

## 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 *“Request for Protected Address”* 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 Superior 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 court days from the date the application was filed with the Clerk of Superior Court in which to file your written response. If you do not file a written response ON TIME, a default decree 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 Law Library Resource 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. 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 Law Library Resource 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:

- 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.
- 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 Law Library Resource Center has a list of mediators, and how much they charge to help you.
- 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 Law Library Resource 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 Law Library Resource Center.

**WHEN MUST YOU FILE YOUR RESPONSE?** If you decide to file the response, you have a limited time to file it. A calendar is helpful for you to find the last day you may respond.

- **LOOK AT THE TIME TABLE BELOW.** On a calendar, begin counting on the day after the date of the **EVENT**. End your calendar count using the number of days to respond. The calendar day you end on will be the **DATE**, which is your last day to respond. If the last day to respond falls on a Saturday, Sunday, or legal holiday, you do not count that day. Your last day to respond would be the next day. Include weekends and holidays in your count.

**TIMETABLE: TIME to RESPOND**

<u>SERVICE BY</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance in Arizona	20 Days	after the "Acceptance of Service" is filed
Acceptance out-of-state	30 Days	after the "Acceptance of Service" is filed
Signature with Confirmation	20 Days	after you signed the Confirmation
Signature with Confirmation out of state	30 Days	after you signed the Confirmation
Process Server in Arizona	20 Days	after you received papers from Server
Process Server out-of-state	30 Days	after you received papers from Server
Sheriff in Arizona	20 Days	after you received papers from Sheriff
Sheriff out-of-state	30 Days	after you received papers from Sheriff
Publication in Arizona	50 Days	after the 1st date of publication
Publication out-of-state	60 Days	after the 1st date of publication

## COMPLETING YOUR 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 leave the ATLAS number blank; 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”/Party A and “Respondent”/Party B 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.
- E. COVENANT MARRIAGE. If you disagree with the type of marriage your spouse says you had, attach a copy of your marriage license to the Response.
- F. 90-DAY REQUIREMENT. 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 your spouse can file a motion to dismiss.
- G. 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 Party B 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.

### Description of types of property:

- a) Real estate (property or home) – 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) 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. If you or your spouse has one of these plans, 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.

H. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY). 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.

WAIT TO SIGN THIS FORM until you are in front of a notary or the Clerk of Superior Court at the filing counter.

WHAT TO DO NEXT: See the Law Library Resource Center document in this packet titled: "Procedures: How to respond to divorce papers for a non-covenant marriage without children."