

GRANDPARENT VISITATION

For Respondent Only

Part 3: Response to the Petition

SELF-SERVICE CENTER

RESPONSE TO PETITION TO ESTABLISH
GRANDPARENT VISITATION

CHECKLIST

You may use the forms and instructions in this packet if . . .

- ✓ A grandparent or great grandparent has filed a **Petition** to get a court order allowing visitation with the children, AND
- ✓ You want to inform the Court of your disapproval *or approval* of all or part of the request and/or to request a court hearing to explain why the request should or should not be granted,

AND/OR

- ✓ The **Petition** or other documents contain inaccurate information that you believe the Court should be aware of.

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 Case No. _____

 Respondent ATLAS No. _____

**FAMILY COURT / SENSITIVE DATA
 COVERSHEET WITH 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 ARFLP 43(G)(1).

A. Personal Information:	Petitioner	Respondent
Name	_____	_____
Gender	<input type="checkbox"/> Male or <input type="checkbox"/> Female	<input type="checkbox"/> Male or <input type="checkbox"/> 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. Child(ren) Information:			
Child Name	Gender	Child Social Security Number	Child Date of Birth
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

C. Type of Case being filed - Check only one category.		Interpreter Needed:
<i>*Check only if no other category applies</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Dissolution (Divorce)	<input type="checkbox"/> Paternity	If yes, what language?
<input type="checkbox"/> Legal Separation	<input type="checkbox"/> *Legal Decision Maker (Custody)/Visitation	_____
<input type="checkbox"/> Annulment	<input type="checkbox"/> *Child Support	_____
<input type="checkbox"/> Order of Protection	<input type="checkbox"/> Other	_____

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

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO RESPOND TO VISITATION PAPERS FILED BY GRANDPARENTS

WHEN TO USE THIS FORM:

Use this form to respond to a petition filed by natural or adoptive grandparents or great grandparents who want to get a court order of visitation and you disagree with all or part of that petition.

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

IMPORTANT INFORMATION ABOUT WHEN YOU MUST FILE YOUR RESPONSE

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

DEFAULT TIME TABLE

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

INFORMATION ABOUT PAPERS YOU SHOULD HAVE RECEIVED FROM THE OTHER PARTY WITH THE PETITION ABOUT CHILD VISITATION

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

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

1. **Do nothing.** This means the other party can get a court order and tell the judge his/her side of the story, without you telling your side at all. **This is called a default.** Even in these cases, the judge will try to decide what is best, but it is never a good idea to ignore the court proceeding and have a court order that you had no input on.
2. **Decide with the other party how you want to handle everything** about child visitation. Then you and the other party file papers in the court stating your agreement on everything. This is called a **Consent or Stipulation**. This is often the best way to proceed, if you and the other party can talk about the critical issues to decide how you both want to handle everything. Mediators can help you with this, and the Self-Service Center has a list of mediators, and how much they charge to help you.

3. **Protest** what the other party said in the Petition, and file a response stating your side of the story, and how you want to handle everything. **This is called a contested matter.** But, even if you originally file a response, you and you 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 the other party, you must be sure to file the court papers you will need to set the case for trial.

HELP COMPLETING YOUR WRITTEN RESPONSE TO THE PETITION TO ESTABLISH CHILD VISITATION:

Use this form if you want to RESPOND OR ANSWER a Petition to Establish Visitation.

- A. Make sure your form states RESPONSE TO PETITION FOR ORDER FOR GRANDPARENT VISITATION in the upper right hand part of the page. Decide what you want a court order for. Here are the choices:
- 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.
- C. Fill in the name of "Petitioner" and "Respondent" exactly the same way as it looks on the Petition. Do that for every document you ever file with the court from now on.
- D. Use the DR, FC or FN case number that is stamped in the upper right-hand corner of the Petition. Do that for every document you ever file with the court from now on.

