A13

DIVORCE – WITHOUT MINOR CHILDREN
For Respondent Only

Response

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

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO RESPOND TO DISSOLUTION (DIVORCE) PAPERS FOR A NON-COVENANT MARRIAGE – WITHOUT MINOR CHILDREN

DOMESTIC VIOLENCE: Domestic violence can be part of any marriage. Domestic violence includes **physical violence**, such as hitting, slapping, pushing or kicking, and **threats** of violence and/or **verbal abuse** directed against you and/or your children.

Court documents request your address and phone number. If you are a victim of domestic violence, and you **do not** want your address to be known to protect yourself or your children from further violence, you must file a Petition for an Order of Protection 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 just write "protected" in the space where the court asks you for this information. You must tell the Clerk of the Court your address and phone number as soon as possible.

INFORMATION ABOUT PAPERS YOU SHOULD HAVE RECEIVED FROM YOUR SPOUSE WITH THE PETITION FOR DISSOLUTION:

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, your spouse must complete an ***"Application and Affidavit for Entry of Default"*** and send you a copy of that. You will have 10 more days from the date the application was filed with the Clerk of the Court 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 you will not get to tell the judge your side of the story.

PRELIMINARY INJUNCTION: This is an order from the court to both spouses about what you **CAN** and **CANNOT** do with property and other issues while the divorce is pending. If you or your spouse violate this order, the party who violates it can be in serious trouble with the court. If your spouse violates the order, see a lawyer for help on what to do. The Self-Service Center has a list of lawyers who will help you help yourself, and this list tells how much they charge to help you.

NOTICE OF RIGHT TO CONVERT HEALTH INSURANCE: This is an important document that explains what to do about health care coverage for yourself and/or your children. Read it carefully.

INFORMATION FOR CONCILIATION COURT: You may or may not have received a paper on this. Your spouse is not required to send you this document. In either case, the court has "Conciliation" and "Mediation" services available to couples to help them preserve their marriage. You can ask for an appointment to discuss your marriage with these professionals by filing a written Petition. You can get the forms for the appointment at the Self-Service Center.

"PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE --WITHOUT MINOR CHILDREN:" This is the form your spouse completed to tell the court his/her side of the story about property, debt, spousal maintenance/support (alimony), minor children, pregnancy, and everything else about the marriage. **Read every word very carefully**, and decide what you want to do. Here are your choices:

1. **Do nothing.** This means your spouse can get a divorce and tell the judge his or 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. You should see a lawyer for help before you decide to do nothing.

2. **Consent.** Decide with your spouse how you want to handle everything: property, debt, spousal maintenance/support (alimony), and everything else about the marriage. Then you and your spouse 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 your spouse believe the marriage is over, and you can talk about how you both want to handle the divorce. Mediators can help you with this. The Self-Service Center has a list of mediators, and how much they charge to help you.

3. **Disagree.** File a Response stating your side of the story, and how you want to handle everything: property, debt, spousal maintenance/support (alimony), and everything else about the marriage. This will make your case a **contested matter**. But, even if you originally file a Response, you and your spouse can still decide to agree on something, or everything, and file court papers for a **Consent or Stipulation.** Mediators can help you with this, and 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 your spouse, you must be sure to file the court papers you will need to set the case for trial.

   No matter how you proceed, you can still get help from Conciliation Court, for either conciliation or mediation. You can ask for an appointment to discuss your marriage with these professionals, by filing a written Petition. The forms for an appointment are available at the Self-Service Center.

COMPLETING YOUR WRITTEN RESPONSE TO THE PETITION:

A. Make sure your form is titled ***"RESPONSE TO PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE --WITHOUT MINOR CHILDREN."***

B. 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; Attorney Bar Number if you are represented by an attorney; then check the box to tell the court whether you represent yourself or are represented by an attorney.

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

D. Use the case number stamped in the upper right-hand corner of the Petition. Do that for all documents you ever file with the court regarding this case from now on.

STATEMENTS UNDER OATH OR AFFIRMATION:

1. **INFORMATION ABOUT MY SPOUSE, THE PETITIONER.** Fill in your spouse's (the Petitioner's) name, address (if not protected), date of birth, occupation, and length of time domiciled (lived) in this state. This is basic information about the Petitioner.

