

**RESPONSE TO
PETITION FOR DISSOLUTION
OF MARRIAGE (DIVORCE)
WITH CHILDREN**

Packet #3

*Separate forms from
packet before filing*

PIMA COUNTY SUPERIOR COURT SELF-SERVICE PACKET

RESPONSE TO PETITION FOR DISSOLUTION OF MARRIAGE (DIVORCE) WITH CHILDREN

USE AND DISCLAIMER

These forms shall not be used to engage in the unauthorized practice of law. The court assumes no responsibility and accepts no liability for actions taken by the users of these forms or in reliance upon the instructions or information provided.

Court cases can be very complicated, and even if you are representing yourself you should see a lawyer for legal advice as to how the law applies to you, and what is best in your particular situation. This might save you time, money, trips to the courthouse, and avoid serious mistakes. There are lawyers who will help you help yourself. This means that they will only charge you for giving you the help you need, and you can complete the court papers on your own or ask the lawyer for help with your papers.

There are professional mediators in the community who can help you with your problems. They help you solve your present problem, and anticipate future problems and how to solve them. Mediators work with both parties in a dispute to help resolve areas of disagreement or trouble.

A list of individuals, agencies and other resources available to help people resolve legal problems is available at the Self-Service Center.

HOW TO ASSEMBLE THESE DOCUMENTS

This packet contains general information, instructions and court forms to complete and file, including the divorce Petition and other court papers. Be sure the documents are in the following order. Look at the lower right-hand corner of the document for the document number. Documents that end with "info" are instructions and/or general information. Documents that end with "form" are court forms that **MUST** be completed and filed with the court.

Title	Form Name
Use and Disclaimer (1 page)	dwcresp-use and disclaimer.info
Read this First ... Sensitive Data	Dwcresp-read this first.info
Introduction: General Information	dwcresp-introduction.info
Instructions on Filling Out Forms (7 pages)	dwcresp-instructions.info
Response to Petition for Dissolution of Marriage (W/Children) (7 pgs)	dwcresp-response.form
Affidavit: Re: Minor Children (2 pages)	dwcresp-affidavit re minor children.form
Sensitive Information Sheet (1 page)	dwcresp-sensitive information.form
Instructions on Filing Papers (1 page)	dwcresp-instructions for filing.info
Request for Protected Address	dwcresp – request for protected address
Order for Protected Address	dwcresp-order for protected address

READ THIS FIRST, BEFORE YOU COMPLETE ANY FORMS IN YOUR PACKET

MOST COURT FILES ARE OPEN TO THE PUBLIC FOR REVIEW, EITHER PERSONALLY OR ELECTRONICALLY.

Pursuant to Rule 43(G), Arizona Rules of Family Law Procedure, effective January 1, 2006, before filing any paper containing sensitive data with the court, the filing party shall omit or otherwise redact the sensitive data unless they are specifically requested by the court. If the sensitive data are specifically requested by the court, the filer shall record the requested information on a separate sensitive data form which shall be maintained by the clerk as a confidential record. You are ENCOURAGED to use the attached form whenever 'CONFIDENTIAL SENSITIVE DATA' is requested in paperwork, rather than list that information in the documents filed with the Court that will be available for public scrutiny. The Confidential Sensitive Data Form(s) in your case will be maintained electronically and sealed and may be viewed only the Court and court staff, the parties to the case and their attorneys, and Clerk's Office staff, except as may be otherwise ordered by the Court.

DEFINITION: "SENSITIVE DATA" includes the following:

- A) Social Security number**
- B) Bank account number, credit card number, or other financial account numbers**

Instructions for form use: Wherever "sensitive data" is required in a document that will be filed with the Court, write in 'SEE CONFIDENTIAL SENSITIVE DATA FORM.' Make sure you write in the appropriate "sensitive data" on the Confidential Sensitive Data Form. Whenever new information is needed to supplement the record in a case, a party should file with the Clerk's Office an updated sensitive data form (including all previously disclosed sensitive data, plus any additional sensitive data required to be filed in the case.)

ANY PARTY WHO INCLUDES "SENSITIVE DATA" IN DOCUMENTS FILED WITH THE COURT, OTHER THAN ON A CONFIDENTIAL SENSITIVE DATA FORM, DOES SO AT THAT PARTY'S OWN RISK.

INTRODUCTION: General Information

IMPORTANT TERMS TO USE:

Because YOU are responding to the Petition for Dissolution, YOU will be called the **RESPONDENT** in all documents relating to your case, regardless of who files any later documents. YOUR SPOUSE will be called the **PETITIONER** in all documents.

BASIC REQUIREMENTS:

To file for divorce in Arizona, it is required that you **OR** your spouse must have resided in Arizona **OR** been stationed in Arizona while a member of the Armed Forces for at least **90** days before the Petition is filed. The children **generally** must have resided in Arizona for at least **six** months immediately before the Petition for Dissolution is filed.

PARENT INFORMATION PROGRAM:

In every divorce case where there are minor children involved, parents must attend a "Domestic Relations Education Regarding Children's Issues" class. The purpose of this class is to give parents information about the impact that divorce or changes in custody or parenting time have on children.

There is a fee for this course (currently \$27), but this fee may be deferred or waived along with other court fees if you qualify. See the packet entitled "**Deferral/Waiver of Fees/Costs**" for the forms and instructions to do this.

