

Helpful Information: How to file a response to a petition for legal separation without minor children

IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:

- Domestic violence can be part of any marriage. Domestic violence can include physical violence, such as hitting, slapping, pushing or kicking directed against you and/or your children, and threats of physical violence made against you and/or your children, and/or regular verbal abuse used to control you and/or your children.
- All court documents request your address and phone number. If you are a victim of domestic violence and the other party does not know your address, 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 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 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.

PETITION FOR LEGAL SEPARATION WITHOUT CHILDREN: This is the form your spouse completed to tell the court his or her side of the story 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 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 before you decide to do nothing.
2. Decide with your spouse how you want to handle everything: property, debt, spousal maintenance (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 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 you.
3. File a Response stating your side of the story, and how you want to handle all of the issues. 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.

HOW TO CALCULATE the LAST DAY to FILE YOUR RESPONSE:

- It is better to prepare and file the Response before the LAST DAY to FILE your Response. The LAST DAY to FILE RESPONSE may be calculated using the timetable below. It is helpful to use a calendar when calculating the last day to file.
- USE TIMETABLE BELOW. If the last day to file your response falls on a Saturday, Sunday, or legal holiday, you DO NOT count that day.
- INCLUDE WEEKENDS AND HOLIDAYS IN YOUR COUNT until you reach the number of days under the “COUNT” column in the Time - Table below. If you file a written response with the court on time, the Petitioner CANNOT PROCEED BY DEFAULT.

DEFAULT TIME TABLE

If you were served the Petition by this

<i>METHOD OF SERVICE</i>	<i>COUNT</i>	<i>EVENT</i>
Acceptance of Service in Arizona	20 Days	after the “Acceptance of Service” is filed
Acceptance of Service out-of-state	30 Days	after the “Acceptance of Service” is filed
Process Server in Arizona	20 Days	after YOU received papers from Process Server
Process Service out-of-state	30 Days	after YOU received papers from Process Server
Sheriff in Arizona	20 Days	after YOU received papers from the Sheriff
Sheriff out-of-state	30 Days	after YOU received papers from the Sheriff
Certified Mail in Arizona	20 Days	after YOU signed for the papers
Certified Mail out-of-state	30 Days	after YOU signed for the papers
Publication in Arizona	50 Days	after the 1st date of publication
Publication out-of-state	60 Days	after the 1 st date of publication