2. **INFORMATION ABOUT ME, THE RESPONDENT.** Fill in your name, address, date of birth, occupation, and length of time domiciled (lived) in this state. This is basic information about YOU, the Respondent.

3. **INFORMATION ABOUT MY MARRIAGE.** This is general information about your marriage. Fill in the date that you were married, and the city and state where you were married. Then check the box to indicate whether you have a "covenant" marriage or a "non-covenant" marriage. If you have questions about whether you have a covenant marriage, read your marriage license, and/or ask a lawyer for help.

If you disagree with the type of marriage your spouse says you had, **attach a copy of your marriage license to the Response.**

4. **90-DAY REQUIREMENT.** This tells the court that you OR your spouse have lived in Arizona, or been stationed here while in the Armed Forces, for at least 90 (ninety) days before the Petition for Dissolution was filed. Before you file a Divorce, this MUST be true. If it is not true, the Petition was filed too soon and the case must be dismissed until the 90 days passes. You or the petitioner can file a motion to dismiss.

PROPERTY AND DEBTS: The information you give in paragraphs 5 and 6 tells 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, no matter who uses the property or who actually paid the money. Unless property was a gift or inheritance, all property gotten during the marriage up until the day the Respondent is served with the Petition for Dissolution is community property, and both you and your spouse are entitled to a roughly equal share of this property. Community debts, are debts acquired during the marriage, and likewise, belong to both spouses, no matter who spent the money. If you have questions, or have a lot of community assets, you may want to consult an attorney regarding issues of community property and debts BEFORE filing your Response and/or any other papers.

5a. **COMMUNITY PROPERTY.** If you and your spouse do not have any property from the marriage, mark the first box. If you have property together check the second box. If you checked the second box, you will then tell the court first what property should go to you and second, what property should go to your spouse. Generally, the court will try to divide the property 50-50, unless there are good reasons not too. Realize that it is unlikely that the court will give most or all of the property to either spouse, so try to think about what would be a fair split of the property before answering this question.

First, you will list the property that you want the court to award to you. Next you will list the property that you want the court to award the Petitioner. Put a mark in the boxes corresponding to which property you want to go to which person. You should describe the property as thoroughly as you need to for identification purposes. You can use the brand name and model where applicable, as well as serial numbers. Where asked, state the value of the property.

Types of property include:

a) **Real estate (property or home) -** Mark who you want to get the property. You can ask the court to give you the home, to give it to your spouse, or to sell the home and divide the proceeds. You should write the complete address of the property under "Real estate located 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.

b) **Household furniture -** This includes sofas, beds, tables, etc.

c) **Household furnishings -** This generally includes other things in the house other than furniture, e.g. dishes, small appliances, rugs, etc.

d) **Other (explain) -** List any thing that you specifically want to go to one person or another that has not already been listed.

e) **Pension/retirement fund/profit sharing/stock plan -** You and your spouse each generally have a right to an interest in each other's plan, ONLY for the number of years you were married. 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 to divide your interest in a 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 a very specialized legal document that requires a professional's assistance to prepare.

Motor vehicles - List the vehicle identification number, the year and make of car (Ford, Chevrolet) and the model (Mustang, Camaro), etc.

5b. **SEPARATE PROPERTY.** Check the boxes that apply. If you have separate property, describe the separate property, tell the court who should get the property, and then state its value.

6a. **COMMUNITY DEBTS.** If you and your spouse do not owe money on any debts from the marriage, mark the first box and GO ON. If you did get some debts, mark the second box. If you mark the second box, tell the court first which debts the Petitioner should pay and then which debts you should pay. 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 that the court will order one person to pay all the debts. Think about what is a fair split of the debts before answering this question. Put enough information to identify the specific debt.

7. **TAX RETURNS.** Mark this box if this is how you want to handle income tax refunds.

8. **SUMMARY.** Since you are responding to what your spouse asked for in the Petition, you should now summarize for the judge how your ideas about the division of property and debt is different from those of your spouse. This is because the form of Petition your spouse used might not be from the Self-Service Center, so it might be arranged a little differently than this form of Response.