Attendance at this class is **mandatory** for both parents, but you are not required to attend together. You are not responsible for your spouse's attendance. If a parent fails to attend and complete this class the court will not hear or grant any request for custody or parenting time by this parent until the class is completed. The Clerk of the Court will give you more information about this class when you file your papers.

MEDIATION:

During your case you and your spouse may disagree on issues involving child custody or parenting time (visitation). If so, you and your spouse must attend mediation either using the services of a court-appointed **mediator** or a private **mediator** selected by you and your spouse prior to proceeding to trial. Use the forms and instructions in the packet entitled "**Mediation.**"

IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:

Unfortunately, domestic violence can be part of any marriage. Domestic violence can include physical violence directed against you or your children such as hitting, slapping, pushing, or kicking. It can also include **threats of physical violence made against you and your children**, or regular verbal abuse used to control you. Your spouse does NOT need to have been convicted of domestic violence or assault on 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.

If you are a victim of domestic violence or threats of domestic violence, you can obtain an Order of Protection from any court. This Order of Protection will order your spouse to stay away from you and from children in common with your spouse if they are also victims of your spouse's abuse. If you need an **immediate** order of protection and will not file at least for 30 days **before** you are ready to file for the divorce, you can request such an Order between the hours of 8:00 a.m. and 4:30 p.m. at the Tucson City Court, 103 East Alameda Street, Tucson, telephone number 791-4971; the Pima County Consolidated Justice Court, 115 North Church Avenue, 2d floor, Tucson, telephone number 740-3171; the Pima County Juvenile Court Center, 2225 East Ajo Way, Tucson, telephone number 740-2045; the Pima County Superior Court Clerk's Office, 110 West Congress, 1st floor, Tucson, telephone number 740-3210. After 4:30 p.m. weekdays, or at any time on a weekend or holiday, an emergency order of protection can be requested by contacting the Tucson Police Department at 741-4444 or the Pima County Sheriff's Department at 740-4900. In case of an emergency call 911.

If you are ready to file your divorce or plan on doing so within 30 days and also need an Order of Protection, you should request the Order of Protection from the Superior Court where you file the divorce papers. The Clerk of the Court will have the papers you need to do this. If you have an existing Order of Protection from City Court, it will have to be transferred to Superior Court when you file your divorce papers.

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 YOU DO NOT WANT YOUR ADDRESS KNOWN IN ORDER TO PROTECT YOURSELF OR YOUR CHILDREN, IF POSSIBLE, GET A P.O. BOX

OR USE ANOTHER VALID MAILING ADDRESS ON THESE PAPERS. TELL THE CLERK OF ANY EXISTING ORDER OF PROTECTION AND CASE NUMBER.

Additional information on how to obtain an Order of Protection is available at the Self-Service Center.

**INSTRUCTIONS FOR HOW TO FILL OUT THE FORM:
RESPONSE TO PETITION FOR DISSOLUTION OF MARRIAGE
(DIVORCE) - WITH CHILDREN**

**PLEASE TYPE OR PRINT WITH BLACK INK ONLY
WHEN FILLING OUT ANY COURT FORMS**

Completing the RESPONSE TO PETITION FOR DISSOLUTION OF MARRIAGE (DIVORCE) WITH CHILDREN:
(dwcresp-response.form) (Use this form **ONLY** if you are responding to a divorce petition and there are children involved!)

- Make sure your form is titled RESPONSE TO PETITION FOR DISSOLUTION OF MARRIAGE (DIVORCE) WITH CHILDREN.
- In the top left corner of the first page, fill out the following: YOUR name; address; city, state and ZIP code; and telephone number. See note above regarding Domestic Violence.
- Fill in YOUR SPOUSE'S name in the space that says "Petitioner." In the space that says "Respondent," fill in YOUR NAME.

STATEMENTS MADE TO THE COURT UNDER OATH

1. **About Petitioner** - Fill in your SPOUSE'S name, address, date of birth, occupation, and how long your spouse has lived in Arizona. This is basic information about YOUR SPOUSE, the PETITIONER.
2. **About Respondent** - Fill in YOUR name, address, date of birth, occupation, and how long you have lived in Arizona. This is basic information about YOU, the RESPONDENT.
3. **About Our Marriage** - This is general information about your marriage. Fill in the date you were married, and the city and state where you were married. If you were married outside the United States, list the country where you were married.
4. **90 Day Requirement** - This tells the court that you OR your spouse has lived in Arizona, or been stationed here while in the Armed Forces, for at least 90 days. IF IT IS NOT TRUE, THE PETITION CANNOT PROCEED, REQUEST THAT THE COURT DISMISS THIS CASE.

INFORMATION ABOUT PROPERTY AND DEBTS:

THE INFORMATION YOU GIVE IN SECTIONS 5, 6, 7, AND 8 SHOULD TELL THE COURT ABOUT YOUR PROPERTY AND DEBTS AND HOW YOU THINK PROPERTY AND DEBTS SHOULD BE DIVIDED.

Community property is generally any property you and your spouse purchased during your marriage or that was paid for during the marriage, regardless of who uses the property or who actually paid the money. Unless property was a gift or inheritance, all property gotten during the marriage is community property, and both you and your spouse are entitled to a roughly equal share of this property.

Community debts, likewise, belong to both people, regardless of who spent the money. These should also be divided roughly equally.

