(ren) awarded to Petitioner OR Respondent, subject to visitation as follows:
 - Reasonable parenting time rights to the parent not having custody, as will be described in the Parenting Plan attached to the Divorce Decree.
 - Supervised parenting time between the minor children and the Petitioner OR Respondent is in the best interest of the minor children because: (Explain the reasons for supervision or no visitation. Use extra paper if necessary.)
 Name of the person who will supervise: _____
 Requested restrictions on parenting time: (explain here) _____

The cost of supervised parent/child access will be paid by the parent being supervised; the parent having custody; shared equally by the parties.

- No parenting time rights to the parent **not** having custody is in the best interests of the minor child(ren) because: (Explain the reasons for no visitation. Use extra paper if necessary):

OR

- C.2.** **JOINT CUSTODY:** Petitioner and Respondent agree to act as joint custodians of the minor child(ren) as set forth in the Joint Custody Agreement signed by the parties, if the court agrees with the Joint Custody Agreement. (For joint custody, there must have been no "significant" domestic violence in your marriage. A.R.S. 25-303.03)

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 wage assignment.

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, subject to IRS Rules and Regulations, claim the minor children as income tax dependency exemptions on federal and state income tax returns as follows:

Parent entitled to claim	Name of child	Current tax year	Later tax years
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____	_____

Case No. _____

Petitioner Respondent _____
 Petitioner Respondent _____

G. SPOUSAL MAINTENANCE (ALIMONY): Order spousal maintenance to be paid by Petitioner, or Respondent 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 support remarries, 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.

I. COMMUNITY DEBTS: Order each party to pay community debts as requested in the Petition, 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/her since the parties' separation on (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 & VERIFICATION

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

Signature Date

Affirmed before me this: _____ by _____
(Date) Printed Name of Person Who Signed

Seal / My Commission Expires: _____
Deputy Clerk or Notary Public

Copy of the foregoing mailed to other party on _____
Month/Day/Year

and at the following address:

Name: _____
 Mailing Address: _____
 City, State, Zip Code: _____
 Daytime Phone Number: _____
 Evening Phone Number: _____
 Representing: Self Petitioner Respondent
 State Bar Number: _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

 Petitioner

Case No. _____

 Respondent

ATLAS No. _____

ALTERNATIVE DISPUTE RESOLUTION STATEMENT TO THE COURT A.R.C.P. 16(g)(2)

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