

Name: _____

Mailing Address: _____

Daytime Telephone: _____

Representing Self, Without a Lawyer

IN THE SUPERIOR COURT OF ARIZONA, YAVAPAI COUNTY

Regarding the matter of

DO _____

ATLAS #: _____

Petitioner

and

Respondent

**RESPONSE TO PETITION
FOR LEGAL SEPARATION OF
NON-COVENANT MARRIAGE
WITH MINOR CHILDREN**

and Response to Request for Order of Paternity

STATEMENTS TO THE COURT, UNDER OATH

GENERAL INFORMATION:

1. INFORMATION ABOUT MY SPOUSE, THE PETITIONER:

Name: _____ Date of Birth: _____

Address: _____

Occupation: _____

How long your spouse, the Petitioner, have lived in Arizona: _____ years. _____ months.

The Petitioner is enlisted in the military, and has **OR** has not been deployed for at least one day during the past 6 months.

2. INFORMATION ABOUT ME, THE RESPONDENT:

Name: _____ Date of Birth: _____

Address: _____

Occupation: _____

How long your spouse, the Respondent, have lived in Arizona: _____ years. _____ months.

The Respondent is enlisted in the military, and has **OR** has not been deployed for at least one day during the past 6 months.

3. INFORMATION ABOUT OUR MARRIAGE:

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

We do not have a covenant marriage.

4. ABOUT THE LEGAL SEPARATION

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.

5. 90-DAY RESIDENCY REQUIREMENT:

I have, and/or my spouse has been domiciled (lived), or stationed while a member of the Armed Forces, in Arizona for at least 90 days before my spouse filed this action. **(IF THIS STATEMENT IS NOT TRUE, THE PETITIONER CANNOT PROCEED. YOU SHOULD FILE A MOTION TO DISMISS. THE PETITIONER CAN THEN RE-FILE THE DIVORCE PAPERS WHEN THE STATEMENT IS TRUE.)**

INFORMATION ABOUT PROPERTY AND DEBTS:

5a. PROPERTY ACQUIRED DURING THE MARRIAGE: (Community Property) (check one box)

My spouse and I did not acquire any community property during the marriage. **Go on to 5b.**

My spouse and I acquired community property during our marriage, and we should divide it as follows: (List the property and the value of the property, and check the box to tell the Court who should get the property.) (Check all boxes that apply)

DESCRIPTION OF PROPERTY/ VALUE OF PROPERTY:	HUSBAND	WIFE	SELL & SPLIT
<input type="checkbox"/> Real estate address: _____ Legal Description: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Real estate address: _____ Legal Description: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Household furniture and appliances: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

HUSBAND

WIFE

**SELL &
SPLIT**

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"/>	<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"/>
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<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"/>

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"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Motor vehicles:

Make _____

Model _____

VIN _____

Lien Holder _____

Make _____

Model _____

VIN _____

Lien Holder _____

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5b. PROPERTY ACQUIRED BEFORE MARRIAGE: (Separate Property) (check all boxes that apply)

- I do not have any property that I brought into the marriage.
- My spouse does not have any property that he or she brought into the marriage.
- I have property that I brought into the marriage. I want this property awarded to me as described below:
- My spouse has property that he or 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 PROPERTY/ VALUE OF PROPERTY:	HUSBAND	WIFE	SELL & SPLIT
_____	<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"/>

5c. SUMMARY OF WHAT I, THE RESPONDENT, ASK FOR ON PROPERTY THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION. (Summarize what is different between your plan for division of property and what your spouse asked for in the Petition.)

6a. DEBTS INCURRED DURING THE MARRIAGE:

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

DESCRIPTION OF DEBT/ AMOUNT OF DEBT:	HUSBAND	WIFE
_____	<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"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

6b. SEPARATE DEBTS: (check all boxes that apply.)

- My spouse and I do not have any debts that were incurred prior to the marriage, **OR**
- I have separate debt that I incurred prior to the marriage that should be paid by me as

- described below:
 My spouse has separate 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:	HUSBAND	WIFE
_____	<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"/>

6c. **SUMMARY OF WHAT I, THE RESPONDENT, ASK FOR ON DEBTS THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION.** (Summarize what is different between your plan for division of debt and what your spouse asked for in the Petition.)

7. TAX RETURNS:

After the Judge or Commissioner signs the Decree of Legal Separation, we will pay federal and state taxes as follows:

- For previous years (the years we were married, not including the year the Decree is signed), the parties will file joint federal and state income tax returns.
- For previous calendar years, both parties will pay and hold the other harmless from half of all additional income taxes, if any and any 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 separate federal and state income tax returns. Each party will give the other party all necessary documentation to do so.

