

Instructions and Procedures: How to respond to a petition for legal separation without minor children

Completing the forms in this packet:

Most court forms can be filed electronically (eFile), and some forms in this packet may be auto generated by the eFiling system. If you will be eFiling your forms, you will not need to complete all forms in this packet. For more information about eFiling and which forms will be auto generated by the eFiling system, read the eFiling instructions first:

<https://superiorcourt.maricopa.gov/media/7446/dref13i.pdf>.

- Type or print with black ink only.
- Complete the “Sensitive Data Sheet” (Do not copy or provide this document to the other party).
- Make sure your form is titled “Response to Petition for Legal Separation Without Minor Children.”
- 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; leave the ATLAS number blank. Then state whether you are representing yourself or whether an attorney represents you.
- Fill in the name of Petitioner/Party A and Respondent/Party B exactly the same way as it looks on the Petition. Do this for every document you file 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. Do this for all documents you file with the court regarding this case from now on.
- Wait to sign the Response until you are in front of the Deputy Clerk of Superior Court or a Notary.

Information About Property and Debts:

- Community property is generally any property you and your spouse purchased during your marriage or that was paid for during the marriage, regardless of who uses the property or who actually paid the money.
- Unless property was a gift or inheritance, all property gotten during the marriage is community property, and both you and your spouse are entitled to a roughly equal share of this property.

- Community debts, likewise, belong to both people, regardless of who spent the money.
- If you have questions, or have a lot of community assets, you may want to consult an attorney regarding issues of community property and debts before filing your Response and other papers.
- 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.

Types of property include:

- a) Real estate (property or home). Most property also has a legal description such as "LOT 77, Pine Tree Acres, according to Book 111 of Maps," etc. You should use this description, which will appear on your deed papers, if you have it, as well as the complete address of the property when listing the property in the Response. Cemetery plots are also considered real property.
- b) Household furniture. This includes sofas, beds, tables, etc.
- c) Household furnishings. This generally includes other things in the house other than furniture, e.g. dishes, small appliances, rugs, etc.
- d) Other items (explain). List the things that you specifically want to go to one person or another that have not already been listed.
- e) Pension/retirement fund/profit sharing/stock plan. You and your spouse each generally have a right to a one-half interest in any spouse's plan, ONLY for the number of years you were married. The longer you have been married, the greater your financial interest in a spouse's plan, up to 50 percent if you have been together the whole period of the plan. If you mark on the Response that you or your spouse has one of these plans, you should see an attorney about a document called a Qualified Domestic Relations Order or QDRO. A QDRO is a very specialized legal document that requires a professional's assistance to prepare. To find out what the actual cash value and present day value of the pension plan is, you may want to consult with an accountant experienced in valuing pension plans.

Information About Spousal Maintenance/Support:

- Spousal maintenance/support is the term used to describe money paid from one spouse to the other spouse as part of a Divorce or Legal Separation Agreement or Order. You may know the term as alimony.
- The money is designed as a safety net for a spouse who cannot provide for his or her needs or who meets other requirements listed.

- The idea behind spousal maintenance/support (alimony) is that accomplishments during your marriage, including increases in earning potential and living standards are shared and earned by both parties to a marriage.

Information About Conciliation:

- The court has a service called Conciliation. Conciliation allows you to meet with trained professionals to resolve the issues of your marriage or the issues in dispute.

Procedures: How to file your response:

Step 1: Complete the “Family Department Sensitive Data / Coversheet without Children” and the “Response.”

Step 2: Make 2 copies of the “Response” only.

If you will eFile your forms, you may not need as many paper copies. You will need a paper set of the filed forms to serve on the other party, Division of Child Support Services if they are involved in your case, and one for your judge or Family Administration (when required). For more information about how to eFile your papers, read the eFiling instructions:

<https://superiorcourt.maricopa.gov/media/7448/dref93i.pdf>.

Step 3: Separate your documents into three (3) sets:

<p>Set 1 - originals:</p> <ul style="list-style-type: none"> • Family Department Sensitive Data / Coversheet without Children • Response 	<p>Set 2 - your copies:</p> <ul style="list-style-type: none"> • Response 	<p>Set 3 – your spouse’s copies:</p> <ul style="list-style-type: none"> • Response
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Step 4: File the papers at the Court:

Go to the Clerk of Superior Court filing counter. The court is open from 8:00 a.m.- 5:00 p.m., Monday through Friday. You should go to the court at least two hours before it closes. You may file your court papers with the Clerk of Superior Court at the following locations:

Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northeast Regional Court Center
18380 North 40th Street
Phoenix, Arizona 85032

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Fees: A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior 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. 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 Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center.

Hand all three (3) sets of your court papers to the Clerk of Superior Court along with along with the correct filing fee.

Make sure you get back the following from the Clerk:

Your set of copies

Your spouse's set of copies.

Step 5: Send papers to your spouse:

Mail or hand-deliver the other copy of your Response to the other party (or the party's attorney, if he/she is represented by an attorney. If the person is represented by an attorney, the attorney's name and address may be found on the Petition in the upper left-hand corner.)

Keep one copy of your Response for yourself.

Step 6: What will happen next? You will receive notice to attend either a hearing or a conference.