

DIVORCE - WITH MINOR CHILDREN

For Respondent Only

Do not copy
or file this page

3

RESPONSE

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

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.

SELF-SERVICE CENTER

DIVORCE WITH MINOR CHILDREN

FOR RESPONDENT ONLY

PART 3 -- RESPONSE TO A PETITION

This packet contains court forms and instructions to file divorce with minor children respondent only. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File Number	Title	# pages
1	DRDC3k	Checklist: <i>You may use these forms if . . .</i>	1
2	DRDC3ft	Table of Contents (this page)	1
3	DRSDS10f-c	"Family Court / Sensitive Data Coversheet in Cases With Minor Children" *	1
4	DRDC31f	"Response to Petition for Divorce with Minor Children"	9
5	DRAD10f	"Alternative Dispute Resolution (ADR) Statement to the Court"	1

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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 MARICOPA 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. <i>*Check only if no other category applies</i>		Interpreter Needed: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what language? _____
<input type="checkbox"/> Dissolution (Divorce)	<input type="checkbox"/> Paternity	
<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"/> Register Foreign Order
<input type="checkbox"/> Order of Protection	<input type="checkbox"/> Other	

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

Person Filing: (A) _____
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 MARICOPA 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"/>	\$ _____
<u>Legal Description:</u> _____			

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

	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
<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"/>	\$ _____

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

<input type="checkbox"/>	Motor vehicles:	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 Petitioner 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 Petitioner, 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 MARICOPA 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