INSTRUCTIONS

Protecting Your Address: If the other party has committed or threatened to commit physical violence against you or your children, and you do not want the other party to know your address: 1) use a post office box on all your court forms or 2) see Rule 7, Arizona Rules of Family Law Procedure. See the Self-Help Center packet *Order of Protection* if you need a court to order the other party to stay away from you.

Continuing group health benefits: In many cases, federal law lets an employee's spouse and children temporarily continue group health benefits under the employer's plan after the employee and spouse are legally separated or divorced. To qualify for this extension, you or your spouse must notify the employer of your separation or divorce within 60 days of the court's signing the Decree. The beneficiary must pay the entire premium of the continued coverage; the employer makes no contribution.

STEP 1: READ THE PAPERS PETITIONER SERVED ON YOU

Petitioner should have filed the following papers with the court and served them on you. Read and make sure you understand *everything* Petitioner served on you.

Summons
Petition
Affidavit on Minor Children (may be in the Petition)
Preliminary Injunction
Parent's Worksheet for Child Support Amount
Child Support Order
Order of Assignment
Notice Regarding Community Debts

STEP 2: DETERMINE HOW LONG YOU HAVE TO RESPOND

See the table below for how long you have to file a written response to the Petition. Find the date in the "After" column on a calendar. Start counting on the next day. Count off the days in the "Count" column, including weekends and holidays. If you want to file a response, you must do so by the last date you counted, unless it's a weekend or court holiday, in which case you must do so by the next workday.

Where Were the Papers Served?	How Were the Papers Served?	Count:	After:
In AZ*	Acceptance of Service	20 days	You sign the Acceptance of Service
	Process Server	20 days	You receive the papers from the process server
	Sheriff or Tribal Law Enforcement	20 days	You receive the papers from the officer

Where Were the Papers Served?	How Were the Papers Served?	Count:	After:
Outside of AZ	Acceptance of Service	30 days	You sign the Acceptance of Service
	Certified Mail	30 days	You sign the green card
	Process Server	30 days	You receive the papers from the process server
	Sheriff or Tribal Law Enforcement	30 days	You receive the papers from the officer
I Don't Know	Publication	30 days	30 days after the first publication

***If the Papers Were Served on an Indian Reservation in Arizona:** Depending on the facts and circumstances of the case, there *may* be more days for you to respond. An attorney can advise you.

STEP 3: READ THE FAMILY COURT SERVICES INFORMATION SHEET

STEP 4: IF YOU DISAGREE WITH THE CUSTODY OR PARENTING TIME ASKED FOR IN THE PETITION: DECIDE ON CUSTODY AND PARENTING TIME

You will enter the custody and parenting time you want on the Response.

Joint Legal Custody: Both parents must want joint custody and agree on all major issues regarding parenting time, education, religion, and medical decisions, including, but not limited to:

- Enrollment or termination of enrollment in a particular school or school program.
- Advancing or holding back in school.
- Authorizing sex education for the child.
- Arranging or permitting regularly occurring extracurricular activities for the child.
- Beginning or ending the regular practice of a religion.
- Arranging for child care providers for long term and/or after school child care.
- Selecting non-emergency medical, dental, and/or psychological services.
- Authorizing the child's driver's license.
- Authorizing the purchase of an automobile for the child.
- Authorizing employment for the child.
- Authorizing the child's marriage.
- Authorizing the child's enlistment into the Armed Forces.
- Passport application for the child.
- Authorizing the child's giving blood.

The court will not order joint custody if the court determines there has been significant domestic violence. Joint legal custody does not necessarily mean equal parenting time and does not change either parent's duty to pay child support.

Sole Legal Custody: The parent with sole custody will make the major decisions in the children's lives. Parents still must exchange health care, school, and other important information about the children, and the parent without sole custody can usually get the information directly from the medical providers and schools.

Parenting Time (Visitation): For both joint and sole custody, come up with a schedule for the child to spend time with the other parent. The guide called *Planning for Parenting Time* can help you find a schedule that's right for your family. You can find the guide at the Law Library, or online at http://tinyurl.com/planningforparentingtime. If unsupervised parenting time would seriously endanger the children, you may request supervised or no parenting time for the other parent. There must be good reasons for these extreme restrictions, such as sexual crimes, child abuse or domestic violence, persistent drug or alcohol abuse, or serious mental or physical problems that make parenting risky or impossible. If you request supervised parenting time, decide who will supervise and who will pay for the supervision if payment is necessary.