SPOUSAL MAINTENANCE/SUPPORT (ALIMONY)

9. **SPOUSAL MAINTENANCE/SUPPORT** is the term used to describe money paid from one spouse to the other as part of a Divorce agreement 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/her needs or who meets other requirements listed. The idea behind spousal maintenance/support (alimony) is that accomplishments during your marriage, including increases in earning potential and living standards are shared and earned by BOTH parties to the marriage. Look at the list of boxes and see if any of these conditions apply to you or your spouse. If so, you can decide to make a request that spousal maintenance/support be awarded to the appropriate party. Mark as many boxes as apply to your situation. **Spousal maintenance/support is paid separate from child support and is NOT a substitute for child support.**

10. **SUMMARY.** Since you are responding to what your spouse asked for in the petition, you should now summarize for the judge how your ideas concerning spousal maintenance/support is different from those of your spouse. This is because the form of Petition your spouse used might not be from the Self-Service Center, so it might be arranged a little differently than this form of Response.

11. **PREGNANCY.** Tell the judge whether you are pregnant, when the baby is due, and who is the parent of the child. If you are pregnant and the other party is the parent of the child, do **not** use this Response. See the Self-Service Center packet for Divorces of Non-Covenant Marriage With Children.

OTHER STATEMENTS MADE IN COURT: **In this section you are telling the court what you believe is true as to the following very important matters:**

12. **STATUS OF MARRIAGE AND CONCILIATION:** You are stating under oath that this marriage **IS** or **IS NOT** irretrievably broken and there **IS** or **IS NOT** reasonable prospect of reconciliation. You also state that the conciliation requirements under Arizona law, A.R.S. 25-381.09 APPLY **or** DO **NOT** APPLY, and HAVE **or** HAVE **NOT** BEEN MET, which means that you have attempted to resolve your marital problems using Conciliation Services, **or** it would **not** help to use Conciliation Services.

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

REQUESTS TO THE COURT: This section of the Response requests that the court GRANT **or** NOT GRANT you and your spouse the divorce, and tells the court what other requests you are making:

A. **DISSOLUTION.** This is your request to END **or** NOT END your marriage by a Divorce (Dissolution of Marriage). Arizona is a "no fault" state, which means that neither party must prove a good reason for the divorce as long has you have met the other statutory requirements, unless you have a "covenant" marriage.

B. **NAMES.** Mark this box if you are requesting to be legally known by your maiden or former name. Write in the appropriate former name on the space provided.

C. **SPOUSAL MAINTENANCE/SUPPORT (ALIMONY).** This tells the court that you or your spouse should pay money to the other spouse on a monthly basis to help with living expenses. If you **do** want one party to receive spousal maintenance/support, check the Petitioner or Respondent box, the monthly amount, and the time period. If you do **not** want spousal maintenance/support ordered, do not mark anything, GO ON.

You can only mark a box here if you marked the same box in the section above. If you request spousal maintenance/ support, choose what you believe to be a reasonable monthly amount and tell the court how long the money should be paid. Base the amount of any request on the receiving party's need and the income of the spouse paying this money. Remember, spousal maintenance/support is NOT a substitute for child support.

D. **COMMUNITY PROPERTY.** This tells the court that the division of property is fair, and that the court should divide the property as requested in your Response.

E. **COMMUNITY DEBT.** This tells the court that the division of debts is fair, and that the court should divide the debts as requested in your Response. If you have been separated from your spouse long enough 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 incurred after you separated.

F. **SEPARATE PROPERTY AND DEBT.** This states you want you and your spouse to keep property you each owned before you were married or acquired after the Respondent was served with the Petition for Dissolution, and that you and your spouse shall pay for the separate debt acquired before both parties were married.

G. **OTHER ORDERS.** Tell the court anything else you may want ordered that has not been covered in your Response.

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 is true.

WHAT TO DO NEXT: See the Self-Service Center PROCEDURES FOR HOW TO RESPOND TO DIVORCE PAPERS FOR A NON-COVENANT MARRIAGE WITHOUT CHILDREN in this packet.