8. INFORMATION ABOUT SPOUSAL MAINTENANCE (ALIMONY)

8a. 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 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;
 - 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. **AND**
- Spousal maintenance shall be modifiable in accordance with Arizona law, **OR**

The parties acknowledge that the circumstances of their futures are unknown, but each desires that this maintenance award not be modifiable in the future for any reason. Therefore, it is ordered at this time that this spousal maintenance award shall not be modifiable for any reason.

8b. Summary of what I want regarding spousal maintenance that is different from what my spouse asked for in the Petition.

9. CHILD(REN) OF THE PARTIES WHO ARE LESS THAN 18 YEARS OLD:

The following child(ren) are under age 18 and were born during the marriage, or adopted by me and my spouse: (attach extra pages if necessary)

Child's Name: _____ Birth date: _____

Address: _____

Length of time at address: _____

Names and addresses of persons lived with for the past five (5) years:

Present addresses of person(s) lived with:

The Petitioner **OR** Respondent is not the biological or adoptive parent.

Child's Name: _____ Birth date: _____

Address: _____

Length of time at address: _____

Names and addresses of persons lived with for the past five (5) years:

Present addresses of person(s) lived with:

The Petitioner **OR** Respondent is not the biological or adoptive parent.

Child's Name: _____ Birth date: _____

Address: _____

Length of time at address: _____

Names and addresses of persons lived with for the past five (5) years:

Present addresses of person(s) lived with:

The Petitioner **OR** Respondent is not the biological or adoptive parent.

Child's Name: _____ Birth date: _____

Address: _____

Length of time at address: _____

Names and addresses of persons lived with for the past five (5) years:

Present addresses of person(s) lived with:

The Petitioner **OR** Respondent is not the biological or adoptive parent.

The following child(ren) are under age 18 and were born prior to the marriage and are common to me and my spouse: (Attach extra pages if necessary).

Child's Name: _____ Birth date: _____

Address: _____

Length of time at address: _____

Names and addresses of persons lived with for the past five (5) years:

Present addresses of person(s) lived with:

10. CUSTODY OR PARENTING TIME CASES INVOLVING THE MINOR CHILD(REN):

I HAVE I HAVE NOT been a party or a witness in court, in this state or any other state, involving the custody or parenting time of any child(ren) named above. (If so, explain below, using extra pages if necessary.)

Name of child: _____

Court state: _____ Court location: _____

Court case number: _____ Status: _____

How the child is involved: _____

Summary of any court order: _____

11. PENDING/PAST CASES RELATED TO MINOR CHILD(REN): (check one box)

I DO I DO NOT know of any court case, in this state or any other state, that could affect this case, including enforcement, domestic violence, protective orders, drugs, sexual offenses, termination of parental rights and adoptions. (If so, explain below, using extra pages if necessary.)

Name of child: _____

Court state: _____ Court location: _____

Court case number: _____ Status: _____

How the child is involved: _____

Summary of any court order: _____

12. CUSTODY OR PARENTING TIME CLAIMS OF ANY OTHER PERSON: (check one box)

I KNOW I DO NOT KNOW the name and address of any person, other than the Petitioner or the Respondent, who has physical custody of the child(ren) or claims rights of legal custody, physical custody or parenting time of any child(ren) named above. (If so, explain below, using extra pages if necessary.)

Name of each child: _____

Name of person with the claim: _____

Address of person with the claim: _____

Nature of the claim: _____

13. PREGNANCY AND PATERNITY:

Wife is not pregnant; **OR**

Wife is pregnant: Due date _____ **AND,**

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.

A child or children was/were born before the marriage. The husband is the father of that child/those children named below:

14. WRITTEN AGREEMENTS, CHECK ONLY IF TRUE:

For our child(ren), my spouse and I have a written agreement signed by both of us about:

Custody;

Parenting time;

Child support.

My spouse and I have a written agreement not related to the child(ren) and signed by both of us about _____.

I am filing the **ORIGINAL** Agreement.

15. The Attorney General's office is involved in this case (TANF, IV-D, etc.).

16. SUMMARY OF WHAT I SAY ABOUT OUR CHILD(REN) THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION. (Summarize what is different between what you say about the child(ren) and what your spouse said in the Petition.)

OTHER STATEMENTS TO THE COURT UNDER OATH: You must tell the Court the truth. Lying to the Court is a crime and the Court can punish you for lying. To file for legal separation, you must be able to tell the Court that the following statements are true. If the statements are not true, you cannot file for legal separation until the statements are true. **Check the box in front of each statement if the statement is true.**

17. CONCILIATION: (Check only one box).

- TRUE:** The conciliation requirements under Arizona law, A.R.S. 25-381.09 either do not apply or have been met, **OR**
- TRUE:** I do not want to live separately and apart 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:

I AM FILING A PETITION FOR CONCILIATION.

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

- This court has jurisdiction to decide child custody matters under Arizona law because the child(ren) has/have lived in Arizona for at least 6 months before the Petition was filed.
- This court does not have jurisdiction to decide child custody matters under Arizona law because the child(ren) has/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 child(ren). See a lawyer for help.)