Separate property is property that either spouse owned before the marriage or property that a spouse received during the marriage by either gift or inheritance. Separate property is not divided during the divorce. Each party gets to keep his or her separate property.

Separate debts are debts that either spouse had before the marriage OR that were incurred AFTER the divorce Petition was served.

If you have questions, or you have a lot of community assets and/or debts, you should consult a lawyer regarding issues of community property and debts BEFORE filing your Response and other papers.

Community Property - If you and your spouse do not have any property from the marriage, mark the first box and GO TO # 6. If you had property together check the second box. If you checked the second box, you will then tell the

court what property should go to you and what property should go to your spouse. Generally, the court will try to divide the property roughly equally, unless there are good reasons not to. It is unlikely that the court will give most or all of the property to either spouse, so try to put some thought into what you think would be a fair split before answering this question.

List specific items of property and its approximate value and check which party should get the item of property.

You should describe the property as thoroughly as you need to for identification purposes. You can use the brand name and model where applicable. You should identify all bank accounts, credit card accounts and insurance policies by listing the last four digits of the account numbers.

Frequently the parties have already divided the property before filing for a divorce. If you and your spouse have done this and there are no large items of property such as a vehicle or a home, you can check "Property in each party's possession" for each party. To be on the safe side, however, list specific property and who it is to be awarded to.

Types of property include:

Real Estate (property or home) - mark who you want to get the property. You can ask the court to give the home to you or to your spouse, or order it to be sold and proceeds divided between the parties. You should write the complete address of the property under "Real estate at". Most property also has a legal description such as "LOT 77, PINE TREE ACRES, according to Book 111 of Maps, etc." You should use this description, which will appear on your deed papers, if you have it. Cemetery plots are also considered real property. Mobile homes are real property IF you own the land where the mobile home is sitting and the mobile home is permanently affixed to that land. Otherwise, a mobile home is considered a vehicle.

Household furniture and appliances - this includes sofas, beds, tables, refrigerators, etc.

Household furnishings - this generally includes other things in the house other than furniture such as dishes, small appliances, rugs etc.

Other (explain) - list any things that you specifically want to go to one person or another that have not already been listed.

Pension/retirement fund/IRA/profit sharing/stock plan/401K - you and your spouse each generally have a right to a one-half interest in any spouse's plan, but ONLY for the number of years you were married and the pension or retirement plan was in effect. The longer you have been married, the greater your financial interest in a spouse's plan, up to 50 percent if you have been together the whole period of the plan. **Mark this box if you want the court to divide either your or your spouse's retirement or profit sharing/retirement/401K plan. If you mark this box, you should see an attorney about a document called a Qualified Domestic Relations Order or QDRO. A QDRO is very specialized legal document that requires a professional's assistance to prepare.**

If you are not sure whether you or your spouse has a retirement plan, consult a lawyer.

Motor vehicles - list the vehicle identification number, the year and make of car (Ford, Chevrolet) and the model (Mustang, Camaro) etc. Also list any lien holders who are listed on the title to the vehicle. A lien holder is usually the finance company who loaned you the money to purchase the vehicle.

Remember, mobile homes NOT permanently affixed to land that you own are considered vehicles.

Separate Property - If neither you nor your spouse still has any property that you had before the marriage, check the first block AND GO TO # 7. If you do have such property or if you or your spouse received any gifts or inheritances while you were married, check the second block and then describe each item of separate property and check which party is to get each item.

Community Debts - If neither you nor your spouse owe money or have any debts from the marriage, mark the first box and GO TO # 8. If you did acquire some debts, mark the second box. If you mark the second box, tell the court what the debts are and who should be made to pay them. Generally, the court will attempt to make a fair split of the debts, and if you get the property that money is owed on, you probably will also be given the debt. It is unusual for the court to order one person to pay all the debts. Think about what is a fair split of the debts before answering this question. Enter enough information to identify the specific debt.

Keep in mind that while the divorce decree will order the debts to be split, this order is NOT binding on the creditors. For example, if a community debt for a specific credit card was awarded to your spouse and that spouse did not pay the debt, the creditor could still come after you on that debt. Your remedy would then be to take your spouse back into the divorce court to enforce the decree.

Separate Debts - If neither you nor your spouse have individual debts from before you were married (or any debts incurred while you have been separated), check the first block and GO TO # 9. If you do have separate debts, check the second box and list the debts. Check which party should be ordered to pay each debt.

Summary of What I Ask For - In this section, please describe what is different between how your spouse has asked the property and debts to be divided and what you think is a fair and equitable division of property and debts.

Tax returns - Mark the first box if this is how you want to handle income tax refunds. If you want some other arrangement, check the "Other" box and describe the tax arrangement you want the court to award.

Spousal Maintenance (Alimony) - This is the term used to describe money paid by one spouse to the other as part of a Divorce Decree or Order. You may know the term as alimony. The money is designed as a safety net for a spouse who cannot provide for his or her needs or who meets other requirements listed under 10. The idea behind spousal maintenance is that accomplishments during your marriage, including increases in earning potential and living standards are shared and earned by BOTH parties to a marriage. Look at the list of boxes in 10 and see if any of these apply to you or your spouse. If so, you can decide to make a request that spousal maintenance be awarded to the appropriate party. If none apply, or you do not want to request spousal maintenance, check the first block and GO TO # 12. If you want either party to receive spousal maintenance, check the second block and all other blocks that apply to the receiving spouse.

