

## Instructions: How to fill out the forms to respond to a petition for divorce with minor children

**Domestic violence:** Domestic violence can be a part of any marriage. Domestic violence includes physical violence such as hitting, slapping, pushing, or kicking you and/or your child(ren) and/or threats of physical violence directed at you and/or your child(ren) and/or verbal abuse used to control you and/or your child(ren). Your spouse does not need to have been convicted of domestic violence or assault for you to be a domestic violence victim. You do not need to have sought medical care or been admitted to a hospital to be a victim of domestic violence.

Court documents request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do not want your address 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. If the Court grants your Request, you do not need to put your address and phone number on your legal separation papers. If the Court grants your Request, you do not need to put your address and phone number on court papers. Just write “protected” where the form asks for this information and update the Clerk of Superior Court with an address and phone number as soon as possible so that the court can reach you. You must tell the Clerk of Superior 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.

### How to complete your written Response to the Petition:

Most court documents can be filed electronically. For more information about eFiling, read the eFiling instructions first: <https://superiorcourt.maricopa.gov/media/7448/dref93i.pdf>.

- Type or print in black ink only.
- Make sure your form is titled “Response to Petition for Dissolution of a Non-covenant Marriage (Divorce) with Minor Children.”
- In the top left corner of the first page, fill out the following information: Your name; address (if not protected); city, state and zip code; telephone number; and, your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security; Attorney Bar Number if represented by an attorney; and, whether you are representing yourself or if you are the attorney representing either Petitioner or Respondent.
- (B) Fill in the name of the “Petitioner/Party A” and “Respondent/Party B” the same way as it is on the Petition. You must do that for every document filed with the court regarding this case from now on. Use the case number that is stamped in the upper right-hand corner of the

Petition. You must use that case number for every document filed with the court regarding this case from now on.

Statements to the Court, under oath or affirmation:

Section      Instruction

1. Information about my spouse. Fill in your spouse's (name, address (if not protected), date of birth, occupation, and length of time domiciled (lived) in this state. This is basic information about your spouse.
2. Information about me. Fill in your name, address, date of birth, occupation, and length of time you lived in this state. This is basic information about you.
3. Information about our marriage. This is general information about your marriage. Fill in the date that you were married, and the city and state where you were married. Then check the box if you have a non-covenant marriage.

\* To have a "Covenant Marriage," both Party A and Party B would have had to:

1. sign papers requesting to have a covenant marriage or to convert to a covenant marriage,
2. attend pre-marital counseling (unless converting an existing marriage to a covenant marriage, AND
3. Your marriage license would say "Covenant Marriage."

If you still have questions about whether you have a "covenant" marriage, contact a lawyer for help.

"Irretrievably broken" means that your marriage is broken beyond repair and there is no chance of getting back together with your spouse.

If you have a covenant marriage, you should file a motion to dismiss, and then petition the court for dissolution of a covenant marriage, if you want a divorce. If you have a covenant marriage, attach a copy of the marriage license to show that you have a covenant marriage.

4. 90-day requirement. This tells the court that you and/or your spouse has lived in Arizona, or been stationed here while in the Armed Forces, for at least 90 (ninety) days prior to the date your spouse filed the divorce papers. Before your spouse filed for Divorce, this must be true. If it is not true, your spouse filed too soon, and the case must be dismissed. You or your spouse can file a Motion to Dismiss, then refile the divorce papers once the statement is true.

Information about our children under 18 years of age:

5. Domestic violence. This tells the court if domestic violence was in the marriage and affects a request for joint legal decision-making, (if you intend to ask for joint custody). If you are not sure what domestic violence means, see the first page of this document. Then, check the box that applies to your situation.
6. Children of the parties who are less than 18 years of age. If you have no minor children common to you and your spouse, you should use the Petition for Dissolution of a Non-covenant Marriage - without Minor Children Packet.
  - If the minor children common to you and your spouse have lived with you in Arizona for more than 6 months, the Court has jurisdiction over you and your children.
  - Mark the box that states whether or not your minor children have lived with you in Arizona for more than 6 months.
  - Then, write the names of any child(ren) under age 18 common to you and your spouse, whether born to you and your spouse before or during your marriage or adopted by you and your spouse during the marriage. Include their birthdate(s), address(es), and length of time at the last address. If you do not have any children, you should be using the Response Packet without Children.
7. Pregnancy. If Party A or Party B is not pregnant at this time, check the correct box and go to paragraph 8. If Party A or Party B is pregnant, check the third box. Fill out the date the baby is due and fill in any information regarding the parents of the unborn child.
8. Summary of what I request concerning our minor child(ren) that is different from what my spouse requested in the Petition and Affidavit of Minor Child(ren). Since you are responding to what your spouse asked for in the Petition, you should now summarize for the Judge how what you request concerning the child(ren) is different from what your spouse asked for in both the Petition and Affidavit of Minor Children.
9. Information about property and debt.