STEP 5: IF YOU DISAGREE WITH THE CUSTODY ASKED FOR IN THE PETITION AND YOU WANT JOINT CUSTODY: FILL OUT THE JOINT CUSTODY AGREEMENT

STEP 6: IF YOU DISAGREE WITH THE DIVISION OF PROPERTY OR DEBTS ASKED FOR IN THE PETITION: DECIDE HOW TO DIVIDE PROPERTY AND DEBTS

You will enter how you want to divide property and debts on the Response.

Community Property and Debts: In general, community property is property (other than a gift or inheritance to one party) that you and your spouse acquire after you were married and before one spouse serves divorce papers on the other. See the Petition for a list of types of community property. One type of community property is retirement benefits (pension/retirement fund/profit sharing/stock plans/401k). Division of retirement benefits is a complicated area of the law. After the judge divides the retirement benefits, you will have to contact an attorney, accountant, or company representative to get the documents needed to access the retirement monies.

In general, community debts are debts you and your spouse acquire after you were married and before one spouse serves divorce papers on the other, no matter who spent the money. Generally, the court will order a fair division and will not give most or all of the property or debts to one spouse. If you and/or your spouse still owe money on a piece of property, the court will probably give that debt to the same spouse who gets that property. You may ask that real property be sold and the proceeds divided between you and your spouse. Community property and debts you fail to list on the Petition will be considered still owned or owed by both you and your spouse.

Separate Property and Debts: In general, separate property is property you or your spouse acquire before you were married, after one spouse serves divorce papers on the other, or as an inheritance or gift to one party. Separate property may become commingled community property in some circumstances.

In general, separate debts are debts you or your spouse acquire before you were married or after one spouse serves divorce papers on the other.

The court usually will confirm that your separate property and debts are yours and your spouse's separate property and debts are your spouse's.

STEP 7: IF YOU DISAGREE WITH THE DIVISION OF TAX DEPENDENCY EXEMPTIONS ASKED FOR IN THE PETITION: DECIDE HOW TO DIVIDE TAX DEPENDENCY EXEMPTIONS

You will enter how you want to divide your tax dependency exemptions on the Response.

The court generally will divide these exemptions in proportion to the income on the Child Support Order. If you and the other parent have only one child and about the same income, one parent should take the deduction on even numbered years and the other on odd numbered years. If you have more than one child, each parent may take one child each year and alternate a third or fifth child. If the parent paying child support is not current on all child support by the end of the year, they will forfeit the deduction to the other parent.

Also read about dividing these exemptions in the Arizona Child Support Guidelines in this packet. An accountant can explain the federal law on dividing exemptions.

STEP 8: IF YOU DISAGREE WITH THE CHILD SUPPORT ASKED FOR IN THE PETITION: FILL OUT THE CHILD SUPPORT INFORMATION FORM

STEP 9: FILL OUT THE RESPONSE TO PETITION FOR LEGAL SEPARATION WITH CHILDREN

STEP 10: SCHEDULE A PRE-FILING MEETING

<u>YOU MUST READ AND FOLLOW ALL OF THE INSTRUCTIONS BEFORE THIS STEP BEFORE YOU SCHEDULE YOUR PRE-FILING MEETING.</u>

At this free court service, an attorney will meet with you one-on-one to do the following:

- Make sure you have everything you need to respond
- Explain what steps you need to take after you respond
- Help you prepare child support forms

Call 679-7540 (or toll-free: 1-877-806-3187) to schedule your Pre-Filing Meeting.

STEP 11: GO TO THE PRE-FILING MEETING

Bring the following, completed according to the instructions:

[ ] Response to Legal Separation with Children, with the following attached if applicable:
  [ ] A copy of your marriage license
[ ] Child Support Information Form, if applicable
[ ] Joint Custody Agreement, if applicable

Petitioner cannot attend the Meeting with you.

If you want to file your Response immediately after your Pre-Filing Meeting, also bring the following:

[ ] Money to make copies
[ ] The filing fee of $246 (The Clerk's Office accepts cash, money orders, and cashier's checks payable to "Clerk of Superior Court". If you can't afford the fee, see the Self-Help Center packet *Paying a Filing Fee in Installments*.)