

ANNULMENT WITHOUT CHILDREN FOR RESPONDENT ONLY

3

RESPONSE

Part 3: Respond to an Annulment Petition
(Forms and Instructions)

Response to petition for annulment of marriage without children (A.R.S. §§ 25-301-302)

CHECKLIST

You may use this packet if . . .

- ✓ Your spouse filed a "*Petition for Annulment of Marriage without Children*," and
- ✓ You want to file a "*Response*" to tell the Court that you disagree with something your spouse stated or requested in the "*Petition for Annulment without Children*," or
- ✓ You would like to explain your argument in support of Petitioner's reason, and
- ✓ You understand that there are limited grounds for annulment [A.R.S. §§ 25-301 and 25-302] and that the Judge will decide at your hearing or trial whether the grounds the Petitioner states in his/her petition or your argument for or against are legal grounds for annulment.

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 Law Library Resource Center website.

Annulment without children for respondent only

Response to a petition

This packet contains court forms and instructions for filing a response to an Annulment without children for respondent only. Items in **bold** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File Number	Title	# Pages
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The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. 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 users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

General information about response to petition for annulment- without minor children

Annulment in Arizona: An annulment in Arizona is a judgment of a marriage to be null and void. The annulment legal process requires certain statements to the Court showing reasons the purported marriage is invalid from the beginning, as if it had never taken place. You must have a legal reason to file for annulment. NOTE: *The Arizona statutory definition of annulment (A.R.S. § 25-301) is not the same as annulment defined by certain religions.*

90 DAY Requirement to File for an Annulment in Arizona: You or your spouse must have made *Arizona your home*, or have been stationed in Arizona while a member of the Armed Forces, *for AT LEAST 90 (Ninety) DAYS before you file the Annulment Petition with the Court.*

Covenant marriage: A covenant marriage in Arizona is a legally distinct kind of marriage in which the marrying couple agrees to obtain pre-marital counseling and accept more strict grounds for divorce. The Arizona covenant marriage emphasizes the belief that marriage is more than just a contract between two individuals and requires specific statements of mutual commitment. If you have questions as to whether your marriage is a covenant marriage, look for the words "Covenant Marriage" on your marriage license, or see an attorney for help. These forms may not be used if you have a covenant marriage.

Domestic Violence: Domestic violence can be a part of any relationship. Domestic violence is also known as domestic abuse, spousal abuse, battering, and family violence. Domestic violence can be a pattern of abusive behaviors by one partner against another in an intimate relationship such as marriage, dating, family, or living together. Domestic violence has many forms, including physical aggression or assault (hitting, kicking, biting, shoving, restraining, slapping, throwing objects), or threats; verbal abuse, sexual abuse, emotional abuse, controlling or domineering behavior, intimidation, stalking, or passive abuse, such as neglect.

Court documents request your address and telephone number. If you are a victim of domestic violence, you may want to protect yourself from further violence by protecting your residential address. To do this, get a P.O. Box, or use another address. Also, you must file a "Petition for Order of Protection" and ask that your address NOT be disclosed on court papers.

With an Order of Protection, you do not need to put your address and phone number on your divorce papers. Instead of your address and phone number, just write "protected" in the space where the court asks you for this information. However, you must tell the Clerk of Superior Court your address and phone number as soon as possible.

Annulment Papers Served: You should have received the following papers from your spouse:

- **SUMMONS:** Tells you:
 - 1) A court action has been filed against you,
 - 2) You are required to appear and answer the complaint in this action, and
 - 3) How many calendar days you have to file your response.
- **PRELIMINARY INJUNCTION:** Is a court order that tells you and your spouse what you can and cannot do with property and other issues while the annulment is pending. If you or your spouse violate this order you can be in serious trouble with the court. If your spouse violates this order, the Law Library Resource Center has a list of lawyers who could help you help yourself act on the violation.
- **PETITION FOR ANNULMENT:** Informs you about what your spouse stated to the Court, about the reason(s) for the annulment.
- **NOTICE OF RIGHT TO CONVERT HEALTH INSURANCE:** Explains what to do about health care coverage for you. Read it carefully.
- **NOTICE REGARDING CREDITORS:** Explains about your responsibility for debts as a result of an Annulment.