The information you give in paragraphs 9 and 10 tells the court about your property and debts, and how you think your property and debts should be divided. Community property is generally any property you and your spouse purchased during your marriage or paid for during the marriage, no matter who uses the property or who paid the money. Unless property was a gift or inheritance, all property acquired during the marriage or after you were served with a copy of the Petition for Divorce is community property, and both you and your spouse are entitled to roughly an equal share of this property.

Community debt or bills are generally any debt, you and your spouse, acquired during your marriage, no matter who spent the money. If you have questions, or have a lot of community property or debt, you should speak with a lawyer before you file your Response.

It is very important that you be specific in your responses about the property and debt. Describe the property and debt that should go to or be paid by you in detail and describe the property and debt that should go to or be paid by your spouse in detail. Never list an item and check both Party A and Party B box.

- 9.a. Property acquired during the marriage. Community property. If you and your spouse do not have any property from the marriage, check the first box. If you and your spouse have property together, check the second box. If you checked the second box, you must tell the court what property should go to you and what property should go to your spouse. Generally, the court will divide the property 50-50, unless there are good reasons not to.

It is unlikely that the court will give most or all of the property to either spouse, so put some thought into what you think would be a fair division before answering this question. Usually, if you and your spouse cannot decide which spouse should receive the property, the court will order that the property be sold and any money received divided between you and your spouse.

List the property that you want the court to award to your spouse and list the property that you want the court to award to you. Put a check in the box that matches the property you want to go to which person. You should describe the property thoroughly for identification purposes and tell the court how much the property is worth (fair market value). You can use the brand name and model where applicable, and serial numbers.

Types of property:

- Real property (property or home). Check who you want to get the property. You can ask the court to give you the home, to give the home 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 has a legal description such as "LOT 77, PINE TREE ACRES, according to Book 111 of Maps," which appears on your deed papers. You should use this description. A cemetery plot is considered real property.
- Household furniture. This includes sofas, beds, tables, and so forth. Be specific.
- Household furnishings. This includes things in the house other than furniture, for example: dishes, small appliances, rugs, and so forth. Be specific.
- Other. List things that you want or you want your spouse to have that have not already been listed. Be specific.
- Pension/retirement fund/profit sharing/stock plans/401K. You and your spouse each generally have a right to up to one-half interest in the other spouse's plan, for the number of years you were married. The longer the marriage, the greater your financial interest in your spouse's plan. (Your interest, usually, includes up to 50 percent of the benefits/plan if you have been married the whole time the plan has existed.) Check this box if you want to divide your interest in a retirement or profit sharing/retirement/401K plan. If you check this box, you must see an attorney about a document called a Qualified Domestic Relations Order or QDRO. A QDRO is a very specialized legal document that requires professional assistance to prepare. The Law Library Resource

Center and the court do not have Qualified Domestic Relations Order forms.

- Motor vehicles. List the vehicle identification number, the year and make of the car (Ford, Honda) and the model (Mustang, Lumina).

9.b. Property acquired before marriage. Separate property. If you did not have, or bring, any property into the marriage, or you did not receive any gifts, devises, or inheritances, check the first box. If your spouse did not have or bring any property into the marriage, or did not receive any gifts, devises, or inheritances, check the next box. If you or your spouse brought property into the marriage, or received gifts, devises, or inheritances, check the third and/or fourth box. If you checked the third and/or fourth box, you must tell the court what property you brought into the marriage and what property your spouse brought into the marriage. List the property that you want the court to award to your spouse and list the property that you want the court to award to you. Put a check in the box that matches the property you want to go to which person. You should describe the property thoroughly for identification purposes. You can use the brand name and model where applicable, and serial numbers.