Spousal maintenance is paid separate from child support and is NOT a substitute for or supplement to child support.

INFORMATION ABOUT CHILDREN LESS THAN 18 YEARS OF AGE

Domestic Violence - This tells the court if there was ANY domestic violence in the marriage, 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 first box if there has been domestic violence. If domestic violence has not occurred, GO TO # 15.

Children Who Are Less Than 18 Years Old - If there are no children under the age of 18 that have been born to or adopted by you or your spouse, you should **STOP!** You should be using the packet entitled "**Petition for Dissolution of Marriage (Divorce) Without Children**". Otherwise, check the second box and provide the name, birth date and current home address for each child born to or adopted by you and your spouse.

Pregnancy - If the wife is not pregnant, check the first block and GO TO # 17. If the wife IS pregnant, check the second block and list the date the baby is due. Also check the appropriate block that describes who are the parents of that child.

Children Under 18 Who Are Not Children of One of the Spouses - Write the name, birth date and home address of any child less than 18 years of age who was born during the marriage BUT for whom either YOU or YOUR SPOUSE are NOT the parent. If this is not applicable, leave this block blank and GO TO # 18.

Written Custody Agreement - Check this box ONLY if you and your spouse already have a **signed, written agreement** regarding custody, parenting time and child support BEFORE you file. If you have only discussed these issues and do not have a signed, written agreement, do NOT mark this box.

Jurisdiction of the Court to Award Child Support - The court must have jurisdiction over the other party in order to award child support against that party. If that party is a resident of Arizona, this does not present a problem. However, if the other party is NOT an Arizona resident, the court cannot award child support against that party unless he or she has had some specific connection with Arizona. Be sure to check every block that applies to that party.

OTHER STATEMENTS MADE TO THE COURT UNDER OATH

Each of these statements must be true at the time you file for the divorce. If any of these statements is NOT true, you cannot file for a divorce until all the statements are true.

One of the spouse's must agree that the marriage is irretrievably broken and that there is no reasonable prospect for reconciliation before the divorce can be granted. If you believe your marriage is not irretrievably broken, please see the packet entitled "**CONCILIATION**" to request free marriage counseling through the Conciliation Court. Please check any of the other statements that you believe are true.

REQUESTS I MAKE TO THE COURT - In this portion of the Response, numbered 1 to 12, you are telling the court what you want ordered in the final decree.

Dissolution - This is your request to end your marriage by a Dissolution of Marriage (Divorce). Please check the appropriate box.

Names - Mark the appropriate box if you are requesting that you or your spouse to legally be known by your maiden or former name. Write in the appropriate last name on the space provided.

If your spouse does not have an attorney, print NONE for the attorney name and number; otherwise, list the attorney's name.

Spousal Maintenance (Alimony) - If neither party is requesting spousal maintenance, mark the first box and GO TO # 4. If you are asking the court to order one spouse to pay spousal maintenance to the other spouse, check the appropriate boxes and enter the amount of spousal maintenance requested.

Community Property - This tells the court that your requested division of the community property is fair, and that the court should divide the community property as requested above in your Response.

Community Debts - This tells the court that your requested division of the community debts is fair, and that the court should divide the community debts as requested above in your Response. If you have been separated from your spouse for enough time that you or your spouse may have additional debts, write the date of separation on the line provided if you want each of you to pay the debts you each incurred after you separated. The Court may use the date of service of the Petition to determine the date community debt ceased.

Separate Property - This states you want you and your spouse to keep property you each owned before you were married or got during the marriage by gift or inheritance as requested above in your Response.

Separate Debts - This states that you want you and your spouse to be responsible for debts that each of you had from before the marriage as requested above in the Response.

Child Custody and Parenting Time (Visitation)

Sole Custody - If you are requesting one party to have sole custody of the minor children, check this box and then check the appropriate blocks regarding parenting time by the other parent.

Parenting Time:

Reasonable Parenting Time - Mark this box if you want the person not having sole custody to have reasonable parenting time rights. Reasonable parenting time varies with the age of the child. The court offers suggested amounts of parenting time and these are in published guidelines available in the packets entitled "**Child Custody/Parenting Time**" and "**Child Support**" and in "**The Model Parenting Time Plans**" available at the Self-Service Center. The parents can agree on other parenting time arrangements, however.

Supervised Parenting Time - Mark this box if you want the other party's parenting time to be supervised by another adult. You may request supervised parenting time if the non-custodial parent cannot adequately care for the children 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 a child without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the child. Be sure to list the reasons why you are requesting supervised parenting time. Also list who is going to pay the costs of supervised parenting time, if any are incurred.

No Parenting Time - Mark this box if you want the other party to have no parenting time at all. You should check this block only if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the child's physical and/or emotional health. This is a last resort to protect the child.

Joint Custody - If you are requesting joint custody, mark this box. You and your spouse should complete a Joint Custody Agreement or Parenting Plan and attach a copy to your Petition.

Child Support - Indicate which parent is to pay child support. Generally, the person who has custody of the child(ren), or who has physical care of the child(ren) more than 50% of the time, is the person who should receive the support. The other spouse must pay the support. However, there are exceptions depending on the parents' income and time sharing schedule. The amount of the support is generally determined by income of the parties according to the Arizona Child Support Guidelines. The amount of child support does not have to be specifically stated at this time, but it will need to be computed later so that it can be specifically listed in the Decree.

