Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

In re the marriage of

_____
Petitioner (My spouse)

_____
Respondent (Me)

Case Number: DO_____

RESPONSE TO PETITION FOR LEGAL SEPARATION WITH CHILDREN

Including Affidavit on Minor Children

[ ] Contested Custody (I disagree with the custody Petitioner asked for)

I STATE THE FOLLOWING UNDER OATH:

The Parties and the Marriage:

My Spouse's Name: _____
Street Address: _____ City, State, Zip: _____
Birthdate: _____ Phone Number: _____ Job title: _____
Number of months/years in a row to date my spouse has lived in Arizona: _____
If not living in Arizona now, my spouse [ ] lived [ ] did not live in Arizona at some point during our marriage.

My Name: _____
Street Address: _____ City, State, Zip: _____
Birthdate: _____ Phone Number: _____ Job title: _____
Number of months/years in a row to date I have lived in Arizona: _____
If not living in Arizona now, I [ ] lived [ ] did not live in Arizona at some point during our marriage.

The Marriage: Date of Marriage: _____
City and state or country where we were married: _____
Conciliation: [ ] Yes [ ] No: The conciliation provisions have been met or do not apply.
Covenant Marriage: [ ] Yes [ ] No: We have a covenant marriage. If yes, a copy of our marriage license is attached.

Whether I Object to a Decree of Legal Separation:
[ ] I want a legal separation.
[ ] I do not want a legal separation, but I do want a divorce.
[ ] I do not want a legal separation or divorce because the marriage is not irretrievably broken.

Military Service: I am not in military service.

Residency: [ ] Yes [ ] No: I and/or my spouse lived in Arizona, or my spouse was stationed in Arizona while a member of the Armed Forces, on the date my spouse filed the Petition.

Minor Children of the Marriage:

Pregnancy: [ ] Yes [ ] No: Wife is pregnant. Baby is due on _____
[ ] Yes [ ] No: Husband is believed to be the father.

Minor Children: The following children, who are under 18 and my and the other party's biological or adopted children together, lived in Arizona for at least the six months before the other party filed the Petition or have lived in Arizona since birth.

CHILD'S NAME: _____ Birthdate: _____
Where this child lived, dates lived there, and with whom the child lived, over the last 5 years:

Address	Dates	With whom

CHILD'S NAME: _____ Birthdate: _____
Where this child lived, dates lived there, and with whom the child lived, over the last 5 years:

Address	Dates	With whom

CHILD'S NAME: _____ Birthdate: _____
Where this child lived, dates lived there, and with whom the child lived, over the last 5 years:

Address	Dates	With whom

[ ] Yes [ ] No: I have participated, as a party or witness or in any other capacity, in another court case, described below, about the custody or parenting time of a child named above.
CHILD'S NAME: _____ Case Number: _____
Court Name: _____ Date of Child Custody Determination: _____
Summary of Any Court Order: _____
CHILD'S NAME: _____ Case Number: _____
Court Name: _____ Date of Child Custody Determination: _____
Summary of Any Court Order: _____

[ ] Yes [ ] No: Another court case, described below, involving a child named above, but not about custody or parenting time, could affect this case.
CHILD'S NAME: _____ Case Number: _____
Court Name: _____
The case is about: [ ] child support [ ] enforcement of court orders [ ] domestic violence
[ ] a protective order [ ] adoption [ ] terminating parental rights [ ] a criminal matter [ ] other:
_____
CHILD'S NAME: _____ Case Number: _____
Court Name: _____
The case is about: [ ] child support [ ] enforcement of court orders [ ] domestic violence
[ ] a protective order [ ] adoption [ ] terminating parental rights [ ] a criminal matter [ ] other:
_____

[ ] Yes [ ] No: Someone other than me or the other parent has physical custody or claims rights of legal or physical custody or visitation with a child named above, as described below.
CHILD'S NAME: _____ Other Person's Name: _____
Other Person's Address: _____
Nature of the Claim: _____
CHILD'S NAME: _____ Other Person's Name: _____
Other Person's Address: _____
Nature of the Claim: _____

