Reset

FOR CLERK'S USE ONLY

Name of Person Filing: _____
Mailing Address: _____
City, State, Zip Code: _____
Day/Evening Phone Number: _____

SUPERIOR COURT OF ARIZONA
MOHAVE COUNTY

_____
(Name of Petitioner)

Case Number: _____

RESPONSE TO PETITION FOR LEGAL SEPARATION WITH MINOR CHILDREN

_____
(Name of Respondent)

STATEMENTS TO THE COURT, UNDER OATH
GENERAL INFORMATION:

1. ABOUT MY SPOUSE, THE PETITIONER:

Name: _____

Address: _____

County of Residence: _____

Date of Birth: _____

Occupation(s): _____

Starting with today, number of months/years in a row my spouse has lived in Arizona: _____

2. ABOUT ME, THE RESPONDENT

Name: _____

Address: _____

County of Residence:_____

Date of Birth: _____

Occupation(s): _____

Starting with today, number of months/years in a row I have lived in Arizona: _____

3. ABOUT OUR MARRIAGE

Date of Marriage: _____

City and state or county where we were married:_____

4. ABOUT THE LEGAL SEPARATION (check one box)

☐ I want to be legally separated from my spouse, OR

☐ I do not want to be legally separated from my spouse because my marriage is over and I want to be divorced.

INFORMATION ABOUT PROPERTY AND DEBTS

Instructions: You must be specific. You must describe the property and debt that should go to you or be paid by you and then check the box. You must then describe the property and debt that should go to or be paid by your spouse, and check the box. For example, under household furnishi you could say, blue and white living room sofa, and then check the box to say whether it should go to you or to your spouse. Never list an item and che both the Petitioner and the Respondent box.

Revised: 1/1/2013

Case No._____

5a. COMMUNITY PROPERTY: (check one box)

☐ My Spouse and I did not acquire any community property during the marriage, OR

☐ My spouse and I acquired community property during our marriage, and we should divide it as follows:

Description of property/ Value of property:	My Spouse (Petitioner)	Me (Respondent)	Value
☐ Real estate at: _____ Legal Description: _____ _____	☐	☐	$_____
☐ Real estate at: _____ Legal Description: _____ _____	☐	☐	$_____
☐ Household furniture and appliances:			
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
☐ Household furnishings:			
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
☐ Other items:			
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
☐ Pension/retirement fund/profit sharing/stock/401k:			
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
☐ Motor vehicles: Make: _____ Model:_____ VIN Number:_____ Lien Holder:_____	☐	☐	$_____
Make: _____ Model:_____ VIN Number:_____ Lien Holder:_____	☐	☐	$_____

5b. SEPARATE PROPERTY. (Check all boxes that apply.)

☐ I do not have any property that I brought into the marriage or separate property.

☐ My spouse, the Petitioner does not have any property that he or she brought into the marriage or separate property.

☐ I have property that I brought into the marriage or I have separate property. I want this property awarded to me as described below.

Separate Property: (List the property and the value of the property, and check the box to tell the Court who should get the property.)

Description of property/ Value of property:	My Spouse (Petitioner)	Me (Respondent)	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

6a. COMMUNITY DEBTS: (Check one box)

☐ My spouse and I did not incur any community debts during the marriage, OR

☐ We should divide the responsibility for the debts incurred during the marriage as follows:

Description of debt/ Amount of debt:	My Spouse (Petitioner)	Me (Respondent)	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

6b. SEPARATE DEBTS. (Check all boxes that apply.)

☐ My spouse and I do not have any debts that were incurred prior to the marriage or separate debt,
OR

☐ I have separate debt or debt that I incurred prior to the marriage that should be paid by me as described below:

☐ My spouse has separate debt or debt that he or she incurred prior to the marriage that should be paid by my spouse as described below:

Description of debt/ Amount of debt:	My Spouse (Petitioner)	Me (Respondent)	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

7. TAX RETURNS: (Check this box if this is what you want)

☐ After the Judge or Commissioner signs the Decree of Legal Separation, we will pay federal and state taxes as follows: For previous years the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will pay and hold the other harmless from half of all additional income taxes, if any, and other costs, and each will share equally in any refunds.