A. General information:

1. **Information about you:** Fill in your name, address (if not protected) and date of birth. This is basic information about YOU and your relationship to the children for whom you want the order.
2. **Information about the petitioners:** Fill in name, address (if not protected) and date of birth. This is basic information about the petitioners and their relationship to the children for whom you want the order.
3. **Information about the mother:** Fill in the information about the mother, including address and date of birth. This is basic information about the opposing party, the RESPONDENT.
4. **Information about the father:** Fill in the information about the father, including address and date of birth. This is basic information about the opposing party, the RESPONDENT.
5. **Information about the legal guardian (if any):** Fill in the information about any legal guardian for the children, including address and date of birth. This is basic information about the opposing party, the RESPONDENT.
6. **Information about the children:** Fill in information about all the children for whom you want this order. The same persons should be the custodial adult for all the children for whom you want this order. If the children have different adults who have custody, name all the adults with custody as respondents in the caption, and complete all the information about them in numbers 2, 3, and/or 4 above.
7. **Legal reasons petitioners should not have visitation:** under the law, grandparents can only have visitation orders in certain cases. Read all the choices and decide if the reason stated in the petition is correct. Then complete all the information about the choice you selected.
8. **Relationship with Children:** explain here what the relationship with the children has been for the past 6 months, and why it is best for the children not to have visitation with petitioners (if applicable).

9. **Your visitation plan:** If you agree with visitation but disagree with the petitioner's plan, or you disagree about visitation altogether but the judge might order it anyway, **explain here specifically what visitation arrangements you think are best for the children.**

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

10. **More information about children:** Fill out where the children from this action have been living **for the past 5 years**; if any child(ren) is/are under age 5, simply put information since their birth. Write each child's name; the address where the child lived; what dates the child lived at each address; who the child lived with; 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.
11. **Other cases about the children:** You must tell the Court if there are prior cases involving your minor child(ren) **that do NOT involve custody or visitation**, for example personal injury cases involving the child(ren). If there are no other cases, mark the first box and GO ON. If there is another case, mark the second box and give as much information as possible. This information could affect you or your child(ren)'s rights in this case.
12. **Other custody, visitation, support cases about these children:** The Court **MUST** know if there have been **other cases involving custody, visitation or child support** of the children of this case. If there are no other custody or visitation cases, or you don't know of any, mark the first box and GO ON. If you have been involved in any way with this type of Court case, mark the second box and give the information where requested. Tell the Court what happened and what is going on now in the other case(s).
13. **Custody rights of others as to these children:** If you do not know of another person OTHER THAN THE OPPOSING PARTY who is claiming custody or visitation rights to any of the children, mark the first box and GO ON. If you do know of such a person, put the information here, including the child's name and the person who believes they have a custody or visitation claim.
14. **Summary about what you say about the children that is different from what the other party asked for.** This is because the form of petition the other party used might not be from the Self-Service Center, and so it might be arranged a little differently than this form of response.
15. **Proper location ("VENUE") for this court case:** the grandparents, parents/custodian, or children must live in Maricopa County for this to be a proper county for you to pursue your court case.
16. **General denial:** this tells the court that even if you did not answer each and everything said in the complaint, you deny what you did not address. This is extra protection for you.

REQUESTS MADE TO THE COURT

1. **VISITATION:** Check here if you want visitation according to the plan you wrote out above.
2. **NO VISITATION:** check here if you want no visitation to the petitioners, based on what you said in your response above.
3. **SUPERVISED VISITATION TO THE PETITIONERS:** check here if you request supervised visitation if the petitioners 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 is not intended to punish but to protect the child. You must write in specifically why you say the visitation should be supervised visitation allowed.
4. **SUPERVISED VISITATION:** Describe how you think this should work.

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

SIGNATURE AND AFFIRMATION

By signing this document you are telling the court that everything contained in the response is true, under penalty of perjury.

WHAT TO DO NEXT:

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

FILING THE RESPONSE AND PAYMENT OF COURT FEE: File both copies and the original of your ***“Response”*** with the Clerk of the Court. **Be sure you file within the time limit set, or you might lose significant rights.**

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.
2. 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. You do **not** need to send a copy of the fee deferral request to the Petitioner or his/her attorney. Make sure you receive two (2) copies back from the Clerk and they have been stamped.
3. **MAIL A COPY TO THE OTHER PARTY:** You need to mail or hand-deliver one copy to the other party. If the person is represented by an attorney, mail or hand-deliver the copy to the attorney whose name and address appears on the Petition in the upper right hand corner.
4. **KEEP THE LAST COPY FOR YOUR RECORDS:** You should always keep a copy of any document that you file with this Court.