SELF-SERVICE CENTER

PROCEDURES: HOW TO FILE A RESPONSE TO A PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (WITHOUT CHILDREN) WITH THE COURT

STEP 1: **COMPLETE THE *"FAMILY COURT/ SENSITIVE DATA COVERSHEET WITHOUT CHILDREN" and the "RESPONSE"*.**

STEP 2: **MAKE 2 COPIES OF THE *"RESPONSE"* *ONLY.***

STEP 3: **SEPARATE YOUR DOCUMENTS INTO THREE (3) SETS:**

SET 1 - ORIGINALS: • ***"Family Court/Sensitive Data Coversheet Without Children"*** • ***"Response"***	**SET 3 - YOUR COPIES:** • ***"Response"***
SET 2 - COPIES FOR SPOUSE: • ***"Response"***	

STEP 4: **FILE THE PAPERS AT THE COURT:**
Go to the Clerk of Court filing counter. The court is open from 8 a.m.-5 p.m., Monday-Friday.
You should go to the court at least two hours before it closes.
You may file your court papers with the Clerk of the Court at the following locations:

Graham Clerk of the Superior Court
800 W. Main St.
Safford, AZ 85546

FEES: 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, an "**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.

PAPERS: Hand all three (**3**) sets of your court papers to the Clerk along with along with the correct filing fee.

MAKE SURE YOU GET BACK THE FOLLOWING FROM THE CLERK:
- Your set of copies
- Your spouse's copies

STEP 5: **KEEP ONE COPY FOR YOURSELF AND MAIL OR HAND DELIVER THE OTHER COPY** to the other person (or the person's attorney, if he/she is represented by an attorney (the attorney's name and address will be on the Petition in the upper left hand corner.)

STEP 6: **WHAT NEXT?** You will receive an Order from the court to come to an ERC (Early Resolution Conference). **If you fail to attend you will be charged a "no show" fee for failure to appear.**

ALTERNATIVE DISPUTE RESOLUTION (ADR)
STATEMENT TO THE COURT-- FAM CT

Procedures: When and How to Use the ADR Statement to the Court

On December 1, 2001, a change in the Arizona Rules of Civil Procedure (A.R.C.P. 16(g) imposed a duty on parties in any dispute before the courts to talk to each other (by telephone or in person) about the possibility of settlement and about whether some type of ***ADR*** (**Alternative Dispute Resolution**) process might help them to reach settlement. The Rule requires the parties to report to the court that they have discussed settlement or ADR, to inform the court about which ADR process (if any) they prefer, and when they expect to complete the process. Some of the various forms of ADR are explained on the following pages.

After a response is filed . . .

(1) The Respondent must then immediately mail or deliver a blank copy of the ADR statement (and these instructions) to the Petitioner along with a copy of the response that was filed. (If either party is represented by an attorney, all communications should be sent directly to the attorney.)

(2) The parties must meet (in person or by telephone), within 90 days of the filing of the response with the court (**not** the date the response is delivered to the petitioner). **If you have not discussed these matters with the other party as required, be prepared to explain to the court the reasons.** ("Inconvenience" is not an acceptable reason.)

(3) Within 30 days AFTER you meet, and **NOT LATER THAN 120 DAYS AFTER THE DATE THE RESPONSE WAS ORIGINALLY FILED WITH THE CLERK OF COURT** you must file the **"Alternative Dispute Resolution Statement to the Court."**

You may file earlier, but not later than 30 days after discussing your ADR options with the other party. If you cannot agree to file together on one form (jointly), then you must both file your own forms separately. If you have not discussed these matters as required, you must *file your separate forms* within 120 days after the date the Response was filed. There is no charge for this filing. Keep a copy of the completed form for your records.

GO TO THE COURT TO FILE YOUR PAPERS: The Court is open from 8am-5pm, Monday-Friday. You should go to the court at least **two hours** before it closes. You may file your court papers at the following Superior Court locations:

Graham Clerk of the Superior Court
800 W. Main St.
Safford, AZ 85546

INFORMATION ABOUT ADR (ALTERNATIVE DISPUTE RESOLUTION) PROCESSES

ADR is any peaceful alternative to the courtroom process that helps parties in court disputes reach settlement without having the judge decide all issues. Court sponsored ADR programs are currently available at no extra cost, or you may choose to hire a private ADR provider at your own expense. There are different types of ADR processes, several of which, including mediation, arbitration, and settlement conferences, are explained below.