9.c. Debts incurred during the marriage. Community debts. If you and your spouse do not owe money on any debts from the marriage, check the first box and go directly to paragraph 9.d. If you and your spouse owe money on any debts from the marriage, check the second box. If you check the second box, tell the court which debts you should pay and which debts your spouse should pay. Generally, the court will attempt to make a fair division of the debts. If you get the property that has debt on it, you probably will be given the debt. Ordering one person to pay all the debt is unusual. Think about what is a fair division of the debts before answering this question. Put enough information to identify each debt.

If you and your spouse have been separated and have acquired new debts on your own before filing for divorce, you may want the court to order that each of you pay for any new debt after the date you separated. You can make this request on the last page of your Petition under Letter I “Community Debts.”

9.d. Debts incurred prior to marriage. Separate debts. If you and your spouse did not owe money on any debts before you were married, check the first box and go ON to 10. If you owed money on debts before you were married, check the second box. If your spouse owed money on debts before you were married, check the third box. If either you or your spouse owe money on any debts you or your spouse brought into the marriage, describe the debts, and tell the court which debts you should pay and which debts your spouse should pay.

10. Summary of what I requested concerning property and debts that is different from what my spouse requested in the Petition. Tell the court what is different between your plans for the division of the property and debt and what your spouse asked for in the Petition.

11. Tax Returns: Decide what you want to do about any income tax refund. Check the box that applies to you. If you have questions about which box you can check, you should see a lawyer, an accountant, and/or contact the Internal Revenue Service (IRS).

12. Spousal maintenance/support is the term used to describe money paid from one spouse to

the other spouse as part of a divorce. You may know the term as alimony. Spousal maintenance/ support is designed as a safety net for a spouse who cannot provide for his/her needs or who meets other requirements listed on the Petition. The idea behind spousal maintenance/support is that accomplishments during your marriage, including increases in earning potential and living standards, are shared and earned by both parties to a marriage. Look at paragraph 12 to see if spousal maintenance/support applies to you or your spouse. Then, check the boxes that most applies to you. Spousal maintenance/support is paid separately from child support and is not a substitute for or a supplement to child support.

13. Summary of what I want regarding spousal maintenance/support that is different from what my spouse asked for in the Petition. Since you are responding to what your spouse asked for in the Petition, you should now summarize for the court how what you want for spousal maintenance/support is different from what your spouse wants. You should do this because the Petition your spouse used might not be from the Law Library Resource Center, and it might be arranged differently than this form.
14. Drug/alcohol convictions. Place a mark in the box that best describes Party A and Party B's drug/alcohol convictions within the last 12 months.
  - A conviction of any drug offense within 12 months of filing of the petition for legal decision-making, creates a rebuttable presumption that awarding either joint or sole legal decision-making to that parent is not in the child's best interest. This is because the court considers evidence of drug and alcohol convictions as being against the best interest of the child A.R.S. § 25-403.04.
  - If the court finds evidence of a conviction of any drug/alcohol offense within 12 months of filing of a petition for legal decision-making has occurred, the court shall make arrangements for parenting time that best protect the child.
15. Child support. Place a check mark in the boxes about child support that are true in your situation. Arizona law declares that every person has the duty to provide all reasonable support for that person's natural and adopted minor, unemancipated children - regardless of the presence or residence of the child in this state A.R.S. § 25-501.
  - Title IV-D program or Temporary Assistance for Needy Families (TANF) recipients  
NOTE: Mark the box if you or the other party are involved in the TANF or Title IV-D programs. In Part 4, you must obtain the written approval and signature of the Attorney General or county attorney assisting you on your TANF or IV-D case. You must include or attach the signature to the Final Decree. (Rule 45 (c) (3))
16. Other expenses. This section tells the Court how you want any uninsured medical, dental, vision or health expenses incurred for the minor child should be divided between the parties.
17. Written agreement. Check this box only if you and your spouse have a written agreement regarding legal decision-making, parenting time (formerly known as "visitation") and support that both of you signed before you filed the Response to the Petition for Dissolution

of Marriage. If you have only discussed these issues and do not have a written agreement, do not check this box. Attach a copy of the written agreement if you have a copy.

