

## 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 for visitation, and you disagree with all or part of that petition.

**WARNING:** jurisdiction over the respondent is very serious. If you have any doubts about whether it was proper for the 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.

### HELP COMPLETING YOUR WRITTEN RESPONSE TO THE PETITION FOR GRANDPARENT VISITATION:

Use this form if you want to **RESPOND** to a Petition for Grandparent Visitation.

- A. Make sure your form states **RESPONSE TO PETITION 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 "Grandparent Requesting Visitation", "Petitioner/Party A" and "Respondent/Party B" 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 the Grandparent wants to establish visitation.
2. **Information about the grandparent(s) requesting visitation:** Fill in name, address (if not protected) and date of birth. This is basic information about the grandparents and their relationship to the children for whom they want the order.
3. **Information about Party A:** If you are Party A, then check the box and move onto question #4. If you are not Party A, fill in the information about the Party A, including address and date of birth. This is basic information about Party A.
4. **Information about Party B:** If you are Party B, then check the box and move onto question #5. If you are not Party B, fill in the information about the Party B, including address and date of birth. This is basic information about Party B.

5. **Information about the legal guardian (if any):** If you are the legal guardian of the minor child(ren), then check the box and move onto question #6. If you are not the legal guardian, fill in the information about any legal guardian for the children, including address and date of birth. This is basic information about the legal guardian.
6. **Information about the children:** Fill in information about all the children for whom you want this order. The same persons should be the legal parents for all the children for whom you want this order.
7. **Legal reasons grandparents 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 is with the children and grandparents and why it is best for the children not to have visitation with the grandparents (if applicable).
9. **Your visitation plan:** If you agree with visitation but disagree with the grandparent'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 legal decision-making and physical custody, visitation, or child support to the Response, 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** legal decision-making and **physical 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 legal decision-making, physical custody, visitation, and support cases about these children:** The Court **MUST** know if there have been **other cases involving physical custody, visitation or child support** of the children of this case. If there are no other legal decision-making and physical 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. **Legal decision-making and Physical Custody rights of others as to these children:** If you do not know of another person OTHER THAN THE OPPOSING PARTY who is claiming legal decision-making and physical 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 legal decision-making and physical custody or visitation claim.
14. **Summary about what you say about the children that is different from what the grandparent(s) asked for.** This is because the form of petition the grandparent(s) used might not be from the Law Library Resource Center, and so it might be arranged a little differently than this form of response.
15. **Proper location ("VENUE") for this court case:** the children must live in Maricopa County for this to be a proper county for the grandparents to pursue this court case. Check whether the first box if the minor children live in Maricopa County. Check the second box if the minor children do not live in Maricopa County.
16. **General denial:** this tells the Court that even if you did not answer each and everything said in the Petition 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 Grandparents, based on what you said in your response above.
3. **SUPERVISED VISITATION TO THE GRANDPARENTS:** check here if you request supervised visitation if the grandparents cannot adequately care for the children or cannot do so without another person present. You may request this if the grandparents abuse drugs or alcohol; are violent or abusive; or, do not have the skills to care for a child without another adult present. Remember, supervised visitation is not intended to punish but to protect the child. You must write in specifically why you say the visitation should be supervised visitation

**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 three (3) copies before you file. The Family Department Sensitive Data Coversheet does not get copied and only gets filed with the ORIGINAL Response.

**FILING THE RESPONSE AND PAYMENT OF COURT FEE:** File the 3 copies and the original of your "**Response**" (along with the Family Department Coversheet) with the Clerk of the Court. .

**FEES:** A list of current fees is available from the Law Library Resource 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 Law Library Resource Center. You do **not** need to send a copy of the fee deferral request to the other party 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 each 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.