Insurance and Health Care Expenses for Children - Mark one box only. Tell the court which parent should be required to provide insurance for the children. Whichever parent has the most affordable plan available through their employment, where applicable, should generally pay the insurance. Adjustments can be made to Child Support to reflect costs of insurance for the children.

Tax exemption - The Arizona Child Support Guidelines and federal tax laws determine who should get the tax dependency exemptions, for which children, for which years. If you are not sure, you should see a lawyer or accountant for help.

Other Orders - Tell the court anything else you may want ordered in your Divorce that has not been covered elsewhere in your Response. If none, enter "None."

OATH AND VERIFICATION OF RESPONDENT: Sign this form in front of a notary. By doing so you are telling the court that everything contained in the Response to the Petition for Dissolution is true. Generally, you should sign all papers that you are filing at the Superior Court Clerk's Office. The Clerk will notarize the papers.

You will also have to complete the following forms: Affidavit Re: Minor Children and Sensitive Information Sheet

AFFIDAVIT RE: MINOR CHILDREN: (dwcrestp-affidavit re minor children.form)

Enter the names of Petitioner and Respondent.

- Check "Dissolution."
- Check whether the wife is presently pregnant.
- Check whether there are minor children of either or both parties who are in the custody of either or both of the parties.
- Check whether there were prior cases involving custody or parenting time of your minor children in this or any other state. If there were other cases, mark the first box and give as much information as possible. This information could affect you or your children's rights in this case.
- Check whether there are any PENDING cases involving custody of your minor children in this or any other state. If there are other cases, mark the first box and give as much information as possible. This information could affect you or your children's rights in this case.
- Check whether you know of another person OTHER THAN YOUR SPOUSE who has physical custody or is claiming custody or parenting time rights to any of the children. If you do know such person, mark the first box and put the information here, including the child's name and the person who believes they have a custody or parenting time claim.
- List the wife's mailing address.
- List the husband's mailing address.
- Enter each child's name, birth date, and birthplace.
- Enter where the children from your marriage have been living **for the past 5 years**; if any children are under age 5, simply put information since their birth. Write the dates of residence, the address where the child lived during the period, the name and present address of the person having physical custody of the child during the period, and the relationship of that person to the child. While you may not remember exact dates when you moved from one location to another, fill this information out as completely as possible.
- Sign this document before the Clerk of the Court or a Notary Public and check the box labeled "Respondent."

SENSITIVE INFORMATION SHEET: (dwcrest-sensitive information.form)

Because the divorce Petition and Response are public documents, certain information such as your social security number and those of your spouse and children as well as information regarding asset and debt account numbers are furnished to the court on this sheet, which is not made available to the public.

- Print the word "None" requested in the line for Respondent's Attorney and Attorney No.
- Provide all other information pertaining to you, your spouse and your children, to the best of your ability.

Now that you have completed the forms, refer to the final information sheet in this packet entitled "Instructions on Filing Papers". This will tell you what to do with the forms you have completed.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____ Petitioner

and

_____ Respondent

Case No. _____

RESPONSE TO PETITION FOR DISSOLUTION OF MARRIAGE (DIVORCE) WITH CHILDREN

STATEMENTS MADE TO THE COURT, UNDER OATH

1. ABOUT MY SPOUSE, THE PETITIONER

Name: _____

Address: _____

Date of Birth: _____

Occupation: _____

Length of time my spouse has lived in this state: _____

2. ABOUT ME, THE RESPONDENT

Name: _____

Address: _____

Date of Birth: _____

Occupation: _____

Length of time my spouse has lived in this state: _____

3. ABOUT OUR MARRIAGE

Date of Marriage: _____

City and state or country where we were married: _____

4. 90 DAY REQUIREMENT

Either 1, and/or my spouse, has been domiciled (lived), or has been stationed while a member of the Armed Forces, in Arizona for at least 90 days before I filed this action. **(NOTE TO RESPONDENT: IF THIS STATEMENT IS NOT TRUE, THE PETITIONER CANNOT PROCEED. REQUEST THE COURT TO DISMISS THIS CASE BELOW. PETITIONER CAN THEN RE-FILE WHEN THE STATEMENT IS TRUE.)**

INFORMATION ABOUT PROPERTY AND DEBTS

5. COMMUNITY PROPERTY (PROPERTY ACQUIRED DURING THE MARRIAGE) - check one box

- My spouse and I did not acquire any community property during the marriage.
- My spouse and I did acquire community property during our marriage, and it should be divided as follows:

DESCRIPTION AND VALUE OF THE PROPERTY	PETITIONER	RESPONDENT
<input type="checkbox"/> Property in each party's possession	<input type="checkbox"/>	<input type="checkbox"/>
<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"/> <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"/> <input type="checkbox"/>
<input type="checkbox"/> Other items: _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Pension/Retirement Fund/Profit Sharing/Stock Plan/401 K: _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Motor vehicles: Make: _____ Model: _____ VIN: _____ Lien Holder: _____	<input type="checkbox"/>	<input type="checkbox"/>
Make: _____ Model: _____ VIN: _____ Lien Holder: _____	<input type="checkbox"/>	<input type="checkbox"/>

6. **SEPARATE PROPERTY (PROPERTY ACQUIRED BEFORE THE MARRIAGE)** - check all boxes that apply
- My spouse and I do not have any property either of us brought into the marriage.
 - My spouse and I do have property that either of us brought into the marriage and it should be awarded as follows:

Description and Value of Property	PETITIONER	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. **COMMUNITY DEBTS (DEBTS INCURRED DURING THE MARRIAGE)** - check one box
- My spouse and I did not incur any community debts during the marriage.
 - My spouse and I did incur community debts during the marriage and responsibility for these debts should be divided as follows:

Description and Amount of Debt	PETITIONER	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"/>

8. **SEPARATE DEBTS (DEBTS INCURRED BEFORE THE MARRIAGE)** - check one box
- My spouse and I do not have any debts that were incurred before the marriage.
 - My spouse and I do have separate debts that were incurred before the marriage and the responsibility for these debts should be divided as follows:

Description and Amount of Debt	PETITIONER	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"/>

9. **SUMMARY OF WHAT I ASK FOR ON PROPERTY AND DEBTS THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION** - (here summarize what is different between your plan for division of property and debt and what your spouse asked for.)
- _____
- _____

10. **TAX RETURNS** - check one box
- After the Judge or Commissioner signs the Decree of Dissolution of Marriage (Divorce), my spouse and I will pay federal and state taxes as follows: For previous years (the years we were married but not including the year the Decree was signed), my spouse and I will file joint federal and state income tax returns. In addition, for these previous years, my spouse and I will pay and hold the other harmless from 1/2 of all additional income taxes, if any, and all other costs, and we will share equally in any refunds. For the calendar year that the decree was signed, my spouse and I will file separate federal and state income tax returns and each will give the other party all necessary documentation to do so.

- Other - describe any other tax arrangements you wish the Court to award

11. **SPOUSAL MAINTENANCE (ALIMONY)** - check the boxes that fit what you want the court to do:

- Neither party is entitled to spousal maintenance (alimony).
- Petitioner OR Respondent is entitled to spousal maintenance because: (check ANY boxes that apply. At least one 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 or children whose age or condition is such that 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
 - Person 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

12. **SUMMARY OF WHAT I WANT REGARDING SPOUSAL MAINTENANCE THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION** - (here summarize what is different from your plan for spousal maintenance than what your spouse asked for).

INFORMATION ABOUT OUR CHILDREN LESS THAN 18 YEARS OF AGE:

13. **DOMESTIC VIOLENCE** – check the box that is true if you or your spouse intends to ask for joint custody
Domestic violence has has not occurred during this marriage.

14. **SUMMARY OF WHAT I SAY ABOUT DOMESTIC VIOLENCE THAT IS DIFFERENT FROM WHAT MY SPOUSE SAID IN THE PETITION** - (here summarize what is different between what your spouse says and what you say about domestic violence):

15. **CHILDREN OF THE PARTIES WHO ARE LESS THAN 18 YEARS OLD** – check one box

- There are no children under the age of 18 either born to or adopted by the parties.
NOTE: IF YOU CHECKED THIS BOX, STOP! USE THE “WITHOUT CHILDREN” RESPONSE PACKET

- The following child(ren) are under age 18 and was/were born to or adopted by my spouse and I:
(Attach extra pages if necessary).

Name _____	Name _____
Birthdate _____	Birthdate _____
Address _____	Address _____
_____	_____

Name _____	Name _____
Birthdate _____	Birthdate _____
Address _____	Address _____
_____	_____

16. **PREGNANCY**

- Wife is not pregnant OR
- Wife is pregnant and the baby is due on _____ and, (check one box below)
 - My spouse and I are the parents of the child, OR
 - I am not the parent of the child, OR
 - My spouse is not the parent of the child.

17. **CHILDREN LESS THAN 18 YEARS OLD WHO WERE BORN DURING THE MARRIAGE FOR WHOM EITHER ME OR MY SPOUSE IS NOT THE PARENT - (if applicable)**

Name _____	Name _____
Birthdate _____	Birthdate _____
Address _____	Address _____
_____	_____

18. **WRITTEN CUSTODY AGREEMENT** – check only if true

- My spouse and I have a written agreement signed by both of us about the custody, parenting time, and child support for our child(ren). I have attached a copy of this agreement.

19. **CHILD SUPPORT JURISDICTION** – This Court has jurisdiction under A.R.S § 25-623 to order the other party to pay child support because:

- That person is a resident of Arizona
- I believe I will personally serve that person in Arizona
 - That person agrees to have the case heard here and will file written court papers in this case
 - That person resided with the child in this state
 - That person resided in this state and provided pre-birth expenses or support for the child
 - The child resides in this state as the result of the acts or directives of that person
 - The person had sexual intercourse in this state and the child may have been conceived by that act of intercourse
 - That person signed a birth certificate that is filed in this state
 - That person did other acts which substantially connect that person with this state

20. **SUMMARY OF WHAT I SAW ABOUT OUR CHILDREN THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION** - (here summarize what is different between what you say about the children and what your spouse said in the Petition):

21. **GENERAL DENIAL** - I deny anything stated in the Petition that I have not specifically admitted, qualified or denied here.

OTHER STATEMENTS MADE TO THE COURT UNDER OATH - To obtain a divorce, you and your spouse must be able to tell the Court that each of the following statements is true. **(NOTE TO RESPONDENT: IF ANY OF THESE STATEMENTS IS NOT TRUE, THE PETITIONER CANNOT PROCEED. REQUEST THE COURT TO DISMISS THIS CASE BELOW. PETITIONER CAN RE-FILE WHEN AND IF THESE STATEMENTS BECOME TRUE)**

- TRUE My marriage is irretrievably broken and there is no reasonable prospect of reconciliation,
- TRUE The conciliation requirements under Arizona law either do not apply or have been met,
- TRUE This court has jurisdiction to decide child custody matters under Arizona law.