18. The Parent Information Program. This section tells the Court if you have completed the Parent Information Program yet. For further information see the Order and Notice to Attend the Parent Information Program Class you should have received from your spouse. If you did not receive this information, the Law Library Resource Center has the form.

The Parent Information Program is offered to provide information to divorcing parents, or parents involved in other domestic relations actions, concerning what their children may be experiencing during this emotionally difficult period (Pursuant to Arizona law (A.R.S. § 25-351: "Domestic Relations Education on Children's Issues").

- Completion of the Parent Information Program is a requirement for all parents involved in a divorce, legal separation, or paternity case in which a party requests that the Court determine Legal Decision-making, Parenting Time, or child support. Parties involved in other types of domestic relations actions, such as modification or enforcement of Legal Decision-making or Parenting Time, as well as child support matters, may also be ordered to attend the Parent Information Program at the Court's discretion.
- Both Party A and Party B must complete this class within 45 days from the date the Petition for Dissolution is served/ (A.R.S. § 25-352). Both spouses must register for and complete the course whether or not a "Response" or "Answer" to the Petition/Complaint is filed. Please be advised that a Certificate of Completion will be e-filed with the Maricopa County Clerk of Superior Court by the approved class provider upon your completion of the class. This certificate will be available to the court within 5 to 7 business days after your successful completion of the class.
- Approved Parent Information Program classes are offered by a number of community-based providers at various locations throughout Maricopa County as well as online.
- The fee for the Parenting Information Program class is a maximum of \$50.00 per person payable to the community-based provider. For more information about the Parent Information Program in Maricopa County, please call (602) 506-1561.
- Check the box that corresponds with whether you have completed the Parent Information Program.

19. General denial. This section tells the Court that even if you did not answer everything said in the Petition, you deny all issues you did not address. This is extra protection for you.

Requests to the court. This section requests that the Court grant you and your spouse your divorce and tells the Court other requests you are making:

- A. Dissolution. This is your request to end your marriage by a divorce or to dismiss the case because of one of the reasons listed. Check the box(es) that apply to your case.
- B. Restore name. Only write in this section if you want to use your maiden or former name. Write in your birth name or former last name in the space provided. If you are not the person who is requesting to have your former name restored, the court must have a written request from the party

who wants his or her name restored to change the name.

C. Paternity and minor child(ren)'s names. Only write in this section if you and your spouse have minor child(ren) that was/were born before the marriage and both parties are the legal parents of the minor child(ren). Check which party you want the Court to declare as the legal parent of the minor child(ren) born prior to the marriage and write the name(s) of those minor child(ren).

D. Primary residence, parenting time, and legal decision-making

1. Primary residence: The physical place where the child is cared for, supervised, and sleeps overnight. If you want your residence to be the place the child sleeps overnight the majority of the time, check the box that applies to you. The write in the name(s) of the child(ren). This tells the court whether you want the primary residence of the minor child(ren) to be with you or your spouse.
2. Parenting time: means the schedule of time during which each parent has access to a child at specified times. Each parent during their scheduled parenting time is responsible for providing the child with food, clothing and shelter and may make routine decisions concerning the child's care.

Check only one of the first three boxes. You can ask that the non-primary residential parent (the parent having less than equal parenting time with the child(ren)) have one of the following types of parenting time (If you want to know more about parenting time read the Parenting Time Guidelines in packet 4) Also, Note: (If you want to know more about parenting time, refer to "Planning for Parenting Time: Arizona's Guide for Parents Living Apart." The Guide is available for purchase at all Law Library Resource Center locations or may be viewed online and downloaded for free from the State Courts' web page.

- Reasonable parenting time. This suggests an amount of parenting time appropriate to the age of the minor child(ren). The court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents.
- Supervised parenting time to the non-primary residential parent. You should request supervised parenting time if the non-primary residential parent cannot adequately care for the minor child(ren) without another person present to ensure the child's safety. You may request this if the non-primary residential parent abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for the child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the minor child(ren).
- No parenting time to the non-primary residential parent. You should mark this option only if the non-primary residential parent has seriously harmed, abused, or otherwise is a serious danger to the child(ren)'s physical and emotional health, or if there is a criminal court order stating no contact between the minor child(ren) and the non-primary residential parent. You may use this as a last resort to protect the minor child(ren).