Child Support Enforcement: [ ] Yes [ ] No: Arizona Child Support Enforcement has been involved in establishing spousal maintenance for me or the other parent or paternity or child support for any child named above, as described below. If yes, I will deliver a copy of this document to CSE on the day I file it.
CHILD'S NAME: _____
Name of court: _____ Court case number: _____
CHILD'S NAME: _____
Name of court: _____ Court case number: _____

Summary of the Differences Between What I Say About the Children and What the Other Party Said In the Petition About the Children:

_____
_____
_____
_____

General Denial: I deny anything stated in the Petition that I have not specifically admitted or qualified.

I ASK THE COURT TO ORDER THE FOLLOWING:

Legal Separation:

[ ] Order that my spouse and I be legally separated.
[ ] Direct that the Petition be changed to a Petition for Divorce.
[ ] Yes [ ] No: My spouse and/or I have lived in Arizona for at least 90 days.
[ ] Dismiss this case because:
[ ] My spouse and I have a covenant marriage.
[ ] The Petition claims our marriage is irretrievably broken, but it is not.
[ ] Neither I nor my spouse lived in Arizona on the date my spouse filed the Petition.

Child Custody:

[ ] I agree with the custody the other party asked for in the Petition.

OR

[ ] **Joint Custody:** Award the parents joint custody of the children as stated in the Joint Custody Agreement we signed. No significant domestic violence has occurred between the parties.

[ ] **Sole Custody:** Award [ ] me or [ ] my spouse sole legal custody and physical custody of the children. Joint custody is not in the children's best interest because *(you must fill in this blank if you ask for sole custody)*:

_____
_____
_____
_____

Parenting Time:

[ ] I agree with the parenting time the other party asked for in the Petition.

OR

[ ] **Order This Parenting Time Plan:**

The children will be in Father's care at these times:

_____
_____
_____
_____

At the start of Father's time with the children, [ ] Mother will drop them off or [ ] Father will pick them up at this time: _____ at this location: _____

The children will be in Mother's care at these times:

_____

_____

_____

_____

At the start of Mother's time with the children, [ ] Father will drop them off or [ ] Mother will pick them up at this time: _____ at this location: _____
While we understand the court may enforce this drop-off and pick-up schedule, we will be reasonably flexible about it.

Other scheduling arrangements:

[ ] During summer months or school breaks longer than four days not listed in the holiday schedule below, the children will be in [ ] Mother's or [ ] Father's care.

[ ] We each are entitled to an annual _____-week vacation with the children. We will work out the details of the vacation at least _____ days in advance.

[ ] Neither parent will travel with the children outside Arizona for longer than _____ days without the prior written consent of the other parent or order of the court.

We will inform each other of plans to travel out of the area with the children and of addresses and phone numbers where we and children can be reached during travel.

Holidays:	Even Years		Odd Years	
	Mother	Father	Mother	Father
New Year's Eve	[ ]	[ ]	[ ]	[ ]
New Year's Day	[ ]	[ ]	[ ]	[ ]
Spring Vacation	[ ]	[ ]	[ ]	[ ]
Easter	[ ]	[ ]	[ ]	[ ]
Passover	[ ]	[ ]	[ ]	[ ]
4th of July	[ ]	[ ]	[ ]	[ ]
Halloween	[ ]	[ ]	[ ]	[ ]
Veteran's Day	[ ]	[ ]	[ ]	[ ]
Thanksgiving	[ ]	[ ]	[ ]	[ ]
Hanukkah	[ ]	[ ]	[ ]	[ ]
Christmas Eve	[ ]	[ ]	[ ]	[ ]
Christmas Day	[ ]	[ ]	[ ]	[ ]
Winter Break	[ ]	[ ]	[ ]	[ ]
Children's Birthdays	[ ]	[ ]	[ ]	[ ]

[ ] Mother will have the children on Mother's Day and Father will have the children on Father's Day.