Remember: Contact an attorney if you are unsure whether an annulment is right for your situation. You may follow all the correct procedures and get all the way to your court hearing, only to find the judge does not find legal grounds for an annulment. If that happens, you must choose another option. You could save time and MONEY to find legal advice before you begin the annulment paperwork.

Instructions: How to complete forms for the response to annulment petition

Most court documents can be filed electronically. For more information about eFiling, read the eFiling instructions first: <https://superiorcourt.maricopa.gov/media/7448/dref93i.pdf>.

STEP 1: In black ink, please complete the following:

Form: Family Department Sensitive Data / Cover Sheet: You are the Respondent. Write in the information requested about you, the Respondent and the Petitioner (your spouse). With this form you may ask that your address NOT be disclosed on court papers.

- DO NOT include your mailing address on this form if you are requesting address protection.
- Case Type: Mark only one box that matches the annulment legal procedure:
 - ☐ Annulment
- Interpreter: Check “yes” or “no” to indicate whether you need a language interpreter. If you check, “yes”, write in what language(s) are needed.
- No additional copies are needed of this form. Do NOT serve this form on the other party.
- Important: After completing this form, set aside the form.

Form: Response to the Petition for Annulment of a Non-Covenant Marriage – Without Minor Children.

- At the top of the form, please fill in your name, street address (if not protected), city, state, zip code, telephone number (if not protected), Attorney bar number (if you are represented by an Attorney).
- Check the space if you are representing yourself.
- Print your name (as Respondent), then print the name of your spouse (the Petitioner).
- 90 Day Residency Requirement: If you or your spouse have/has lived in Arizona at least 90 days before you file this petition, check the box.
- Items 2 through 4: Fill in information about the Petitioner (your spouse), you (the Respondent), and your marriage. If you have a protected address, do not write it in. Also write in the month, day and year of your spouse’s birth, your birth, and the date you were married. Write in the number of years and months both you and your spouse have lived as married in Arizona. If you think you have a covenant marriage, please attach your marriage license at the end of this form.

- Item 5: Check the box that describes the condition of the wife at the time you file this response.
- Item 6: Defenses to Petition for Annulment. This section is highly important. The Petitioner has checked at least one reason for requesting the Court grant the annulment or has checked “Other Reason” and written a reason on the lines provided. Under the column marked “Your Defense” and on the line next to the Petitioner’s reason, please write your reason for opposing the Petition for annulment, if you oppose it, and explain the reason. If you have other reasons that you are against the annulment, explain the reasons in the last line titles “Other Defense(s).” If you oppose it, you may explain that.
- Items 7 and 8: Check the box which best describes both you and your spouse’s property and debts surrounding the marriage. Then LIST the description of property and amount of debts for Parts A and B.
- Item 9: Other statements to the Court: Here, you may write any facts you believe the judicial officer needs to know to make the final decision about your case.
- Request(s) to the Court. Items 1, 2 and 3: Check the boxes that best tell what you want. If you wish the Court to consider an additional order, fill in Item 5 with WHAT you want and WHY you want the Court to Order it.
- Name Change: Optional. Complete this section ONLY if you want your name restored to a former name.
- When you are filing this Response with the Clerk, you will sign the oath in front of the Clerk.

STEP 2: Make two (2) copies of the following Form:

- Response (note: You will now have 2 copies plus 1 original set of forms.)

If you will eFile your forms, you may not need as many paper copies. You will need a paper set of the filed forms to serve on the other party, Division of Child Support Services if they are involved in your case, and one for your judge or Family Administration (when required). For more information about how to eFile your papers, read the eFiling instructions:

<https://superiorcourt.maricopa.gov/media/7448/dref93i.pdf>.

STEP 3: Add the Family Department Sensitive Data / Coversheet form to the 1 original set of forms. Separate this original set of forms.

- 3 SETS: You should have a total of 1 original set of forms, plus 2 copies of the forms (your copies from STEP 3 above):

Set 1 – originals	Set 2 – copies for spouse	Set 3 – copies for you
Family Department Sensitive Data / Coversheet	-	-
Response	Response	Response

STEP 4: Take your 3 sets of papers to the Clerk of Superior Court filing counter at one of the locations listed below. The Court is open Monday through Friday from 8:00 a.m. to 5:00 p.m.