REQUESTS I MAKE TO THE COURT

1. DISSOLUTION (DIVORCE): (Check which box you want)

- Dissolve the parties' marriage and return each party to the status of a single person.
- Dismiss this case and refuse to dissolve the marriage because neither spouse has been domiciled in Arizona for at least 90 days
- Dismiss the case and refuse to dissolve the marriage because the marriage is not irretrievably broken and/or the conciliation requirements under Arizona law have not been met.
- Dissolve the marriage and return each party to the status of a single person, but refuse to decide child custody and or child support matters due to a lack of jurisdiction.

2. NAMES: Restore wife husband to her or his former name of _____

Note: If you are not the person who is requesting to have your former name restored, the Court must have a written request from the party who wants his or her name restored,

3. SPOUSAL MAINTENANCE (ALIMONY):

- Neither party is entitled to spousal maintenance
- Order spousal maintenance to be paid by:
 Petitioner Respondent to Petitioner Respondent
through the Clerk of the Court in the amount of _____ per month, plus statutory fee, beginning with the first day of the month after the Judge or Commissioner signs the Decree of Dissolution and continuing until the person receiving the spousal maintenance is remarried or deceased, or for _____ months, whichever occurs first.

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

5. COMMUNITY DEBTS:

- Order each party to pay community debts as requested above 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 separated on (date:) _____

5. SEPARATE PROPERTY: Award each party his or her separate property as requested above in this Response.

7. SEPARATE DEBTS: Order each party to pay his or her separate debts as requested above in this Response.

8. **CHILD CUSTODY AND PARENTING TIME (VISITATION)**: Award custody and parenting time of the children common to the parties and less than 18 years old as follows:

SOLE CUSTODY of the minor child(ren) awarded to: Petitioner OR Respondent, subject to parenting time as follows:

Reasonable parenting time to the parent not having custody

OR

Supervised parenting time between the child(ren) and the Petitioner OR

Respondent is in the best interest of the child(ren) because _____

The cost of supervised parenting time will be paid by

the parent being supervised; the parent having custody; shared equally by the parties.

OR

No parenting time to the parent not having custody is in the best interest of the child(ren) because _____

JOINT CUSTODY: Petitioner and Respondent agree to act as joint custodians of the child(ren) as set forth in the Joint Custody Agreement or Parenting Plan signed by the parties, and attached to this Petition.

9. **CHILD SUPPORT**: Order that child support shall be paid by

Petitioner Respondent to Petitioner Respondent

in a reasonable amount as determined by the Court under the Arizona Child Support Guidelines (Child Support Order to be attached to Decree). Support payments to begin on the first day of the month after service of the Petition with all payments, plus the statutory handling fee, to be paid through **The Support Payment Clearinghouse**, P O Box 52107, Phoenix, Arizona 85072-7107 to be paid by automatic wage assignment.

10. **INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN** Order that Petitioner Respondent shall pay for health, medical and dental insurance coverage for the child(ren) common to the parties and less than the age of 18 years old. Petitioner and Respondent will 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 Parents' Worksheet, which shall be submitted with the Decree.

11. **TAX EXEMPTION**: The parties shall claim 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	_____	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____	_____

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner/Plaintiff

and

Respondent/Defendant

Case No. _____

AFFIDAVIT RE: MINOR CHILDREN

STATE OF ARIZONA)
) ss.
County of Pima)

1. The nature of this action is:
 Dissolution Legal Separation Paternity Annulment Child Custody Modification

2. The mother is is not presently pregnant.

3. There are are not minor children of either or both of the parties in this case who are in the custody of either or both of the parties.

4. I have have not participated as a party, witness, or in any other capacity in any other prior litigation concerning custody of a child mentioned below, in this or any other state. (If you have, state the name of each child, the manner in which you participated, the court, the state & county or district, case number, and date of order or judgment, if any.)

5. I do do not have any information of any custody proceeding concerning a child mentioned below pending in a court of this or any other state. (If you do, state the name of each child, nature of the proceeding, the court, the state & county or district, case number, and the status of the proceeding.)

6. I do not know of any person not a party to this proceeding who has physical custody or claims to have custody or visitation rights with respect to any child mentioned below. (If you do have such knowledge, state the name and address of the person, whether that person has physical custody, is claiming custody rights, or is claiming visitation rights, and the name of the child involved.)

7. Mother's mailing address is: _____

8. Father's mailing address is: _____

9. a) The minor child(ren) affected or of this action are:

<u>NAME</u>	<u>BIRTHDATE</u>	<u>BIRTHPLACE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

b) All the children have resided together at the following locations during the last five years:

DATES OF RESIDENCE	ADDRESS OF CHILD DURING PERIOD	NAME AND PRESENT ADDRESS OF PERSON HAVING PHYSICAL CUSTODY DURING RESIDENCE PERIOD		RELATION TO CHILD
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

NOTE: If any of the children have lived separately, give specific information for that child on an additional page.