The purpose of ADR is to encourage settlement of family court cases.

Benefits of ADR include, but are not limited to:

- ADR provides parties opportunity to resolve disputes more quickly and less expensively than a full trial.
- ADR provides parties more control over the outcome in a negotiated settlement.
- ADR provides parties greater satisfaction with results than litigation.
- ADR provides parties a greater chance of establishing or maintaining a working relationship.

COURT SPONSORED ADR OPTIONS

MEDIATION OR OPEN NEGOTIATION through CONCILIATION SERVICES of child custody or parenting time (formerly "visitation"), are court-sponsored ADR alternatives where parties work with a neutral third party (the "mediator" or "negotiator") to reach mutual agreement on future parenting responsibilities. Parents choosing to mediate or negotiate through Conciliation Services are **required** to attend a minimum number of mediation sessions.

Mediation offers parents an opportunity to make their own decisions about their child(ren)'s future care. The mediator, a neutral counselor, works with parties to reach agreement regarding custody and/or parenting time. Mediation conferences are private and confidential. Nothing said or written during mediation may be disclosed unless all parties to the mediation give their consent. The mediator helps parents identify their child(ren)'s needs and each parent's ability to meet those needs, by restructuring family relationships. Together, they generate options and consider choices to develop a workable parenting plan that meet the child(ren)'s best interests. Parties who reach agreement in mediation have a 14 day "objection period" to raise any concerns or points of confusion contained in the agreement. If no objections are raised, the Parenting Plan is adopted as an order of the court, which makes it binding on the parties.

Open negotiation is a process similar to mediation, in that the negotiator helps parties identify their child(ren)'s needs, and how they will meet those needs in the future. However, open negotiation is NOT confidential. Parties meet with the negotiator to try to resolve their differences. If they are unable to agree, the negotiator may give feedback to the court on areas of agreement and disagreement. In addition, attorneys are entitled to be present in open negotiation sessions, if they so choose.

There is currently no extra charge for these services *pre-decree*. If however you return to court to mediate custody or parenting time (visitation) issues *post-decree,* after a court order has been signed, "post-decree mediation fees" will apply.

SETTLEMENT CONFERENCES are pre-trial meetings between the parties, their attorneys (if represented) and the conference officer, where they attempt to settle all issues in dispute before going to trial. The judicial officer helps parties evaluate the strengths and weaknesses of their case and may also suggest ways to resolve disputed matters, but they will not decide the case or make recommendations to the Court. There is currently no extra charge for this service.

PRIVATE PROVIDER OPTIONS (You are responsible for all costs.)

In Private Mediation, parties work with a neutral third party (the mediator), who helps them identify their needs and explore viable options to settle all issues surrounding their Family Court case, including custody, parenting time, child support, property division, etc. With the aid of the mediator, the parties can determine the outcome of their case. A roster of private mediators is available through the Court's Self-Service Center. You can access the Family Court Mediator Rosters at:

Graham Clerk of the Superior Court
800 W. Main St.
Safford, AZ 85546

Monday – Friday, 8:00 am – 5:00 pm

In Private Settlement Conference, the ADR neutral helps parties reach settlement by taking a more directive approach than in mediation. The neutral will focus on the conflict's legal issues, realistically evaluating case strengths and weaknesses, and actively suggesting and weighing options for the parties to consider, as they attempt to resolve their case.

In Private Arbitration your case is submitted to one or more neutral individuals, who after receiving evidence and hearing arguments have the power to make a decision resolving the dispute (unlike mediation, where the mediator does not make a decision for the parties). In arbitration, parties may limit the range of issues to be decided or the scope of relief to be awarded and arbitration may be binding or non-binding. When parties agree to binding-arbitration, the arbitrator's decision is final; it can be enforced by the court and may not be appealable. When arbitration is non-binding, the arbitrator's decision is advisory and will be final only if parties agree to adopt it. Some arbitration providers are listed in the Yellow Pages under "Arbitration Services".