Clerk of Superior Court
Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Clerk of Superior Court
Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Clerk of Superior Court
Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032

Clerk of Superior Court
Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

STEP 5: Hand all 3 sets of papers to the Clerk and pay your filing fee at the filing counter. Give sufficient time to file with the Clerk, as the office closes at 5:00 p.m. daily

Fees: A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court's website.

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 Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center.

- Wait for the Clerk to give you back the following: 1) your copy of the set of papers, and 2) your spouse's copy of the set of papers.

STEP 6: Keep one copy for you, and mail or hand deliver the other set of papers to: 1) your spouse's attorney or 2) if no attorney is involved, to your spouse.

STEP 7: Read the packet called the "Service of Court Papers" at the Law Library Resource to find out how to serve the other party (your spouse).

What next? You will receive an Order from the Court to attend an Early Resolution Conference (ERC). If you fail to attend, you will be charged a "No Show" fee for failure to appear.

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 MARICOPA COUNTY

Petitioner / Party A

Case No. _____

ATLAS No. _____

Respondent / Party B

FAMILY DEPARTMENT SENSITIVE DATA COVERSHEET WITHOUT CHILDREN (CONFIDENTIAL RECORD)

Fill out. File with Clerk of Superior Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43.1(f).

A. Personal Information:

Petitioner / Party A

Respondent / Party B

Name

Gender

Date of Birth (Month/Day/Year)

Social Security Number

☐ Male or ☐ Female

☐ Male or ☐ Female

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

Mailing Address

City, State, Zip Code

Contact Phone

Receive texts from Court to
contact phone number above?

☐ Yes ☐ No texts

☐ Yes ☐ No texts

Email Address

Current Employer Name

Employer Address

Employer City, State, Zip Code

Employer Telephone Number

Employer Fax Number

B. Type of Case being filed - Mark only one category. (*) Mark this box only if no other case type applies

☐ Dissolution (Divorce)

☐ Annulment

☐ Other*

☐ Legal Separation

☐ Order Protection

C. Do you need interpreter? ☐ No ☐ Yes If Yes, What language? _____

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

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

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

Name of Petitioner/Party A

Case Number: _____

AND

RESPONSE TO PETITION FOR
ANNULMENT OF NON-COVENANT
MARRIAGE WITHOUT MINOR
CHILDREN

Name of Respondent/Party B

STATEMENTS TO THE COURT, UNDER OATH or AFFIRMATION:

I, _____, hereby state to and respond to the Court, the following true statements:

1. 90 DAY RESIDENCY REQUIREMENT:

☐ I have, and/or ☐ my spouse has lived or been stationed (while a member of the Armed Forces) in Arizona for AT LEAST 90 days before filing this action. If this statement is NOT true, you must wait until one of you has resided in Arizona 90 days before you can file or respond to the Petition for Annulment.

2. INFORMATION ABOUT MY SPOUSE:

Name: _____

Date of Birth: _____

Address: _____

Occupation: _____

How long has your spouse lived in AZ? _____ Yrs. _____ Mos.

3. INFORMATION ABOUT ME:

Name: _____

Date of Birth: _____

Address: _____

Occupation: _____

How long have you lived in AZ? _____ Yrs. _____ Mos.

4. INFORMATION ABOUT OUR MARRIAGE:

Date of our marriage: _____

City, State, Country of marriage: _____

Is your marriage a covenant marriage? ☐ YES ☐ NO

If you disagree with what your spouse claims about the type of marriage you have, please attach to this form a copy of your marriage license to show what kind of marriage you have.

5. CHILDREN AND PREGNANCY: (Check one)

☐ No children have been conceived from the marriage.

☐ Party A is NOT pregnant -OR-

☐ Party A IS pregnant: Due Date _____ AND Party B is NOT a parent of the child.

☐ Party B is NOT pregnant -OR-

☐ Party B IS pregnant: Due Date _____ AND Party A is NOT a parent of the child.

6. ANSWER(S) to the Petition for ANNULMENT: Your spouse has pledged under oath to the Court that the marriage between you and your spouse is void for the reason(s) stated in the Petition. (Check the reason stated by your spouse; then on the line beside it, write your answer to the reason, or your argument (if you have one).