[ ] Each parent will have the children on that parent's birthday.

[ ] On three-day weekends, which include Martin Luther King Day, President's Day, Memorial Day, Labor Day, and Columbus Day, the children will remain in the care of the parent who has them for the weekend.

Holiday times will begin and end as follows: _____

Phone access:

[ ] Each parent may contact the children by phone during the children's normal waking hours.

[ ] Other: _____

Religion:

[ ] Each parent may take the children to a place of worship of that parent's choice while the children are in that parent's care.

[ ] The children may be instructed in the following faith: _____

[ ] Religious arrangements do not apply to this Plan.

We may change the parenting plan by written agreement only, except in an emergency.

Reviewing the plan: We will review this Plan every _____ months and ask the court for any necessary or desired changes.

Other: _____

[ ] Order Supervised Parenting Time:

Unsupervised parenting time would seriously endanger the children's physical, mental, moral, or emotional health because:

_____

_____

_____

Parenting time may take place only in the presence of another person, named as follows:

_____

Other restrictions on parenting time:

_____

_____

_____

The cost of supervised parenting time, if any, will be paid [ ] by the parent being supervised or [ ] by the custodial parent or [ ] equally by both parties.

[ ] Order No Parenting Time:

Even supervised parenting time with the other parent would seriously endanger the children's physical, mental, moral, or emotional health because:

_____

_____

_____

Child Support:

Leave the Child Support section blank. The attorney at the Pre-Filing Meeting will help you with this.

[ ] I agree with the child support the other party asked for in the Petition.

OR

The Parent's Worksheet for Child Support Amount dated _____ shows that [ ] I or [ ] the other parent is obligated to pay monthly child support of $_____.

[ ] Order that support.

[ ] **Deviation:**
It would be inappropriate or unjust to apply that amount because:
_____
Therefore, free of duress and coercion, I ask the court to order that:
[ ] [ ] I or [ ] the other parent pay monthly child support of $_____.
[ ] Neither parent pay child support.
This deviation is in the children's best interest because:
_____
I understand that it is up to the court whether to grant this deviation and that the court can change child support at any time if a party asks for a change.

Order that any child support obligation starts on:
[ ] the date the Petition was filed.
[ ] this date: _____. We started living apart on this date: _____
[ ] Mother [ ] Father has voluntarily paid the other parent $_____ to support the children since we started living apart.

Medical, Dental, Vision Care for Minor Children: Order these expenses divided as follows:
Mother is responsible for providing [ ] medical [ ] dental [ ] vision care insurance.
Father is responsible for providing [ ] medical [ ] dental [ ] vision care insurance.
Order the parties to pay for all reasonable un-reimbursed medical, dental, and health related expenses incurred for the children in proportion to the parties' respective incomes as set forth in the most recent Parent's Worksheet for Child Support Amount.

Spousal Support:

[ ] I agree with the spousal support the other party asked for in the Petition.

OR

[ ] Neither party is entitled to spousal support.
[ ] Award [ ] me or [ ] the other party $_____ per month in spousal support from the other party beginning the first day of the month after the Decree is signed because he/she:
- [ ] Lacks sufficient property to provide for his or her reasonable needs
- [ ] Is unable to support himself or herself through appropriate employment
- [ ] Is the custodian of at least one child whose age or condition is such that the person should not be required to seek employment outside the home
- [ ] Lacks earning ability in the labor market adequate to support himself or herself
- [ ] Contributed to the educational opportunities of the other spouse
- [ ] 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

Order that payments be made by the first day of each month thereafter and continue until the receiving party is remarried or deceased or until _____, whichever is sooner. Order that payments be made through the Support Payment Clearinghouse by automatic wage assignment. If there are temporary spousal maintenance orders, order a judgment for arrearages when the judge signs the Decree.