Private Judging involves hiring an individual, usually an experienced attorney or former judge, to act as a judge in your case. The person acting as judge listens to each party present their case and makes a decision. The decision is usually legally binding (has the force of law) but may be advisory (a suggested solution), depending on what the parties agree to in advance. Attorneys may be consulted at any time. The proceedings are private and confidential. The decision may be made part of a court judgment or ruling as well.

OTHER PRIVATE OPTIONS: Private ADR providers may offer additional options or variations on those already described. Some may also offer evening or weekend hours or other conveniences. Some churches or other religious or social service organizations may also offer family counseling, arbitration or mediation services. You may also find additional providers listed in the Maricopa County Directory of Human Services and Self-Help Support Groups, available at public libraries or by phone at 602-263-8856.

You may also find private providers in the Yellow Pages under "Arbitration" and "Mediation." Be aware that there are differences among private providers. While some are trained specialists, counselors, and attorneys, others are not. There are no licensing or minimal educational requirements to advertise as a mediator, arbitrator, or alternative dispute resolution provider.

As with hiring any private business for service, we recommend asking friends and relatives for referrals for any of the services mentioned above. You are responsible for all costs involved in using private providers.

SELF-SERVICE CENTER

RESPONSE TO PETITION AND PAPERS FOR DIVORCE -- WITHOUT MINOR CHILDREN

CHECKLIST

Use the forms and instructions in this packet ONLY the following factors apply to your situation:

- ✔ You want to file a ***"Response"*** to a petition for divorce for a non-covenant marriage. (If you have a covenant marriage **or** aren't sure if you have a covenant marriage or not, see a lawyer for help), **AND**

- ✔ You and your spouse have **no minor** children with each other **AND** the wife is **not** pregnant by the husband.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA
IN GRAHAM COUNTY

_____
Petitioner

_____
Respondent

Case No. _____

ATLAS No. _____

FAMILY COURT /SENSITIVE DATA COVERSHEET WITHOUT CHILDREN
(CONFIDENTIAL RECORD)

Fill out. File with Clerk of Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLAP 43(G)(1).

A. Personal Information:	**Petitioner**	**Respondent**
Name		
Gender	☐ Male or ☐ Female	☐ Male or ☐ Female
Date of Birth (Month/Day/Year)		
Social Security Number		

WARNING: DO NOT INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION

Mailing Address		
City, State, Zip Code		
Contact Phone		
Email Address		
Current Employer Name		
Employer Address		
Employer City, State, Zip Code		
Employer Telephone Number		
Employer Fax Number		

B. Type of Case being filed - Check only one category.
Check only if no other category applies

☐ **Dissolution (Divorce)**
☐ **Legal Separation**
☐ **Annulment**
☐ **Order of Protection**
☐ **Other***

Interpreter Needed:
☐ **Yes** ☐ **No**

If yes, what language(s)?
_____
_____

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

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For Clerk's Use Only

Person Filing: _____
Address (if not protected):_____
City, State, Zip Code:_____
Telephone:_____
Email Address:_____
ATLAS Number: _____
Lawyer's Bar Number:_____
Representing ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA
GRAHAM COUNTY

_____
Name of Petitioner

Case Number:_____

RESPONSE TO "PETITION FOR DISSOLUTION OF MARRIAGE-(DIVORCE) WITHOUT MINOR CHILDREN"

_____
Name of Respondent

STATEMENTS MADE TO THE COURT, UNDER OATH:

1. INFORMATION ABOUT MY SPOUSE, THE PETITIONER:

Name:_____
Address:_____
Date of Birth:_____
Job Title:_____
Starting with today, number of months/years in a row, the Petitioner, has lived in Arizona:_____

2. INFORMATION ABOUT ME, THE RESPONDENT:

Name:_____
Address:_____
Date of Birth:_____
Job Title:_____
Starting with today, number of months/years in a row the Respondent has lived in Arizona:_____

3. INFORMATION ABOUT MY MARRIAGE: (Check the boxes that apply.)

Date of Marriage:_____
City and state or country where we were married:_____
☐ We do not have or ☐ We do have a covenant marriage. **If you disagree with what your spouse said regarding the type of marriage you have, you should attach a copy of your marriage license to show what kind of marriage you have.**

4. 90 DAY REQUIREMENT: (Check the boxes that apply.)

