SELF-SERVICE CENTER

INSTRUCTIONS FOR HOW TO RESPOND TO PARENTING TIME (Visitation) PAPERS

WHEN TO USE THIS FORM:

Use this form if you want to respond to a petition to get a first court order of parenting time (visitation).

IMPORTANT INFORMATION ABOUT WHEN YOU MUST FILE YOUR RESPONSE

- **LOOK AT THE TIMETABLE BELOW**. If the **last day** to respond falls on a Saturday, Sunday, or legal holiday, you **DO NOT** count that day.
- **INCLUDE WEEKENDS AND HOLIDAYS IN YOUR COUNT** - until you reach the number of days in the timetable below. If a written response is filed with the court on time, the Petitioner **CANNOT PROCEED BY DEFAULT.**

DEFAULT TIME TABLE

SERVICE BY	COUNT	EVENT
Acceptance	20 Days	after respondent signed the Acceptance
Acceptance out-of-state	30 Days	after respondent signed the Acceptance
Signature Confirmation in-state	20 Days	after respondent signed the confirmation
Signature Confirmation out-of-state	30 Days	after respondent signed the confirmation
Process Server	20 Days	after respondent received papers from Server
Sheriff in Arizona	20 Days	after respondent received papers from Sheriff
Sheriff out-of-state	30 Days	after respondent received papers from Sheriff
Registered Mail	30 Days	after respondent signed the green receipt
Publication	60 Days	after the 1st date of publication

Do not copy or file this page

IMPORTANT NOTICE ABOUT WHEN YOU CAN BE SUED AS A DEFENDANT/ RESPONDENT IN ARIZONA FOR PATERNITY OR CHILD SUPPORT:

A defendant/respondent can be sued in Arizona in a case establishing, enforcing, or changing a support order, or establishing paternity, if ONE of the following is true about the defendant/respondent:

- The person is a resident of Arizona
- The person was personally served in Arizona (see packet on service to know about this)
- The person agrees to have the case heard here and files written papers in the court case;
- The person lived with the minor child(ren) in this state at some time;
- The person lived in this state and provided pre-birth expenses or support for the minor child(ren);
- The minor child(ren) lives in this state as a result of the acts or directions of the person;
- The person had sexual intercourse in this state as a result of which the minor child(ren) may have been conceived;
- The person signed a birth certificate that is filed in this state;
- The person did any other acts that substantially connect the person with this state (see a lawyer to help you determine this).

WARNING: Jurisdiction over the defendant/respondent is very serious. If you have any doubts about whether it was proper for the plaintiff **or** petitioner to sue you in Arizona, you should see a lawyer IMMEDIATELY, **BEFORE** you file any written response or answer or other court paper.

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IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:

Domestic violence can be part of any relationship. Domestic violence includes **physical violence** such as hitting, slapping, pushing or kicking, directed against you and/or your children. Domestic violence can also include **threats** of physical violence made against you and/or your children, and/or **regular verbal abuse** used to control you. The other party does NOT need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a victim.

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 in order to protect yourself or your children from further violence, **you must file for an *"Order of Protection"* first and ask that your address not be disclosed on court papers. With that order, you do not need to put your address and phone number on your divorce papers**. If possible, get a P.O. box or use another valid address on these papers. If you have no P.O. Box or other address or phone where you can be reached when you file, write **"protected"** where asked for this information and **as soon as possible**, update the clerk of the court with an address and phone number.

INFORMATION ABOUT PAPERS YOU SHOULD HAVE RECEIVED FROM THE OTHER PARTY WITH THE PETITION ABOUT PARENTING TIME (VISITATION)

"SUMMONS:" You have been summoned to appear in court. The ***"Summons"*** tells you how many calendar days you have to file a response, depending on how you were served with the court papers. Be sure to file a WRITTEN RESPONSE on time. If the time for you to file a **WRITTEN RESPONSE** has passed, the other party must complete an ***"Application and Affidavit for Entry of Default"*** and send you a copy of that. Then you have 10 more days in which to file **your WRITTEN RESPONSE**. If you do not file a WRITTEN RESPONSE on time**,** a Default Judgment can be entered, which means that you might not get to tell the judge your side of the story.