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

In the Matter of :

Case Number _____

Name of Grandparent Requesting Visitation

ATLAS No. _____

Name of *Other* Grandparent Requesting Visitation, if applicable

RESPONSE TO PETITION FOR GRANDPARENT VISITATION A. R. S. § 25-409

Name of Mother DECEASED

There is a prior Family Court case in this county between the mother and the father with the following (different) case number: _____.

Name of Father DECEASED

Name of Legal Guardian, if applicable

GENERAL INFORMATION

1. **Information about me, the person filing this response:**

Name: _____

Address: _____

County of residence: _____

Date of Birth: _____

Occupation: _____

My relationship to child(ren) for whom the visitation order is requested is:

Father Mother Other: (explain) _____

2. Information about the Petitioner(s), the grandparents (or great grandparents) requesting visitation:
 Name(s): _____
 Address: _____
 County of residence: _____
 Date of Birth: _____
 Occupation: _____

The Petitioner's relationship to children for whom VISITATION order is requested: (Check one)

- Grandparent on mother's side Grandparent on father's side
 Great Grandparent on mother's side Great Grandparent on father's side

3. Information about the mother of child(ren) same as #1 above, or:
 Name: _____
 Address: _____
 County of residence: _____
 Date of Birth: _____
 Occupation: _____

4. Information about the father of child(ren) same as #1 above, or:
 Name: _____
 Address: _____
 County of residence: _____
 Date of Birth: _____
 Occupation: _____

5. Information about legal guardians of child(ren), if any: same as #1 above, or:
 Name: _____
 Address: _____
 County of residence: _____
 Date of Birth: _____
 Occupation: _____

6. Information about child(ren) for whom I or we want visitation order:

Mother and Father for all children are as listed above.

Name _____	Name _____
Birth Date: _____	Birth Date: _____
Current	Current
Address: _____	Address: _____
County of Residence: _____	County of Residence: _____

Name _____	Name _____
Birth Date: _____	Birth Date: _____
Current	Current
Address: _____	Address: _____

INFORMATION ABOUT ADDITIONAL CHILDREN ARE LISTED ON ATTACHED PAGE.

7. Petitioners do not have a right to visitation under Arizona law (A.R.S. § 25-409) because:
(Check box(es) for statements that apply and write-in requested information.)

A. **Children were not born out of wedlock.**

B. **Parents of children are not divorced or have not been divorced for at least 3 months. *If divorced:***

Date of Divorce: _____

Court case number: _____

Name of court: _____

Court Location: _____

C. Mother OR Father of child(ren) has been dead for ***less than 3 months***.

Date of Death: _____

D. Mother OR Father of child(ren) has been missing for ***less than 3 months***.

Date parent discovered to be missing: _____

Date reported to law enforcement agency: _____

Name, location of agency: _____

E. Petitioners are asking for visitation rights as grandparents or great grandparents on the father's side, however there is no paternity order and I do not believe the Petitioner's son or grandson is the father because: (explain)

8. Statements about the Petitioner's relationship with the children for the last 6 months, and why you think it is NOT in the children's best interests for visitation to be ordered, or why, if ordered, visitation should be limited or supervised:

9. Your plan for visitation for the good of the child(ren): (be specific)

There should be no court-ordered visitation, but if ordered, should be as follows:

TRANSPORTATION will be provided by (name): _____ as follows: (explain)

During WEEKENDS (explain specifically)

During the SUMMER MONTHS OR SCHOOL BREAKS: (explain specifically)

FOR HOLIDAYS AND BIRTHDAYS: (explain specifically)

FOR TELEPHONE CALLS: (explain specifically)

OTHER: (explain specifically)