☐ I or ☐ my spouse have lived, or have been stationed while a member of the Armed Forces, in Arizona for at least 90 days before this action was filed or ☐ I or ☐ my spouse have not lived, or have not been stationed while a member of the Armed Forces, in Arizona for at least 90 days before this action was filed.

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Case No._____

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

☐ My spouse and I did not acquire any community property during the marriage, **OR**

☐ My spouse and I acquired community property during our marriage, and we should divide it as follows:

☐ **Real estate located at:** _____ **Petitioner** ☐ **Respondent** ☐ **Value** $_____

Legal Description: _____

☐ **Real estate located at:** _____ ☐ ☐ $_____

Legal Description: _____

☐ **Household furniture and appliances:**

	Petitioner	Respondent	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

☐ **Household furnishings:**

	Petitioner	Respondent	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

☐ **Other items:**

	Petitioner	Respondent	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

☐ **Pension/retirement fund/profit sharing/stock plan/401K:**

	Petitioner	Respondent	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

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	Petitioner	Respondent	Value
☐ **Motor vehicles:**			
Make _____	☐	☐	$_____
Model _____			
VIN _____			
Lien Holder_____			
Make _____	☐	☐	$_____
Model _____			
VIN _____			
Lien Holder _____			

5.b. SEPARATE PROPERTY: (Check all boxes that apply.)

☐ I do not have any property that I brought into the marriage or separate property.

☐ My spouse does not have any property that he or she brought into the marriage or separate property.

☐ I have property that I brought into the marriage or I have separate property. I want this property awarded to me as described below.

☐ My spouse has property that he or she brought into the marriage or has separate property. I want this property awarded to my spouse as described below.

Separate Property: (List the property and the value of the property, and check the box to tell the Court who should get the property.)

Description of Separate Property	Petitioner	Respondent	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

6.a. COMMUNITY DEBTS: (Check one box.)

☐ My spouse and I did not incur any community debts during the marriage, OR

☐ We should divide the responsibility for the debts incurred during the marriage as follows:

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

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

☐ My spouse and I do not have any debts that were incurred prior to the marriage or separate debt,

OR

☐ I have separate debt or debt that I incurred prior to the marriage that should be paid by me as described below.

☐ My spouse has separate debt or debt that he or she or incurred prior to the marriage that should be paid by my spouse as described below.

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Case No._____

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

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

☐ After the Judge or Commissioner signs the Decree of Dissolution of Marriage (Divorce), we will pay federal and state taxes as follows: For previous years (the years we were married, not including the year the Decree was signed), the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will pay and hold the other harmless from half of all additional income taxes if any and other costs, and each will share equally in any refunds. For the calendar year (the year that the Decree is signed) and all future calendar years, each party will file separate federal and state income tax returns. Each party will give the other party all necessary documentation to do so.

8. 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.)

_____

_____

9. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY): (Check the box that applies to you.)

☐ Neither party is entitled to spousal maintenance/support (alimony), OR

☐ Petitioner OR ☐ Respondent is entitled to spousal maintenance/support because: (Check one or more of the box(es) below that apply. At least one reason must apply to get spousal support.)

- ☐ Person lacks sufficient property to provide for his/her reasonable needs;
- ☐ Person is unable to support himself /herself through appropriate employment;
- ☐ Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
- ☐ Person lacks earning ability in the labor market adequate to support himself/herself; and,
- ☐ Person contributed to the educational opportunities of the other spouse or had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself/herself.

10. SUMMARY OF WHAT I WANT REGARDING SPOUSAL MAINTENANCE/SUPPORT THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION: (Summarize here what is different from your plan for spousal maintenance/support than what your spouse asked for in the Petition.)

_____

_____

_____

_____

_____

_____

11. PREGNANCY:

☐ Wife is **not** pregnant, OR

☐ Wife **is** pregnant

The baby is due on _____ (date), (and, check one box below):

- ☐ The Petitioner and Respondent are the parents of the child, OR
- ☐ Petitioner is **not** the parent of the child, OR
- ☐ Respondent is **not** the parent of the child.