Petitioner Respondent

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

My Commission Expires:

Notary Public

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No. _____

Petitioner

and

Respondent

CONFIDENTIAL SENSITIVE DATA FORM

A. Personal Information:

Name	Date of Birth	Social Security Number
Petitioner: _____	_____	_____
Respondent: _____	_____	_____
Child: _____	_____	_____
Child: _____	_____	_____
Child: _____	_____	_____
Child: _____	_____	_____

B. Financial account numbers (including credit cards, financial institution accounts, investments, debts):

Financial Institution	Type of Account	Name(s) on Account	Account #
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

C. Pension and retirement accounts (including IRAs, 401ks):

Financial Institution	Type of Account	Name(s) on Account	Account #
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

D. Life insurance policies:

Insurance Company	Type of Policy	Name(s) on Policy	Policy #
_____	_____	_____	_____
_____	_____	_____	_____

PIMA COUNTY SUPERIOR COURT SELF-SERVICE PACKET

INSTRUCTIONS ON FILING THE RESPONSE TO DISSOLUTION PAPERS WITH THE COURT AND SERVING YOUR SPOUSE

STEP 1: MAKE COPIES (in addition to the original) **OF THE FOLLOWING COMPLETED DOCUMENTS**

- Response to Dissolution of Marriage - 2 copies
- Completed Affidavit Re: Minor Children - 2 copies
- Sensitive Information Sheet - 1 copy

STEP 2: SEPARATE DOCUMENTS INTO 3 SETS AS FOLLOWS:

(This will usually be done after the deferral/waiver of fees/costs has been reviewed by the judge and approved, if appropriate.)

<p>SET 1 - TO CLERK OF COURT:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Response to Dissolution of Marriage <input type="checkbox"/> Affidavit Re: Minor Children <input type="checkbox"/> Sensitive Information Sheet 	<p>SET 2 - COPIES FOR SPOUSE:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Response to Dissolution of Marriage <input type="checkbox"/> Completed Affidavit Re: Minor Children
<p>SET 3 - YOUR COPIES: Same as Spouse's plus Sensitive Information Sheet</p>	

STEP 3: FILING THE PAPERS AT THE COURT:

FILE THE PAPERS AT:

**The Clerk of the Superior Court
First Floor
SUPERIOR COURT BUILDING
110 West Congress
Tucson, Arizona 85701**

FROM 8AM-9PM, MONDAY - FRIDAY (except legal holidays). Arrive at the Court at least one hour before it closes.

NOTICE: There is a filing fee for all Responses. If you qualify, you may request a Deferral or Waiver of the filing fees at the time you file your papers with the Clerk of the Court.

GET BACK: MAKE SURE YOU GET BACK THE FOLLOWING:

- Your Set of Copies
- Spouse's Set of Copies

STEP 4: Now you will serve the court papers on your spouse by mailing them to your spouse at the address listed on the Petition or to the attorney who filed the Petition. You may also hand deliver the papers to your spouse or the attorney. Do not attempt to serve your papers by hand delivery to your spouse if there has been domestic violence or an Order of Protection is in place. On the last page of the original court papers you filed in court, write the date and means of service of the copies on your spouse. **DO NOT SERVE BY FAX OR E-MAIL.**

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner

and

Respondent

Case No. _____

**REQUEST FOR
PROTECTED ADDRESS**

I reasonably believe that physical or emotional harm may result to me or my minor child(ren) if my address is not protected from disclosure, and I request that the court order that my address be protected from public disclosure, for the following reasons:

I have a valid Order of Protection against a party in this case issued by the following court (a copy is attached if available):

I have a valid Order of Protection against a party in this case issued by this court:

I have a valid Order of Protection against a person not involved in this case issued by the following court (a copy is attached if available):

I do not have a valid Order of Protection, but want my address protected for the following reasons:

My address is currently unknown to the other party. I have listed my address on a separate sheet of paper for court use.

I understand that I have a continuing duty to provide the clerk of the court with a current and correct mailing address where I can be served with process until one of the following events stated in Rule 7(D), Arizona Rules of Family Law Procedure, occurs.

Date

Requestor's Signature

PERSON WHOSE ADDRESS IS PROTECTED:

_____ Petitioner Respondent

ADDRESS TO BE PROTECTED:

Street: _____

City: _____

State, Zip Code: _____

Telephone Number: _____

ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No. _____

Petitioner

and

Respondent

**ORDER FOR
PROTECTED ADDRESS**

Upon request of [] Petitioner [] Respondent, and good cause appearing,

IT IS ORDERED that:

The address of [] Petitioner [] Respondent shall be protected from public disclosure until further order of this court.

The Clerk of the Court shall protect the address of [] Petitioner [] Respondent from public disclosure until further order of this court.

The Clerk and the parties hereto shall comply with the requirements of Rule 7, Arizona Rules of Family Law Procedure, as follows:

Any person required under these rules to serve a response or other document upon a person whose address is ordered protected from disclosure under this rule may serve the same by delivering true and correct copies of the documents to be served, together with the proper fee established by administrative order to cover the cost of service, to the clerk of the court. The clerk shall promptly mail the documents by regular first-class to the most recent protected address provided to the clerk, and service shall be deemed complete upon mailing. The clerk shall promptly file a written statement verifying the documents that were mailed and the date of mailing to the protected address signed by the clerk or deputy clerk who mailed the documents. All documents mailed to a protected address shall bear the clerk's return address, and a notation of any process returned as undeliverable shall be made in the court file.

Date

Judicial Officer