OTHER INFORMATION ABOUT THE CHILDREN

10. Where the children who are under 18 years old have lived for the last 5 years. (Attach extra pages if necessary.)

Child's Name _____ Lived with _____ Street address _____	Dates: From _____ To _____ Relationship to child _____ City, State _____
---	--

Child's Name _____ Lived with _____ Street address _____	Dates: From _____ To _____ Relationship to child _____ City, State _____
---	--

Child's Name _____ Lived with _____ Street address _____	Dates: From _____ To _____ Relationship to child _____ City, State _____
---	--

Child's Name _____ Lived with _____ Street address _____	Dates: From _____ To _____ Relationship to child _____ City, State _____
---	--

11. COURT CASES NOT INVOLVING LEGAL DECISION MAKING, CUSTODY, PARENTING TIME OR VISITATION RELATED TO THE CHILD(REN) UNDER 18 YEARS OLD: (check one box)

I HAVE I HAVE **NOT** been a party or a witness in court in this state or in any other state regarding the legal decision making, custody, parenting time or visitation of any of the children named above (If so, explain below, using extra pages if necessary. IF NOT, GO ON.)

Name of each child: _____

Court state _____ Court location _____

Court case number _____ Current status _____

How the child is involved: _____

Summary of any Court Order:

12. LEGAL DECISION MAKING, CUSTODY, PARENTING TIME, OR VISITATION CASES RELATED TO CHILDREN UNDER 18 YEARS OLD: (check one box)

I DO HAVE I DO **NOT** HAVE information about a legal decision making, custody, parenting time or visitation court case relating to any of the children named above that is pending in this state or in any other state (If so, explain below, using extra pages if necessary. IF NOT, GO ON).

Name of each child: _____

Court state: _____ Court location: _____

Court case number: _____ Current status: _____

Nature of the court proceeding: _____

Summary of any Court order:

13. LEGAL DECISION MAKING, CUSTODY, PARENTING TIME OR VISITATION CLAIMS OF ANY PERSON: (check one box)

I DO KNOW I DO **NOT** KNOW a person other than the Petitioner or the Respondent who has or claims legal decision making authority, physical custody, parenting time or visitation rights to any of the children named above. (If so, explain below, using extra pages if necessary. IF NOT, GO ON).

Name of each child: _____

Name of person with the claim: _____

Address of person with the claim: _____

Nature of the claim: _____

14. **SUMMARY OF WHAT I SAY ABOUT THE CHILDREN THAT IS DIFFERENT FROM WHAT THE OTHER PERSON ASKED FOR:** (Here summarize what is different between what you say about the child(ren), and what the other party said)

OTHER STATEMENTS TO THE COURT

15. **VENUE:** This is the proper court to bring this lawsuit under Arizona law because it is the county of residence of the petitioner, or the respondent, or the child(ren).

16. **GENERAL DENIAL:** I deny anything stated in the complaint that I have not specifically admitted, qualified, or denied.

REQUESTS TO THE COURT: (check which number applies to your request)

- 1. ORDER VISITATION AS DESCRIBED ABOVE.
- 2. ORDER **NO** VISITATION TO THE GRANDPARENT PETITIONER(S).

Check and complete "3" below *only* if you believe visitation should be supervised.)

3. **SUPERVISED VISITATION** is in the best interests of the child(ren), pursuant to A.R.S. Section 25-410, because (explain reasons visitation should be supervised):

Therefore supervised visitation to (name) _____
only in the presence of another person, who is named by the court or as suggested below,
upon a finding that supervised access is in the best interest of the child(ren),

Name of Person to supervise: _____

Requested restrictions on visitation: (explain here)

The cost of supervised visitation shall be paid by:

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

OTHER ORDERS. Write in other orders you are requesting from the Court:

DECLARATION AND SIGNATURE

I state to the Court under penalty of perjury that the contents of this document are true and correct.

SIGNATURE

Date

PRINTED Name

Copy of this document mailed to the other party on: _____
Month / Date / Year

To the following address: _____

Date Signed or Affirmed Before Deputy Clerk or Notary Public

Seal/My Commission Expires: _____