

## Helpful Information: How to file a response to a petition for paternity, legal decision-making, parenting time, and/or child support

IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE: Domestic violence can be part of any marriage. Domestic violence includes physical violence such as hitting, slapping, pushing or kicking or threats of physical violence directed against you and/or your children and/or verbal abuse used to control 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 on the form where you are asked for this information. You must tell the Clerk of the Court your address and phone number as soon as possible so the Court can get in touch with you. The Court will keep your address protected.

PAPERS YOU SHOULD HAVE RECEIVED with this PETITION: You should have received the following papers. If one or more papers are missing, you may obtain copies of the papers from the office of the Clerk of Superior Court, at any Maricopa County Superior Court location.

1. **SUMMONS:** A summons is a legal notice to you that a court action against you was filed in the court issuing the summons. It also notifies you and that a judgment will be taken against you if don't answer the complaint or petition within a certain time.
  - The summons also 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 may complete an Application and Affidavit for Entry of Default and send you a copy. 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 may be entered, and you miss your opportunity to tell the judge your side of the story.
  
2. **PETITION for PATERNITY, Legal Decision-Making, Parenting Time, and/or Child Support:** This is the form the other party completed to request Paternity be established, and to tell the Court his/her side of the story about the minor children, pregnancy, child support, parenting time, and family living situation. Read each and every word very carefully, and decide what you want to do. Here are your choices:
  - A. **Do nothing.** This means the other party can tell the judge his/her side of the story, and get a court order 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 papers and proceeding which results in a court order that you had no input on. See a lawyer for help before you choose this option.

- B. Work together. Decide with the other party how you want to handle everything about the minor children, pregnancy, child support, child parenting time, and legal decision-making. Then you and the other party file papers in the court stating your agreement on everything. This is called 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.
- C. Disagree with the court papers and file a RESPONSE stating your side of the story, and how you want to handle the issues. This is called a “contested” matter. But, even if you originally file a response, you and the other party can 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 the other party, you must be sure to file the court papers you will need to set the case for trial.
3. PARENT INFORMATION PROGRAM ORDER and NOTICE: These papers are important. You and the other parent must attend and complete a class in the Parent Information Program. The class was designed to help you parent your child through and beyond the court process. Make sure you read this order and notice and do what it says.
  4. PARENTING PLAN: This plan is a detailed plan that says how decisions will be made and when the child will be with each parent.
  5. 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 that is owed.

**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 last column, titled “Event”. 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 -- until you reach the number of days in the timetable below. If a written response is filed with the court on time, the party cannot proceed by default.

<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	20 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

When may a party bring a petition to establish paternity, legal decision-making, parenting time, or child support in the superior court in Arizona?

Generally a party must have resided in Arizona with the minor children for at least 6 months; or the minor child must have been born in Arizona if the child is less than 6 months old, before filing a petition to establish paternity, legal decision-making, parenting time, or child support. If you have questions regarding this requirement, see a lawyer before filing.

When can you be sued in Arizona for establishing paternity, legal decision-making, parenting time, or child support?

A party can be sued in Arizona in a case about establishing paternity, legal decision-making, parenting time, and/or support order, if at least one of the following is true:

- The person being sued is a resident of Arizona;
- The person was personally served in Arizona (see packet on service to know about this);
- The person agrees to have the case heard here and files written papers in the court case;
- The person lived with the minor child in this state at some time;
- The person lived in this state and provided pre-birth expenses or support for the minor child;
- The minor child lives in this state as a result of the acts or directions of the person;
- The person had sexual intercourse in this state as a result of which the minor child may have been conceived;
- The person signed a birth certificate that is filed in this state;
- The person did any other acts that substantially connect the person with this state (see a lawyer to help you determine this).

**WARNING:** Jurisdiction over the responding party is very serious. If you have any doubts about whether it was proper for you to be sued in Arizona, you should see a lawyer IMMEDIATELY, BEFORE you file any written response, answer or other court paper.