

## **INSTRUCTIONS: HOW TO RESPOND TO VISITATION PAPERS FILED BY GRANDPARENTS**

### **WHEN TO USE THIS FORM:**

**Use this form to respond to a petition filed by natural or adoptive grandparents or great grandparents who want to get a court order of visitation and you disagree with all or part of that petition.**

**WARNING:** Jurisdiction over the defendant/respondent is very serious. If you have any doubts about whether it was proper for the plaintiff OR petitioner to sue you in Arizona, you should see a lawyer IMMEDIATELY, and BEFORE you file any written response or answer or other court paper.

### **INFORMATION ABOUT PAPERS YOU SHOULD HAVE RECEIVED FROM THE OTHER PARTY WITH THE PETITION ABOUT CHILD VISITATION:**

**PETITION FOR GRANDPARENT VISITATION:** This is the form the other party completed to tell the court his/her side of the story about the child visitation. **Read each and every word very carefully**, and decide what you want to do. Here are your choices:

1. **Decide with the other party how you want to handle everything** about child visitation. Then you and the other party file papers with the court stating your agreement on everything. This is called a **Consent or Stipulation**. Mediators can help you with this. Information about the Mediation Department is available on the court website.
2. **Protest** what the other party said in the Petition, and file a response stating your side of the story, and how you want to handle everything. **This is called a contested matter**. But, even if you originally file a response, you and the grandparent can still decide to agree on something, or everything, and file court papers for a **Consent or Stipulation**. Mediators can help you with this.
3. Whether you agree or protest, **you must appear at the hearing** or the judge may make decisions about your case without your input. If you are unable to appear in court on the day your hearing is set, you may request the court to set your hearing on a different day. Forms to request a different hearing date are available at the Clerk's office or on our website at [www.mohavecourts.az.gov](http://www.mohavecourts.az.gov).

### **HELP COMPLETING YOUR WRITTEN RESPONSE TO THE PETITION FOR GRANDPARENT VISITATION:**

Use this form if you want to RESPOND OR ANSWER a Petition for Grandparent Visitation.

- A. Make sure your form states RESPONSE TO PETITION FOR GRANDPARENT VISITATION in the upper right hand part of the page.
- B. 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.
- C. Fill in the name of "Grandparent" and "Petitioner" and "Respondent" exactly the same way as it looks on the Petition. Do that for every document you ever file with the court from now on.
- D. Use the case number that appears in the upper right-hand corner of the Petition. Do that for every document you ever file with the court from now on.

**A. GENERAL INFORMATION:**

1. **Information about you:** Fill in your name, address (if not protected) and date of birth. This is basic information about YOU and your relationship to the minor child(ren).
2. **Information about the petitioner(s):** Fill in name, address (if not protected) and date of birth. This is basic information about the petitioner(s) and their relationship to the minor child(ren).
3. **Information about the mother:** Fill in the information about the mother, including address and date of birth. If this is the same person as listed in #1, just check the box and move on.
4. **Information about the father:** Fill in the information about the father, including address and date of birth. If this is the same person as listed in #1, just check the box and move on.
5. **Information about the legal guardian (if any):** Fill in the information about any legal guardian for the minor child(ren), including address and date of birth. If this is the same person as listed in #1, just check the box and move on.
6. **Information about the minor child(ren):** Fill in information about all the minor children. The same persons should be the custodial adult for all the minor children.
7. **Legal reasons petitioners should not have visitation:** Under the law, grandparents can only have visitation orders in certain cases. Read all the choices and decide if the reason stated in the petition is correct. Then complete all the information about the choice you selected.
8. **Relationship with minor child(ren):** Explain here what the grandparent relationship with the minor child(ren) has been for the past 6 months, and why it is best for the minor child(ren) not to have visitation with petitioners (if applicable).
9. **Your visitation plan:** If you agree with visitation but disagree with the petitioner's plan, or you disagree about visitation altogether but the judge might order it anyway, **explain here specifically what visitation arrangements you think are best for the children.**

**Other information about the minor child(ren):** If you are aware of court cases about the minor child(ren), you need to tell the court that. Attach a copy of the orders about legal decision making, visitation, or child support to the petition, unless the orders are from the Superior Court in Mohave County.