Do you agree that the marriage is void? ☐ Yes or ☐ No

Party A's Reason(s)

Party B's (Your) Answer

☐ Absence of Mental Capacity

☐ Absence of Physical Capacity

- ☐ Absence of a Valid Marriage License

- ☐ Blood Relationship

- ☐ Concealment of prior Marital Status

- ☐ Duress

- ☐ Fraud

- ☐ Lack of Contractual Intent

- ☐ Misrepresentation as to Religion

- ☐ Proxy Marriage

- ☐ Refusal of Intercourse

- ☐ Secret Attempt not to Abide by Antenuptial Agreement

- ☐ Underage

- ☐ Undissolved Prior Marriage

- ☐ Other Reason(s) (Please explain your argument for or against the Party A's other reason)

(Length of marriage is not a reason or defense)

7. A. PROPERTY ACQUIRED BEFORE THE MARRIAGE: (Check the boxes that apply)

- ☐ I do not have any property that I brought into the marriage.
- ☐ My spouse did not bring any property into the marriage.

- ☐ I have property that I brought into the marriage.
- ☐ My spouse brought property into the marriage.

B. PROPERTY ACQUIRED DURING THE MARRIAGE: (Check the boxes that apply and fill in table as necessary)

- ☐ My spouse and I did not acquire any property during the marriage.
- ☐ My spouse and I acquired property during the marriage.

We propose dividing the property acquired during the marriage as follows:

DESCRIPTION of PROPERTY	PARTY A's (Check if it applies)	PARTY B's (Check if it applies)
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

8. A. DEBTS INCURRED DURING THE MARRIAGE: (Check the boxes that apply and fill in table as necessary):

- ☐ My spouse and I did not incur any debts during the marriage.
- ☐ My spouse and I incurred debts during the marriage.

We propose dividing the responsibility for the debts incurred during the marriage as follows:

DESCRIPTION & AMOUNT of Debt	PARTY A's (Check if it applies)	PARTY B's (Check if it applies)
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

B. SEPARATE DEBTS: (Check all boxes that apply):

- ☐ I do not have any debts that were incurred before the marriage.
- ☐ My spouse does not have any debts that were incurred before the marriage.
- ☐ I have separate debt that I incurred before the marriage that should be paid as described below:
- ☐ My spouse incurred separate debt before the marriage that should be paid as described below:

DESCRIPTION & AMOUNT of Debt	PARTY A's (Check if it applies)	PARTY B's (Check if it applies)
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

9. OTHER STATEMENTS TO THE COURT UNDER OATH OR AFFIRMATION:

REQUESTS TO THE COURT:

I declare all the above information to be true; I respectfully request the Court:

1. ANNULMENT: (Check the box that best applies)

- ☐ I request (1) a decree of the Court declaring the marriage between Party A and Party B null and void, and (2) grant an annulment of that marriage - OR -
- ☐ I request the Court find no grounds for annulment for the reasons stated in number six (6) above:

2. PROPERTY: (Check the box that best applies)

- ☐ I request (1) the Court fairly divide any property acquired during the marriage, and (2) confirm ownership of property acquired before the marriage as follows:

DESCRIPTION of PROPERTY	PARTY A's (Check if it applies)	PARTY B's (Check if it applies)
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

- OR -

- ☐ I request the Court find no grounds for annulment for the reasons stated in number six (6) above, and make no division of property.

3. DEBTS: (Check the box that best applies)

- ☐ I request the Court Order each party to pay debts as requested in this Response as follows:

DESCRIPTION & AMOUNT of Debt	PARTY A's (Check if it applies)	PARTY B's (Check if it applies)
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

- OR -

- ☐ I request the Court make no Order in regard to debts.

4. NAME CHANGE: (Optional. Complete this section ONLY if you want your name restored to a former name)

- My complete married name is:

--	--	--

- I want my married name (as stated above) 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 person who wants his/her name restored.
--

5. OTHER ORDERS:

I ALSO MAKE THE FOLLOWING REQUEST TO THE COURT: (Explain request here)

Request: _____

UNDER OATH OR BY AFFIRMATION

I swear or affirm under penalty of perjury that 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)

_____ .

(Notarial Officer's Stamp or Seal)

Notarial Officer