Write in the name of a person you would like to supervise the child-parent parenting time.



Also, mark the box that shows who you think should pay for the supervisor.

3. Legal decision-making: “Legal decision-making” means the legal right and responsibility to make all nonemergency legal decisions for a child including those regarding education, health care, religious training and personal care decisions. For the purposes of interpreting or applying any international treaty, federal law, a uniform code or the statutes of other jurisdictions of the United States, legal decision-making means legal custody A.R.S. § 25-401.

In the context of legal decision-making, “sole” means one parent; “joint” mean both parents. First, place a mark in the box to show if you want sole or joint legal decision-making. Then, mark the Party (A or B or both) you want to be awarded the legal decision-making.

- E. Child support: Tell the court who you think should pay child support. The income of the parties generally determines the amount of the support according to court guidelines. You must check only one box.

Past Support is child support after a couple has separated but before any paperwork is filed or court orders issued. Indicate the party who owes past child support, if any is owed.

- F. Insurance and health care expenses for children: Mark the box(es) to request the part(ies) who should be responsible for medical, dental and vision care for minor children.

- G. Tax exemption: Decide how you and your spouse will declare the tax dependency exemptions, for which minor child(ren) for which years. Federal Tax law also determines this for you. If you are not sure, see a lawyer or an accountant for help.

- H. Spousal maintenance/support. This tells the court that you or your spouse should pay money to the other spouse on a monthly basis to help with living expenses. Spousal maintenance is not a substitute for, or a supplement to, court ordered child support.

- Place a mark in the box which best represents what you believe about whether spousal maintenance is appropriate.
- If you marked the box that requests the court to order spousal maintenance, decide which spouse (Party A or Party B) should pay, and then place a mark in that box.
- If you request spousal maintenance/support, write on the line what you believe to be a reasonable monthly amount and write in how many months the money should be paid. Base the amount of any request on the receiving party's need and the income of the spouse paying this money.

- I. Community property. This tells the Court that you request a fair division of the property.

- J. Community debt. This tells the Court that you request a fair division of the debt, and that the court should divide the debts as requested by you in your Response. If you have been separated from your spouse for enough time that you or your spouse may have additional debts, write the date of the separation on the line provided if you want each spouse to pay the debts acquired after you separated.

K. Separate property. This states that you are requesting the Court to order that each party keep the property they owned before the marriage, and that both Party A and Party B will keep all property acquired by gift, devise, inheritance, or after you were served with the Petition.

L. Separate debt. This states that you are requesting that each party will pay all of his/her separate debts.

M. Other orders: Anything else you may want the Court to order that has not been covered in your Response.

Oath or affirmation and verification. Sign this form in front of a notary public or a deputy Clerk of Superior Court. By doing so, you are telling the Court that everything contained in the Response to the Petition for Dissolution is true.

Other important papers in this packet

Parenting Plan:

Fill out the Parenting Plan to let the Court know details about what you want for legal decision-making authority and parenting time. It is important to be specific when filling out the Parenting Plan. You may refer to the “Planning for Parenting Time: Arizona’s Guide for Parents Living Apart” to help make your parenting plan. The Guide is available for purchase at all Law Library Resource Center locations or may be viewed online and downloaded for free from the State Courts’ webpage. After completing the Parenting Plan, file it with your Response.

Other important papers to be completed not in this packet

Child Support Worksheet:

You can use the free Online Child Support Calculator at the website listed below to complete a child support worksheet.

ezCourtForms <http://www.superiorcourt.maricopa.gov/ezcourtforms2/>

To complete the Child Support Worksheet you will need to know:

- Your case number.
- Your monthly gross income and that of the other parent.
- The monthly cost of medical insurance for the minor children who are the subject of this action.
- Monthly childcare amounts paid to others.
- The number of days the minor child(ren) spend with the non-primary residential (custodial) parent.
- Monthly obligations of yourself and the other parent for child support or court-ordered spousal maintenance/ support.

After completing the child support worksheet, print out the child support worksheet and file it with your Response.