10. **More information about the minor child(ren):** Fill out where the minor child(ren) from this action has/have been living **for the past 5 years**; if any child(ren) is/are under age 5, simply put information since their birth. Write each child's name; the address where the child lived; what dates the child lived at each address; who the child lived with; and the relationship of that person to the child. While you may not remember exact dates when you moved from location to another, fill this information out as completely as possible.
11. **Other cases about the minor child(ren):** You must tell the court if there are prior cases involving your minor child(ren) **that do NOT involve legal decision making or visitation**, for example personal injury cases involving the child(ren). If there are no other cases, mark the second box and GO ON. If there is another case, mark the first box and give as much information as possible. This information could affect you or your child(ren)'s rights in this case.
12. **Other legal decision making, visitation, support cases about these children:** The court **MUST** know if there have been **other cases involving legal decision making, visitation or child support** of the minor child(ren) of this case. If there are no other legal decision making or visitation cases, or you don't know of any, mark the second box and GO ON. If you have been

involved in any way with this type of court cases, mark the first box and give the information where requested. Tell the court what happened and what is going on now in the other cases(s).

13. **Legal decision making rights of others as to the minor child(ren):** If you do not know of another person OTHER THAN THE OPPOSING PARTY who is claiming legal decision making or visitation rights to any of the children, mark the second box and GO ON. If you do know of such a person, put the information here, including the child's name and the person who believes they have a legal decision making or visitation claim.
14. **Summary about what you say about the minor child(ren) that is different from what the other party asked for:** This is because the form of petition the other party used might be arranged a little differently than this form of response.
15. **Proper location ("VENUE") for this court case:** The grandparents, parent/custodian, or minor child(ren) must live in Mohave County for this to be a proper county for you to pursue your court case.
16. **General denial:** This tells the court that even if you did not answer each and everything said in the complaint, you deny what you did not address.

### **REQUESTS MADE TO THE COURT**

1. **VISITATION:** Check here if you want visitation according to the plan you wrote out above.
2. **NO VISITATION:** Check here if you want no visitation to the petitioners, based on what you said in your response above.
3. **SUPERVISED VISITATION TO THE PETITIONERS:** Check here if you request supervised visitation if the grandparent cannot adequately care for the minor child(ren) or cannot do so without another person present. You may request this if the person abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for a child without another adult present. Remember, supervised is not intended to punish but to protect the minor child(ren). You must write in specifically why you say the visitation should be supervised visitation.  
  
Write in name of person who needs supervision and name of person to supervise. Fill in any restrictions on visitation.  
  
Mark the box as to who will pay for supervised visitation.
4. **OTHER ORDERS:** Use this space to specify any other orders you have requested that were not covered elsewhere in your Petition.

### **SIGNATURE AND AFFIRMATION**

By signing this document you are telling the court that everything contained in the response is true, under penalty of perjury.

### **WHAT TO DO NEXT:**

1. **COPIES OF RESPONSE:** After completing your "**Response**," make **two (2) copies** before you file.  
  
**FILING THE RESPONSE AND PAYMENT OF COURT FEE:** File both copies and the original of your "**Response**" with the Clerk of the Court. **Be sure you file within the time limit set, or you might lose significant rights.**

**FEES:** There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. Cash, VISA/MasterCard debit or credit cards, money order, or personal in-state check made payable to the "Clerk of Superior Court" are acceptable forms of payment.

Go online to [www.mohavecourts.az.gov](http://www.mohavecourts.az.gov) for a list of current fees.

If this is the first time one of the parties or his or her attorney has "appeared", that is, filed papers in this case, a "**appearance fee**" (also known as a "response" or "answer" fee) *will be due from that party* at the time of filing.

2. **MAIL A COPY TO THE OTHER PARTY:** You need to mail or hand-deliver one copy to the other party(s). If the person is represented by an attorney, mail or hand-deliver the copy to the attorney whose name and address appears on the Petition in the upper left hand corner.
3. **KEEP THE LAST COPY FOR YOUR RECORDS:** You should always keep a copy of any document that you file with the court.