Property and Debts:

[ ] I agree with the division of property and debts the other party asked for in the Petition.

OR

Order property and debts divided as follows.

	Value	Petitioner	Respondent
Community Property:			
Real Estate:			
Address: _____	$_____	[ ]	[ ]
Legal Description:			
_____			
Address: _____	$_____	[ ]	[ ]
Legal Description:			
_____			
Bank Accounts:			
Enter the name on the account and the account description (for example, "savings").			
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]

	Value	Petitioner	Respondent
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
Motor Vehicles:			
Make: _____	$_____	[ ]	[ ]
Model: _____			
Lienholder: _____			
Last Four Digits of VIN: _____			
Make: _____	$_____	[ ]	[ ]
Model: _____			
Lienholder: _____			
Last Four Digits of VIN: _____			
Employment Benefits:			
Examples: 401K, retirement accounts, pensions.			
Enter name on the account and the fund name.			
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]

Other Community Property:

[ ] The parties have already divided all remaining property, and the court confirms that division, except as follows.

	Value	Me	My spouse
Household Furniture and Appliances:			
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
Other:			
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]

Community Debts:

Enter the name on the account, creditor, and description (for example, "credit card").

_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]

Separate Property:

_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]

	Value	Me	My spouse
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]

Separate Debts:

_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]

Each party shall pay all debts unknown to the other party. Each party shall pay his or her debts forward from the date the Petition was served on Respondent. This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfers of title ordered in this Decree, such as for motor vehicles, houses, and bank accounts. The parties shall transfer all real and personal property to the other party as ordered within 10 calendar days after the judge signs the Decree.

Summary Of the Differences Between What I Say About Property and/or Debts and What the Other Party Said In the Petition About Property and Debts:

_____

_____

<u>Tax Status:</u>

[ ] I agree with the tax status asked for in the Petition.

OR

Order that for each tax year before the Decree is signed, the parties file as follows (unless agreed otherwise in writing at a later date).

[ ] Married filing jointly:
Tax refunds divided as follows: Me: _____% My spouse:_____%
Taxes owed divided as follows: Me: _____% My spouse:_____%

[ ] Married filing separately: Each party shall indemnify and hold the other party harmless from their assigned portion of any tax liabilities absent fraud of concealment.

Tax Exemptions:

Leave the Tax Exemptions section blank. The attorney at the Pre-Filing Meeting will help you with this.

[ ] I agree with the tax exemptions asked for in the Petition.

OR

Divide our income tax dependency exemptions as follows:

Parent Entitled to Claim			
Me	My spouse	Child's name	Tax years
[ ]	[ ]	_____	_____
[ ]	[ ]	_____	_____
[ ]	[ ]	_____	_____
[ ]	[ ]	_____	_____
[ ]	[ ]	_____	_____
[ ]	[ ]	_____	_____

I Request the Following Other Orders:

_____
_____
_____
_____
_____

I request any other orders that the court deems appropriate.

CERTIFICATE OF SERVICE: I will mail or hand-deliver a copy of this Response to Petitioner on the day I file it.

Do not sign until after your Pre-Filing Meeting.

Signature: _____

State of Arizona)
)
County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal: Notary Public: _____
Notary Expiration Date: _____

AFFIDAVIT AGREEING TO DEVIATE FROM THE ARIZONA CHILD SUPPORT GUIDELINES

If you asked for child support that deviates from the Parent's Worksheet, and the Petitioner agrees with what you asked for, the Petitioner can sign below in front of a notary to tell the court that they agree.

I am the Petitioner. Free of duress and coercion, I agree with the child support in this Response that deviates from the Parent's Worksheet for Child Support Amount. I agree that the deviation is in the children's best interest. I understand that it is up to the court whether to grant this deviation and that the court can change child support at any time if a party asks for a change.

Signature: _____

State of Arizona)
)
County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____
Notary Expiration Date: _____