For this calendar year (the year that the Decree is signed) and all future calendar years, each party will, subject to IRS Rules and Regulations, file ☐ Joint Tax Returns or ☐ Separate Tax Returns.

8. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY): (Check the box that applies to you)

☐ Neither party is entitled to Spousal Maintenance (alimony), OR

☐ Petitioner OR ☐ Respondent is entitled to Spousal Maintenance because: (Check one or more of the box(es) below that apply. At least one reason must apply to get spousal maintenance.)

- ☐ Person lacks sufficient property to provide for his or her reasonable needs:
- ☐ Person is unable to support himself or herself through appropriate employment:
- ☐ Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
- ☐ Person lacks earning ability in the labor market adequate to support himself or herself; AND/OR,
- ☐ Person contributed to the educational opportunities of the other spouse or had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself or herself.

9. PREGNANCY:

☐ Wife is not pregnant, OR

☐ Wife is pregnant

The baby is due on _____(date), (and, check one box below):

- ☐ The Petitioner and Respondent are the parents of the child, OR
- ☐ Petitioner is not the parent of the child, OR
- ☐ Respondent is not the parent of the child.

10. DOMESTIC VIOLENCE: (Check the box that is true. If you intend to ask for joint legal decision making, there must have been no "significant" domestic violence. A.R.S. 25-403.03):

☐ Domestic violence has not occurred, OR

☐ Domestic violence has occurred but it has not been significant.

☐ There has been significant domestic violence.

SUMMARY OF WHAT I SAY BOUT DOMESTIC VIOLENCE THAT IS DIFFERENT FROM WHAT MY SPOUSE SAID IN THE PETITION: _____

_____

_____

_____

_____

_____

11. CHILDREN OF THE PARTIES WHO ARE LESS THAN 18 YEARS OLD (check one box):

☐ There are no children under the age of 18 either born to or adopted by me and my spouse.
NOTE: If you checked this box, stop. You should be using the response packet to get a legal separation without children. OR

☐ The following child(ren) are under age 18 and were born to or adopted by me and my spouse:
(Attach extra pages if necessary).

Child's Name _____
Birth date _____
Address _____

Child's Name _____
Birth date _____
Address _____

Child's Name _____
Birth date _____
Address _____

Child's Name _____
Birth date _____
Address _____

Child's Name _____
Birth date _____
Address _____

12. WRITTEN LEGAL DECISION MAKING AGREEMENT. Check only if true:

☐ My spouse and I have a written agreement signed by both of us about the legal decision making, parenting time, and child support for our minor child(ren).

☐ I have attached a copy of the written agreement.

13. SUMMARY OF WHAT I ASKED FOR THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION: (Here summarize what is different between what you want and what your spouse asked for.)

_____
_____
_____
_____
_____

14. CONCILIATION. ☐ True or ☐ False. (Check one box.) The conciliation requirements under Arizona law either do not apply or have been met. (This must be a true statement or you cannot file for Legal Separation.)

15. LEGAL DECISION MAKING JURISDICTION. (Check only one box).

☐ This court has jurisdiction to decide legal decision making matters under Arizona law because the minor children have lived in Arizona for at least 6 months before the Petition was filed.

OR

☐ This court does not have jurisdiction to decide legal decision making matters under Arizona law because the minor children have not lived in Arizona for at least 6 months before this Petition was filed.

Explain: (There are other reasons why the court may not have jurisdiction due to the residence of the children. See a lawyer for help). _____

_____

_____

_____

_____

16. **GENERAL DENIAL:** I deny anything stated in the Petition that I have not specifically admitted, qualified, or denied.

REQUESTS TO THE COURT:

A. **LEGALLY SEPARATE OR CHANGE TO DIVORCE:** ☐ Legally separate the parties or ☐ Change this case to a divorce case because my marriage is over and either I or my spouse have lived in Arizona for the last 90 days or ☐ Legally separate the parties, but refuse to decide legal decision making matters due to lack of jurisdiction as stated in number 15 above.

B. **SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):**
☐ Order spousal maintenance/support to be paid by ☐ Petitioner, or ☐ Respondent through the Clearinghouse in the amount of _____ per month, and the statutory fee, beginning with the first day of the month after the Judge or Commissioner signs the Decree of Legal Separation and continuing until the person receiving the spousal maintenance is deceased, or for _____ months.

C. **COMMUNITY PROPERTY:** ☐ Make a fair division of all community property as requested in this Response.

D. **COMMUNITY DEBTS:** ☐ Order each party to pay community debts as requested in this Response, and to pay any other community debts unknown to the other party. Order each party to pay and hold the other party harmless from debts incurred by him or her since the parties separation on (date): _____

E. **SEPARATE PROPERTY AND DEBT:** ☐ Award each party his or her separate property and debt.

F. **LEGAL DECISION MAKING AND PARENTING TIME:** Award legal decision making and parenting time of the children common to the parties, and less than 18 years as follows: (Check either the sole legal decision making box (F1) or the joint legal decision making box (F2). If you check the sole legal decision making box, check only one box related to parenting time.)

F1. ☐ **SOLE LEGAL DECISION MAKING** of the minor child(ren) awarded to ☐ Petitioner or ☐ Respondent, subject to parenting time as follows:

☐ Reasonable parenting time rights to the parent not having legal decision making, as will be described in the Parenting Plan attached to the Legal Separation Decree.

☐ Supervised parenting time between the children and the ☐ Petitioner OR ☐ Respondent is in the best interest of the children because: (**Explain** the reasons for supervision or no parenting time. (Use extra paper if necessary.)

_____

_____

_____

_____

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Name of the person who will supervise: _____

Requested restrictions on parenting time: (explain here)_____

_____

_____

_____

_____

_____

The cost of supervised parenting time will be paid by ☐ the parent being supervised; ☐ the parent having legal decision making; ☐ shared equally by the parties.

☐ No parenting time rights to the parent not having legal decision making is in the best interests of the child(ren) because: (**Explain** the reasons for no parenting time. Use extra paper if necessary):

_____

_____

_____

_____

OR

F2. ☐ **JOINT** LEGAL DECISION MAKING**:** Petitioner and Respondent agree to act as joint legal decision makers of the minor child(ren) as set forth in the Joint Custody Agreement signed by the parties, if the Court agrees with the Joint Legal Decision Making Agreement. (Remember, there can be no significant domestic violence in your marriage).

G. **CHILD SUPPORT:** Order that child support will be paid by ☐ Petitioner, OR ☐ Respondent in a reasonable amount as determined by the Court under the Arizona Child Support Guidelines. (I will attach the Child Support Order to the Decree). Support payments will begin on the first day of the first month following the entry of the legal separation decree. These payments, and a fee for handling, will be paid through the Support Payment Clearinghouse via automatic wage assignment.

H. **INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN:** Order that:

☐ Mother should be responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

☐ Father should be responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

The costs of medical/dental/vision care expenses not paid by insurance should be shared as follows:
Mother _____% **Father**_____%.

I. **TAX EXEMPTION:** The parties will claim the minor children as income tax dependency exemptions on Federal and state income tax returns as follows:

Parent entitled to claim	Name of Child	Current tax year	Later tax years
☐ Petitioner or ☐ Respondent			
☐ Petitioner or ☐ Respondent			
☐ Petitioner or ☐ Respondent			
☐ Petitioner or ☐ Respondent			

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J. OTHER ORDERS I AM REQUESTING (Explain request here) (Use separate page if necessary).

_____

_____

_____

_____

_____

_____

OATH OR AFFIRMATION AND VERIFICATION OF RESPONDENT TO PETITION FOR LEGAL SEPARATION

STATE OF ARIZONA)
) ss.
County of Mohave)

The contents of this document are true and correct under penalty of perjury.

_____ _____
Signature Date

Affirmed before me this: _____ by _____
(Date) Printed Name of Person Who Signed

Seal/My Commission Expires: _____ _____
Deputy Clerk or Notary Public

Copy of the foregoing mailed
To my spouse on _____
Month/Day/Year

And at the following address:

_____

_____

_____