

## Helpful information: How to file a response to a petition for legal separation with minor children

**IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:** All court documents request your address and phone number. If you are a victim of domestic violence, you must file "*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 court papers. Then, write "protected" where asked for this information and update the Clerk of Superior Court with an address and phone number as soon as possible. The Clerk of Superior Court will keep your address confidential.

### PAPERS YOU SHOULD HAVE RECEIVED WITH THE PETITION FOR LEGAL SEPARATION:

**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 document. You will have 10 more court days in which to file your "**WRITTEN RESPONSE.**" If you do not file a "**WRITTEN RESPONSE**" ON TIME, a default judgment can be entered. That 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, minor children, and other issues while the legal separation is pending. If you or your spouse do not obey this order, the party who disobeys it can be in serious trouble with the Court. If your spouse disobeys 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.

**INFORMATION FOR CONCILIATION COURT:** You may or may not have received a paper on this. There is no requirement that your spouse serve this document on you. In either case, the court has services to help couples with their marriage, called "Conciliation" and "Mediation." You can ask for an appointment by filing a written Petition, to discuss your marriage with these court professionals. You can get the forms for the appointment at the Law Library Resource Center.

**PARENT INFORMATION PROGRAM ORDER and NOTICE:** This is an important document. You and the other parent must attend and complete a class in the Parent Information Program. This is a very exciting and wonderful class. They designed it to help you. The purpose of the Parent Information Program is to give parents information about the impacts that divorce, legal separation, the changes in the family unit, and court involvement have on minor children involved in a divorce, legal separation, paternity, or legal decision-making (legal custody) and parenting time case. This Order and Notice applies to all parents who file an action for dissolution of marriage or legal separation, or any paternity proceeding, in which a party has requested that the Court determine legal decision-making and parenting time, on or after January 1, 1997, and to all other domestic relations cases if ordered by the Court. Make sure you read this order and notice and do what it says.

**AFFIDAVIT REGARDING MINOR CHILDREN.** This document describes your minor children and where they have lived for the past five years. Both you and the other party must file this document telling the Court about other legal decision-making (legal custody) and parenting time cases involving your minor children.

**PETITION FOR LEGAL SEPARATION WITH CHILDREN:** This is the form your spouse completed to tell the Court his or her side of the story about property, debt, spousal maintenance/support (alimony), legal decision-making (legal custody), parenting time, child support, health insurance, pregnancy, and everything else about the marriage. Read each and 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 legal separation and tell the Judge his or her side of the story, without you telling your side at all. This is called 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 before you decide to do nothing.
2. Decide with your spouse how you want to handle everything: property, debt, spousal maintenance, child support, legal decision-making, parenting time, 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 desire to live separate and apart, and can talk about the critical issues to decide how you both want to handle the legal separation. Mediators can help you with this. The Law Library Resource Center has a list of mediators, and how much they charge to help you.
3. Protest what your spouse said in the Petition, file a Response stating your side of the story, and how you want to handle everything: property, debt, spousal maintenance (alimony), legal decision-making, parenting time, child support, and everything else about the legal separation. 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.

**PARENTING PLAN:** This plan is a detailed plan that says how decisions will be made and when the child will be with each parent. The parenting plan may be developed by the parents, through mediation, with the help of court staff, lawyers, or by a judge after a hearing or at trial.

**CHILD SUPPORT WORKSHEET:** This is the amount of child support that the other party believes the Court should order for the minor child(ren) including all of the information that the other party used to calculate the amount of child support owed.