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WARNING. If wife is pregnant and the Petitioner and the Respondent are the parents of the child, STOP. YOU MUST FILE THE PAPERS FOR DIVORCE WITH CHILDREN.

12. OTHER STATEMENTS TO THE COURT UNDER OATH: (Check the boxes that apply.)

☐ My marriage is irretrievably broken and there is no reasonable prospect of reconciliation. (My marriage is over.)

☐ My marriage is not irretrievably broken and there is a reasonable prospect of reconciliation. (My marriage is not over.)

☐ My spouse and I have attempted to resolve our problem by using Conciliation Services, or going to Conciliation Services to try to resolve our problems would not work.

☐ My spouse and I have not tried to resolve our problems by using Conciliation Services, or going to Conciliation Services to try to resolve our problems would work.

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

REQUESTS TO THE COURT:

A. DISSOLUTION (DIVORCE):

☐ Dissolve our marriage and return each party to the status of a single person; OR

☐ Deny the petition and refuse to dissolve the marriage due to my answers above.

B. NAMES: (Optional. Complete ONLY if you want your name restored to a former name)

My complete married name is:

I want my legal name restored to: (List complete maiden name or legal name before this marriage)

WARNING: 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/her name restored, to change the name.

C. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

☐Order spousal maintenance/support to be paid by ☐ Petitioner, or ☐Respondent through the Clerk of the Court/Clearninghouse in the amount of $ _____ per month, and the statutory fee, beginning with the first day of the month after the judge or commissioner signs the Decree of Dissolution and continuing until the person receiving spousal maintenance/support is remarried or deceased, or for a period of months.

D. COMMUNITY PROPERTY:

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

E. 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 (date):_____ or the date the Respondent was served with the Petition for Dissolution.

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F. SEPARATE PROPERTY and SEPARATE DEBT:

☐ Award each party his or her separate property and order each party to pay his or her separate debt.

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

_____

_____

_____

OATH OR AFFIRMATION

The contents of this document are true and correct to the best of my knowledge and belief.

_____ _____

Signature Date

STATE OF _____

COUNTY OF _____

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

(date)

_____.

(notary seal) _____

Deputy Clerk or Notary Public

Copy of this document mailed to the other party on: _____

Month / Date / Year

To the following address: _____

_____

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Person Filing: _____
Address (if not protected):_____
City, State, Zip Code:_____
Telephone:_____
Email Address:_____
ATLAS Number: _____
Lawyer's Bar Number:_____

FOR CLERK'S USE ONLY

Representing ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA
IN GRAHAM COUNTY

_____
Petitioner

Case No. _____

ATLAS No. _____

_____
Respondent

ALTERNATIVE DISPUTE RESOLUTION STATEMENT TO THE COURT
A.R.F.L.P. 66(E)

Check appropriate box below:
☐ **Petitioner's Statement**

☐ **Respondent's Statement**

☐ **Joint Statement (signed by both parties)**

Pursuant to the Arizona Rules of Family Law Procedure, we hereby state the following, under penalty of perjury:

1. ☐ The parties agree to participate in the following Alternative Dispute Resolution (ADR) process and:
   a. have selected the following ADR process:
      ☐ Arbitration
      ☐ Mediation
      ☐ Settlement Conference
      ☐ Other: _____
   b. ☐ The parties will use a private provider OR
      ☐ The parties request a program provided through the court.
   c. The person or company providing the ADR service is: _____
      _____
   d. The parties expect to complete the ADR process by _____, _____.

2. ☐ The parties have been unable to agree on an ADR process.
   ☐ The ☐ Petitioner ☐ Respondent believe(s) that the following ADR process would be appropriate: _____
   ☐ The ☐ Petitioner ☐ Respondent request(s) a conference to discuss ADR.
   ☐ The ☐ Petitioner ☐ Respondent believe(s) that an ADR process would not be appropriate for the following reason: _____
   _____

_____ _____
Date Petitioner

_____ _____
Date Respondent

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