

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

Name of Petitioner

Case Number: _____

ATLAS Number: _____
(if applicable)

Name of Respondent

RESPONSE TO PETITION FOR LEGAL SEPARATION WITH MINOR CHILDREN

STATEMENTS TO THE COURT, UNDER OATH OR BY AFFIRMATION:

GENERAL INFORMATION:

1. 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. 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. ABOUT OUR MARRIAGE

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

4. ABOUT THE LEGAL SEPARATION (check one box)

- I want to be legally separated from my spouse, OR
- I do not want to be legally separated from my spouse because my marriage is over and I want to be divorced.

INFORMATION ABOUT PROPERTY AND DEBTS

Instructions: You must be specific. You must describe the property and debt that should go to you or be paid by you and then check the box. You must then describe the property and debt that should go to or be paid by your spouse, and check the box. For example, under household furnishings you could say, blue and white living room sofa, and then check the box to say whether it should go to you or to your spouse. Never list an item and check both the Petitioner and the Respondent box.

5.a. COMMUNITY PROPERTY: (check one box)

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

Description of property/ Value of property:	My Spouse, Petitioner	Me, Respondent
<input type="checkbox"/> Real estate at: _____ Legal Description: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Real estate at: _____ Legal Description: _____	<input type="checkbox"/>	<input type="checkbox"/>
<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"/> 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"/> Other items: _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

6.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/ Amount of debt:	My Spouse, Petitioner	Me, Respondent
_____	<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"/>

6.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 or she or incurred prior to the marriage that should be paid by my spouse as described below:

Description of debt/ Amount of debt:	My Spouse, Petitioner	Me, Respondent
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

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

After the Judge or Commissioner signs the Decree of Legal Separation, we will pay federal and state taxes as follows: For previous years the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will 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 this calendar year (the year that the Decree is signed) and all future calendar years, each party will, subject to IRS Rules and Regulations, file **Joint Tax Returns** OR **Separate Tax Returns**.

8. SPOUSAL MAINTENANCE/SUPPORT (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 or her reasonable needs;
 - Person is unable to support himself or 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 or 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 or herself.

9. 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.

10. DOMESTIC VIOLENCE: (Check the box that is true. If you intend to ask for joint 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:

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

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.

12. WRITTEN AGREEMENT. CHECK ONLY IF TRUE:

- 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.

13. SUMMARY OF WHAT I ASKED FOR THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION: (Here summarize what is different between you want and what your spouse asked for.)

14. CONCILIATION.

True **OR** False. (Check one box.) The conciliation requirements under Arizona law either do not apply or have been met. (This must be a true statement or you cannot file for Legal Separation.)

15. 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 with petitioner or respondent 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.)

16. GENERAL DENIAL:

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

REQUESTS TO THE COURT:

A. LEGALLY SEPARATE OR CHANGE TO DIVORCE:

Legally separate the parties **OR** Change this case to a divorce case because my marriage is over and either I or my spouse have lived in Arizona for the last 90 days **OR** Legally separate the parties, but refuse to decide child custody matters due to lack of jurisdiction as stated in number 15 above.

B. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

Order spousal maintenance/support to be paid by Petitioner, **OR** Respondent through the Clerk of the Court/Clearinghouse in the amount of _____ per month, and the statutory fee, beginning _____ with the first day of the month after the Judge or Commissioner signs the Decree of Legal Separation and continuing until the person receiving the spousal maintenance is deceased, or for months.

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

D. 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 (date):

E. SEPARATE PROPERTY AND DEBT: Award each party his or her separate property and debt.

F. PRIMARY RESIDENTIAL PARENT, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION MAKING (CUSTODY): 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

F.1. 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.

F.2. 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.

(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)

G. 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. (I will attach the Child Support Order to the Decree). Support payments will begin on the first day of the first month following the entry of the legal separation decree. These payments, and a fee for handling, will be paid through the Clerk of the Court and collected by automatic Income Withholding Order.

H. 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** _____%.

I. TAX EXEMPTION: The parties will 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 or <input type="checkbox"/> Respondent	_____		
<input type="checkbox"/> Petitioner or <input type="checkbox"/> Respondent	_____		
<input type="checkbox"/> Petitioner or <input type="checkbox"/> Respondent	_____		
<input type="checkbox"/> Petitioner or <input type="checkbox"/> Respondent	_____		

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

UNDER OATH OR BY AFFIRMATION

I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

Date

Signature

STATE OF _____

COUNTY OF _____

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

_____.

(notary seal)

Deputy Clerk or Notary Public

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

and at the following address:

