

Person Filing: _____
Mailing Address (if not protected): _____
City, State, Zip Code: _____
Telephone Number: _____
E-mail Address: _____
AZCARES Number (if applicable) _____
Representing Self (No Attorney) OR Represented by Attorney
If Attorney, Bar Number: _____

SUPERIOR COURT OF ARIZONA MOHAVE COUNTY

Name of Petitioner

Case No: _____

AND

Name of Respondent

RESPONSE TO PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITH CHILDREN

STATEMENTS TO THE COURT, UNDER OATH:

1. INFORMATION ABOUT MY SPOUSE, THE PETITIONER

Name: _____
Address: _____
Date of Birth _____
Job Title: _____
Starting with today number of months/years in a row the Petitioner has lived in Arizona: _____

2. INFORMATION ABOUT ME, THE RESPONDENT

Name: _____
Address: _____
Date of Birth _____
Job Title: _____
Starting with today number of months/years in a row the Respondent has lived in Arizona: _____

3. INFORMATION ABOUT MY MARRIAGE:

Date of Marriage: _____
City and state or country where we were married: _____

☐ We do **not** have a covenant marriage.

☐ We do have a covenant marriage. (**WARNING:** If this statement **is** true, the petitioner **cannot** proceed. You should file a motion to dismiss, and then petition the court for a Dissolution of a Covenant Marriage.) Please attach a copy of your marriage license to show what kind of marriage you have.

4. **90 DAY REQUIREMENT:** ☐ I or ☐ my spouse have lived, or have been stationed while a member of the Armed Forces, in Arizona for at least 90 days before I filed this action. **(WARNING: If this statement is *not* true, the petitioner *cannot* proceed. You should file a motion to dismiss. You or the petitioner can then re-file the divorce papers when the statement is true.)**
5. **DOMESTIC VIOLENCE:** (Check the box to indicate whether or not domestic violence has occurred, If you intend to ask for joint legal decision making): Domestic violence ☐ **has not** occurred during this marriage or ☐ Domestic violence **has** occurred, **but** the domestic violence **has not been significant**.

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

- ☐ There are **no** children common to the parties, under the age of 18, either born to or adopted by, the parties. **NOTE: IF YOU CHECKED THIS BOX, STOP. YOU SHOULD BE USING THE RESPONSE PACKET TO GET A DIVORCE WITHOUT CHILDREN.**
- ☐ The following child(ren), common to the parties, are under age 18 and were born to, or adopted by, my spouse and me: (Attach extra pages if necessary).

Child's Name _____ Birth Date: _____
Address _____
Length of Time at Address: _____

Child's Name _____ Birth Date: _____
Address _____
Length of Time at Address: _____

Child's Name _____ Birth Date: _____
Address: _____
Length of Time at Address: _____

Child's Name _____ Birth Date: _____
Address: _____
Length of Time at Address: _____

7. **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.

8. **SUMMARY OF WHAT I WANT CONCERNING OUR CHILD(REN) THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION and AFFIDAVIT OF MINOR CHILDREN.**

9.a COMMUNITY PROPERTY: (check one box)

- ☐ My spouse and I did **not** acquire any community property during the marriage, OR
- ☐ My spouse and I **did** acquire community property during our marriage, and we should divide it as follows:

	Petitioner	Respondent	Value
☐ Real estate located at: _____	☐	☐	\$ _____
Legal Description: _____			

	Petitioner	Respondent	Value
☐ Real estate located at: _____	☐	☐	\$ _____
Legal Description: _____			

	Petitioner	Respondent	Value
☐ Household furniture and appliances:			
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____

	Petitioner	Respondent	Value
☐ Household furnishings:			
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____

	Petitioner	Respondent	Value
☐ Other items:			
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____

	Petitioner	Respondent	Value
☐ Pension/retirement fund/profit sharing/stock plan/401K:			
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____

Case No. _____

☐ **Motor vehicles:**

Make _____

Model _____

VIN _____

Lien Holder _____

Petitioner

☐

Respondent

☐

Value

\$ _____

Petitioner

☐

Respondent

☐

Value

\$ _____

Make _____

Model _____

VIN _____

Lien Holder _____

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

- ☐ I do **not** have any property (separate property) that I brought into the marriage.
- ☐ My spouse, the Respondent does **not** have any property (separate property) that he/she brought into the marriage.
- ☐ I have property (separate property) that I brought into the marriage. I want this property awarded to me as described below.
- ☐ My spouse, the Respondent, has property (separate property) that he/she brought into the marriage. I want this property awarded to my spouse 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 Separate Property

Petitioner

☐

Respondent

☐

Value

\$ _____

☐

☐

\$ _____

☐

☐

\$ _____

☐

☐

\$ _____

☐

☐

\$ _____

10.a 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

Petitioner

☐

Respondent

☐

Amount Owed

\$ _____

☐

☐

\$ _____

☐

☐

\$ _____

☐

☐

\$ _____

☐

☐

\$ _____

☐

☐

\$ _____

☐

☐

\$ _____

10.b 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.
- OR**
- ☐ My spouse has separate debt or debt that he/she or incurred prior to the marriage that should be paid by my spouse as described below.

DESCRIPTION OF DEBT	Case No. _____		
	Petitioner	Respondent	Amount Owed
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____
_____	☐	☐	\$ _____

11. SUMMARY OF WHAT I, THE RESPONDENT, REQUEST CONCERNING PROPERTY AND DEBTS THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION. (Explain here)

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

- ☐ After the judge or commissioner signs the Decree of Dissolution of Marriage (Divorce), we will pay federal and state taxes, according to IRS Rules and Regulations, as follows: For previous years (the years we were married, **not** including the year the Decree was signed), the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will, according to IRS Rules and Regulations, 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 the calendar year (the year that the Decree is signed) and all future calendar years, each party will file, according to IRS Rules and Regulations, separate federal and state income tax returns. Each party will give the other party all necessary documentation to do so.

13. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY) (check the box that applies to you):

- ☐ Neither party is entitled to spousal maintenance/support (alimony),
OR ☐ Petitioner
OR ☐ Respondent is entitled to spousal maintenance/support because:
 (Check one or more of the box(es) below that apply. At least one reason must apply to get spousal maintenance/support.)
- ☐ Person lacks sufficient property to provide for his/her reasonable needs;
 - ☐ Person is unable to support himself/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/herself;
 - ☐ 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/herself.

14. SUMMARY OF WHAT I REQUEST REGARDING SPOUSAL MAINTENANCE/SUPPORT THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION. (Explain here)

OTHER STATEMENTS TO THE COURT:

15. STATUS OF MARRIAGE AND CONCILIATION: (Check only one box).

- ☐ My marriage is irretrievably broken and there is no reasonable prospect of reconciliation. (My marriage is over.) The conciliation requirements under Arizona law, A.R.S. 25-381.09 either do **not** apply or have been met. (This means that we have obtained marriage counseling through Conciliation Services, or going to marriage counseling would not help), **OR**

- ☐ My marriage is not irretrievably broken and there are reasonable prospects of reconciliation. The conciliation requirements under Arizona law, A.R.S. 25-381.09 either apply or have **not** been met.

Explain to the court why you disagree:

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

- ☐ This court has jurisdiction to decide legal decision making matters under Arizona law because the children have lived in Arizona for at least 6 months before the Petition was filed or if the children are younger than 6 months old, that they have lived in the State of Arizona since birth.
- ☐ This court does **not** have jurisdiction to decide legal decision making matters under Arizona law because the child(ren) have not lived in Arizona for at least 6 months before the 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).

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

18. WRITTEN LEGAL DECISION MAKING AGREEMENT. (Check the boxes that apply, if they apply)

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

REQUESTS TO THE COURT:

A. DISSOLUTION (DIVORCE):

- ☐ Dissolve the parties' marriage and return each party to the status of a single person;
- ☐ Dismiss this case and refuse to dissolve the marriage due to my answers in:
- ☐ Number 3 about covenant marriage;
 - ☐ Number 4 about domicile for 90 days;
 - ☐ Number 15, about the marriage not being irretrievably broken.
 - ☐ Dissolve the marriage and return each party to status of a single person, but refuse to decide child legal decision making matters due to lack of jurisdiction as stated in number 16 above.

B. NAMES: Restore ☐ wife ☐ husband to her or his former name of _____

WARNING: 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. LEGAL DECISION MAKING AND VISITATION: Award legal decision making and visitation of the children under the age of 18 and common to the parties, as follows: (Check either the sole legal decision making box or the joint legal decision making box. If you check the sole legal decision making box, check only one box related to visitation.)

C.1. ☐ SOLE LEGAL DECISION MAKING of the minor child(ren) awarded to

- ☐ Petitioner OR ☐ Respondent, subject to visitation as follows:
- ☐ Reasonable visitation rights to the parent not having legal decision making, as will be described in the Parenting Plan attached to the Divorce Decree.
- ☐ Supervised visitation between the children and the ☐ Petitioner OR ☐ Respondent is in the best interest of the children because: (Explain the reasons for supervision or no visitation. Use extra paper if necessary.)
 Name of the person who will supervise: _____
 Requested restrictions on visitation: (Explain here) _____

- The cost of supervised parent/child access will be paid by the parent being supervised;
☐ the parent having legal decision making; ☐ shared equally by the parties.
- ☐ No visitation rights to the parent **not** having legal decision making is in the best interests of the child(ren) because: (Explain the reasons for no visitation. Use extra paper if necessary):

C.2. ☐ JOINT LEGAL DECISION MAKING: Petitioner and Respondent agree to act as joint Custodians of the child(ren) as set forth in the Joint Legal Decision Making Agreement signed by the parties, if the court agrees with the Joint Legal Decision Making Agreement.

D. 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. Support payments will begin on the first day of the first month following the entry of the divorce decree. These payments, and a fee for handling, will be paid through the Clerk of the Court/Clearinghouse and collected by automatic wage assignment.

E. INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN: Order that the ☐ Petitioner, OR ☐ Respondent will pay for the health, medical, and dental insurance coverage for the child(ren) under the age of 18 and common to the parties. Petitioner and Respondent will pay for all reasonable unreimbursed medical, dental, and health-related expenses incurred for the child(ren) in proportion to their respective incomes.

F. TAX EXEMPTION: The parties will, subject to IRS Rules and Regulations, claim the 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 ☐ Respondent	_____	_____	_____
☐ Petitioner ☐ Respondent	_____	_____	_____
☐ Petitioner ☐ Respondent	_____	_____	_____
☐ Petitioner ☐ Respondent	_____	_____	_____

Case No. _____

G. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY): ☐ Order spousal maintenance/support to be paid by ☐ Petitioner, or ☐ Respondent in the amount of \$_____ per month beginning with the first day of the month after the Judicial Officer signs the Decree and continuing until the person receiving spousal support is remarried or deceased, or for a period of _____ months.

H. COMMUNITY PROPERTY: Make a fair division of all community property.

I. COMMUNITY DEBTS: Order each party to pay community debts as requested in the Petition, 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/her since the parties' separation on (date): _____ or since the date the Respondent was served with the Petition for Dissolution.

J. SEPARATE PROPERTY and DEBT: Award each party his/her separate property and make each party pay his/her own separate debt.

K. OTHER ORDERS I AM REQUESTING (Explain here): _____

AFFIRMATION OF RESPONDENT:

I declare under penalty of perjury that the foregoing is true and correct.

Signature: _____

Date: _____