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

REQUESTS TO THE COURT:

A. REGARDING LEGAL SEPARATION:

- Legally separate the parties;
- Change this case to a divorce case because my marriage is over;
- Legally separate the parties, but refuse to decide child custody matters due to lack of jurisdiction as stated in Paragraph 18 above.

B. SPOUSAL MAINTENANCE (ALIMONY):

- Neither party shall pay spousal maintenance (alimony) to the other party, **OR**
- Petitioner **OR** Respondent is ordered to pay the other party the sum of \$_____ per month spousal maintenance BEGINNING _____ AFTER THE Decree is signed. Each payment shall be made by the first day of each month thereafter and shall continue until the receiving party is remarried or deceased; **OR**

until (date) _____. All payments shall be made through the Clerk of the Court by automatic wage assignment until all required payments have been made under the Decree. Payments made shall be included in receiving spouse's taxable income and are tax deductible from the paying spouse's income as required by law.

- In accordance with the parties' agreements,
- The spousal maintenance award shall be modifiable in accordance with Arizona law, **OR**
 - The spousal maintenance award shall NOT be modifiable for any reason.

C. COMMUNITY PROPERTY:

- Make a fair division of all community property as requested in this Petition.

D. 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 or her since the parties separation on _____.

E. SEPARATE PROPERTY:

- Award each party his or her separate property.

F1. PATERNITY: Order that _____ is is not the natural father of the child(ren) named, born prior to the marriage of the parties.

Current legal name

Change legal name to:

F2. CHILD CUSTODY AND VISITATION:

Award custody and visitation of the minor child(ren) common to the parties as follows:

- SOLE CUSTODY:** Sole custody of the minor child(ren) awarded to Petitioner or Respondent subject to parenting time for the noncustodial parent as follows:

1. Reasonable parenting time pursuant to the Yavapai County Child Access Guidelines;
2. Reasonable parenting time pursuant to the attached Parenting Plan;
3. **Supervised parenting time.** Supervised parenting time is in the best interest(s) of the child(ren) because unrestricted parenting time would seriously endanger the child(ren)'s physical, mental, moral or emotional health. These facts support my claim: _____

- Name of person who will supervise: _____
- The cost of supervised parenting time shall be paid by Petitioner **OR** Respondent **OR** shared equally.

4. **No parenting time: (check and explain ONLY if you want the other party to have no parenting time):** No parenting time between the child(ren) and the other party is

in the best interests of the child(ren) because any parenting time would seriously endanger the child(ren)'s physical, mental, moral or emotional health.
These facts support my claim: _____

OR

[] **JOINT CUSTODY:** Petitioner and Respondent agree to act as joint custodians of the minor child(ren) as set forth in the Joint Custody Agreement. **(A Joint Custody Agreement signed by both parents must be attached), AND**

Domestic violence has not occurred during this relationship;
OR

Domestic violence has not been significant. However, domestic violence has occurred as described in the Petition for Order of Protection(s) filed on _____ or as described below:

OR

Joint custody is in the best interest of the child(ren) even though domestic violence has occurred because _____

Furthermore, the Petitioner **AND/OR** Respondent has/have taken classes, participated in counseling or taken steps to avoid further domestic violence as described below:

G. CHILD SUPPORT: 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/Clearinghouse and collected by automatic wage assignment.

Order that child support shall be paid by Petitioner **OR** Respondent in a reasonable amount as determined by the Court under the Arizona Child Support Guidelines and according to the Parent's Worksheet, which shall be filed with this Petition;

OR

Order that child support be paid in an amount that deviates from the Guidelines because:

Application of the Guidelines is inappropriate or unjust because _____

The parties have signed a written agreement free of duress and coercion with knowledge of the amount of support that would have been ordered by the Guidelines but for the agreement. A copy of the agreement is attached.

H. HEALTH, MEDICAL, DENTAL INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN: Order that Petitioner or Respondent shall pay for health, medical, dental insurance coverage for the children under the age of 18 years, and that [] Petitioner or Respondent shall pay for all reasonable unreimbursed medical, dental, health-related expenses incurred for the child(ren) in proportion to their respective incomes as described on the Parent's Worksheet, which shall be filed with this Petition.

I. **TAX EXEMPTION:** The parties will claim the child(ren) as income tax dependency exemptions on federal and state income tax returns **and as allowed by federal and state tax laws** as follows:

Parent entitled to claim		Name of child	Current tax year	Later tax years
<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	_____	_____	_____

12. **OTHER ORDERS I AM REQUESTING:** (explain request here)

OATH AND VERIFICATION

STATE OF _____)
 County of _____) ss

I, the Respondent, being duly sworn and under oath, state that I have read this Response. All the statements in the Response are true, correct, and complete to the best of my knowledge and belief.

 Signature

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20 _____, by

_____.

My Commission Expires:

 NOTARY PUBLIC