PETITION FOR PARENTING TIME (VISITATION): This is the form the other party completed to tell the court his/her side of the story about the parenting time. **Read each and every word very carefully**, and decide what you want to do. Here are your choices:

1. **DO NOTHING.** This means the other party can get a court order and tell the judge his/her side of the story, without you telling your side at all. **This is called a default.** Even in these cases, the judge will try to decide what is best, but it is **never** a good idea to ignore the court proceeding and have a court order that you had no input on.

2. **DECIDE WITH THE OTHER PARTY HOW YOU WANT TO HANDLE EVERYTHING CONCERNING PARENTING TIME.** Then you and the other party file papers in the court stating your agreement on everything. This is called a ***"Consent"* or *"Stipulation."*** This is often the best way to proceed, if you and the other party can talk about the critical issues to decide how you both want to handle everything. Mediators can help you with this. The Self-Service Center has a list of mediators, and how much they charge to help you.

3. **PROTEST WHAT THE OTHER PARTY STATED IN THE PETITION** and file a ***"Response"*** stating your side of the story, and how you want to handle everything. **This is called a contested matter**.

   But, even if you originally file a response, you and you other party can still decide to agree on something, or everything, and file court papers for a **Consent or Stipulation.** Mediators can help you with this. The Self-Service Center has a list of mediators, and how much they charge to help you. If you file a response and do not settle everything with the other party, you must be sure to file the court papers you will need to set the case for trial.

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HELP COMPLETING YOUR WRITTEN RESPONSE TO THE PETITION TO ESTABLISH PARENTING TIME (VISITATION):

Use this form if you want to RESPOND OR ANSWER a ***"Petition to Establish Parenting Time."***

A. Complete the ***Sensitive Data Sheet***. Do not copy. Do not serve on the other party.

B. Make sure your form states **RESPONSE TO PETITION FOR PARENTING TIME** in the upper right hand part of the page.

C. In the top left corner of the first page, fill out the following: 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.

D. Fill in the name of "Petitioner" and "Respondent" exactly the same way as it looks on the Petition. Do that for every document you ever file with the court from now on.

E. Use the case number that is stamped in the upper right-hand corner of the Petition. Do that for every document you ever file with the court from now on.

A. General information:

1. Fill in the name, address and date of birth for the petitioner. This is basic information about the relationship to the children for whom the person wants the parenting time order.

2. Fill in the information about you.

3. Fill in information about all the minor children for whom the other party wants parenting time. The same persons should be the mother and the father for all the minor children for whom you want this order.

B. Statements about paternity AND child custody AND child support.

In this section you will tell the court what the current situation is.

4. **What is the current status of paternity in this case?** Mark whichever box describes your case.

   - **ORDER:** Mark whichever box describes your case. On the first line, print the date the Order was signed. On the second line, print the County where the Order was made. On the next line, print the name of the father.

   - **OTHER:** Mark this box if you do not have a formal court order for paternity but you do have a court order for child support.

5. **What is the current status of child custody?** Mark the box that describes who has custody now. If neither the father nor mother have physical custody, be sure to complete all the information about who has the minor child(ren) and why.

6. **What is the current situation as to child support?** Give the date of the child support order on the case.

7. **State here what you say about paternity, custody, or support that is different from what the other party asked for.** This is because the form of petition the other party used might not be from the Self-Service Center, and so it might be arranged a little differently than this form of response.

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C. Other information about the children: If you are aware of court cases about the minor children, you need to tell the court that. Attach a copy of the orders about custody, parenting time, or child support to the petition, unless the orders are from the Superior Court in Maricopa County.

8. Fill out where the minor child(ren) involved in this action have been living **for the past 5 years;** if the child(ren) are under age 5, simply put information since their birth. Write each child's name; the address where each child lived; what dates each child lived at each address; who each child lived with; and the relationship of that person to the child(ren). While you may not remember exact dates and addresses when you moved from one location to another, fill this information out **as completely as possible**.

9. You must tell the court if you participated as a party or witness in any court case involving custody or parenting time of the child(ren). If not, mark the first box and GO ON. If there is another case, mark the second box and give as much information as possible. This information could affect you or your children's rights in this case.

10. The court **MUST** know if there have been other cases involving custody, parenting time or child support of the children of this paternity action, even if you were not a party. If there are no other custody or parenting time cases, or you don't know of any, mark the first box and GO ON. If you have been involved in any way with this type of Court case, mark the second box and give the information where requested. Tell the Court what happened and what is going on now in the other case(s).

11. If you do not know of another person OTHER THAN THE OPPOSING PARTY who has physical custody of the minor child(ren) or is claiming custody or parenting time rights to the child(ren), mark the first box and GO ON. If you do know of such a person, put the information here, including the minor child(ren)'s name(s) and the person who believes they have a custody or parenting time claim. If there is such a person, you must include the person as a respondent in this court case.

D. Other statements to the court:

12. **VENUE:** This tells the court that one parent or the child(ren) live(s) here, so the court can make a decision about your case. Generally, if either one of the parents or the minor child(ren) are residents of Maricopa County, the case can be taken care of here, even if everyone is not a resident of this state and does not live in Maricopa County. AND, you also need to be sure that the respondent can legally be brought into the lawsuit. See comments on the first page for help on deciding this.

13. **DOMESTIC VIOLENCE:** This tells the court if there was domestic violence in the relationship, and relates to a request for joint custody, if you intend to ask for joint custody. If you are not sure what this means, see the **IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE** on the first page of these instructions. Mark the box corresponding to your situation. If domestic violence has not occurred, GO ON.

14. **GENERAL DENIAL:** This tells the court that, even if you did not answer each and everything said in the Petition, you deny what you did not specifically address. This is extra protection for you.

REQUESTS MADE TO THE COURT FOR CUSTODY, CHILD SUPPORT and PARENTING TIME

This section of the Complaint/Petition formally requests that the court make Orders relating to parenting time.

1. PARENTING TIME (VISITATION): Describe who should get parenting time, and how the parenting time should be handled. Be very specific. Use detail.

2. SUPERVISED PARENTING TIME TO THE NON-CUSTODIAL PARENT: You may request supervised

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parenting time if the non-custodial parent cannot adequately care for the minor child(ren) or cannot do so 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 minor child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the minor child(ren). You must explain in writing specifically **why** you believe the only parenting time allowed should be supervised parenting time.

3. **SUPERVISED PARENTING TIME:** Describe how you think this should be handled.

4. **OTHER ORDERS:** Mark this box only if you have made other requests of the court. If you mark the box, write the specific additional orders you are requesting the court to make that were not covered elsewhere in your Petition.

OATH OR AFFIRMATION OF PARTY FILING THIS RESPONSE:

Sign this form in front of a notary public. By doing so you are telling the court that everything contained in the Parenting Time (Visitation) Response is **true.**

WHAT TO DO NEXT:

1. **COPIES OF RESPONSE:** After completing your ***"Response,"*** make **two (2)** copies before you file.

2. **FILING THE RESPONSE AND PAYMENT OF COURT FEE:** File all copies and the original of your ***"Response"*** with the Clerk of the Court. **Be sure you file within the time limit set, or you might lose significant rights.** There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. 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, a substantial "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.

3. You do **not** need to send a copy of the fee deferral request to the Petitioner or his/her attorney. Make sure you receive all copies back from the Clerk and they have been stamped.

4. **MAIL A COPY TO THE OTHER PARTY:** You need to mail or hand-deliver one copy to the other party. If the person is represented by an attorney, mail or hand-deliver the copy to the attorney whose name and address appears on the Petition in the upper right hand corner.

5. **KEEP THE LAST COPY FOR YOUR RECORDS:** You should always keep a copy of any document that you file with this Court.

6. **WHAT WILL HAPPEN NEXT?**
You will receive an Order from the court telling you and the other party to come to an ERC (Early Resolution Conference). You **must** come to that conference *or you will be charged a "no show" fee for failure to appear.*

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