# LEGAL SEPARATION WITH CHILDREN

# RESPONDING TO A CASE

## YOU CAN USE THIS PACKET IF ALL THIS IS TRUE:

- Your spouse filed a Petition for Legal Separation With Minor Children in Coconino County.
- You disagree with something in the Petition.
- You are not on active duty with the military.

**Arizona Rules of Family Law Procedure:** The Arizona Rules of Family Law Procedure describe the procedures and forms required in family law cases. You can read the Rules at the Law Library or online at <http://government.westlaw.com/linkedslice/default.asp?SP=AZR-1000>.

**WARNING:** Depending on the circumstances of your case, the Arizona Rules of Family Law Procedure may require you to complete procedures and forms not covered in this packet. You are required to read and follow all of the rules. If you do not, the court may impose sanctions on you. At a minimum, you must read and understand Section II, on Pleadings and Motions, Section VII, on Discovery and Disclosure, and Rule 92, on Civil Contempt and Sanctions for Non-Compliance with a Court Order.

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you understand your legal rights and responsibilities. The Self-Help Center has information on finding an attorney.

## 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, about how to protect your address. 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
Income Wittholding Order
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 |


© 2017 Coconino County Law Library

| 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 PARENTING TIME OR LEGAL DECISION-MAKING ASKED FOR IN THE PETITION: DECIDE ON PARENTING TIME AND LEGAL DECISION-MAKING ABOUT THE CHILDREN**

You will enter this information on the Petition later in these instructions.

**Joint Legal Decision-Making:** Both parents must want joint legal decision-making 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 legal decision-making if the court determines there has been significant domestic violence. Joint legal decision-making does not necessarily mean equal parenting time and does not change either parent's duty to pay child support.


© 2017 Coconino County Law Library

**Sole Legal Decision-Making:** The parent with sole legal decision-making 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 legal decision-making can usually get the information directly from the medical providers and schools.

**Parenting Time:** For both joint and sole legal decision-making, come up with a schedule for the child to spend time with each 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 endanger the children, you may ask for 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. (The court will fine a parent who falsely says these reasons exist.) 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 LEGAL DECISION-MAKING ASKED FOR IN THE PETITION AND YOU WANT JOINT LEGAL DECISION-MAKING:**
**FILL OUT THE JOINT LEGAL DECISION-MAKING 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


© 2017 Coconino County Law Library

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 679-7544 to schedule your Pre-Filing Meeting.


© 2017 Coconino County Law Library

## 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 Legal Decision-Making 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 Law Library copy machine takes change and $1 bills.
[ ] The filing fee of $284 (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 *Getting Help With a Filing Fee*.)


© 2017 Coconino County Law Library

# Flowchart of the Court Process

**Petitioner files Petition**

Petitioner starts the case by filing a Petition

**Petitioner serves Petition**

Petitioner gives a copy of the Petition and other court forms to Respondent through a legal method called "service"

**Respondent files a Response**

If Respondent disagrees with something in the Petition, Respondent has 20 days from service (30 days if served outside of Arizona) to file a Response

**The court may schedule a conference**

**Either party asks for a trial date**

**The case ends at a trial**

**OR**

**Parties file a Consent Decree**

If the parties agree on everything, they may file a Consent Decree

**The case ends when the court signs the Consent Decree**

**OR**

**Respondent doesn't participate at all**

Respondent fails to file a Response on time and won't sign a Consent Decree

**Petitioner files for default and a hearing**

**The case ends at a default hearing**

**How Long Does It Take?** Divorce or Legal Separation: at least 60 days. Unmarried parents: at least 30 days.

**Where Can I Find Forms?** The Law Library has forms for all of these steps.
928-679-7540, 877-806-3187, www.coconino.az.gov/lawlibrary


© 2014 Coconino County Law Library

# FAMILY COURT SERVICES

| Service | When Can I Ask for It? | How Much Does it Cost? | How Do I Ask for It? |
|---|---|---|---|
| **Reconciliation/Separation Counseling** | Before or during a divorce or legal separation | • 1st session free<br>• 2 more sessions at $32 per session for a couple or $24 per session for an individual | See the Law Library packet *Asking for Family Court Services* |
| **Family Mediation**<br><br>The parents meet with a neutral mediator to come to agreements about legal decision-making and parenting time. | Before or during a court case involving children | Free | |
| | After a court case involving children | $100 per party | |
| **Family Evaluation**<br><br>A mental health professional evaluates the family and recommends a legal decision-making and parenting time arrangement to the court. | During a court case involving children | Free | |
| | After a court case involving children | Fee set by the evaluator | |
| **Property or Support Mediation**<br><br>The parties meet with a neutral mediator to come to agreements about child support, spousal support, or dividing property and debt. | Before a divorce or legal separation | $240 per party | Call the Alternative Dispute Resolution Coordinator at 928-679-7508. |
| | During or after a divorce or legal separation | | See the Law Library packet *Asking for Family Court Services* |

**Questions?** Call the Law Library at 679-7540 or 877-806-3187.


© 2015 Coconino County Law Library

Petitioner's Name: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

Respondent's Name: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

COCONINO COUNTY SUPERIOR COURT

_____ Case Number: *(leave blank)* DO_____
Petitioner's Name on the Petition that started this case

# JOINT LEGAL DECISION-MAKING AGREEMENT

_____
Respondent's Name

**AGREEMENT:**

We agree on everything in this document, which is about the following children:
_____ _____ _____

**JOINT LEGAL DECISION-MAKING:**

Joint Legal Decision-Making: We will have joint legal-decision making about the children.

Primary Residence:
[ ] Children will live mostly with Petitioner.
[ ] Children will live mostly with Respondent.
[ ] Children will live equally with Petitioner and Respondent.

**PARENTING TIME:**

We agree on the Parenting Time Plan listed in [ ] the Petition [ ] the Response [ ] the Consent Decree [ ] other document: _____, filed with the court on this date: _____


© 2017 Coconino County Law Library

**ACCESS TO RECORDS AND INFORMATION:**

Under Arizona law (A.R.S. 25-403.06), unless otherwise provided by court order or law, on reasonable request, we are entitled to equal access to documents and other information concerning the children's education and physical, mental, moral, and emotional health including medical, school, police, court, and other records directly from the custodian of the records or from the other party. The court could impose sanctions against a person who does not comply with this law.

**EDUCATION:**

We will make major educational decisions together. We both may participate in school conferences, events, and activities and consult with teachers and other school personnel.

**HEALTH CARE:**

We will make major medical/dental decisions together. We both may authorize emergency medical/dental treatment for the children and shall notify each other about that treatment immediately. We both may consult with the children's health practitioners. We will cooperate on health matters concerning the children and keep each other reasonably informed, including about the names, addresses, and phone numbers of all medical/dental care providers.

**PROTECTING CHILDREN FROM CRIMINAL OFFENDERS:**

We will notify the other party immediately if we know that a convicted or registered sex offender, or a person who has been convicted of a dangerous crime against children, may have access to the children. We will notify the other party by first class mail, return receipt requested, or by email.

"Dangerous crime against children" means any of the following committed against a child under age 15: Second degree murder.

- Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
- Sexual assault.
- Molestation of a child.
- Sexual conduct with a minor.
- Commercial sexual exploitation of a minor.
- Sexual exploitation of a minor.
- Child abuse as prescribed in § 13-3623, subsection A, paragraph 1.
- Kidnapping.
- Sexual abuse.
- Taking a child for the purpose of prostitution as prescribed in § 13-3206.
- Child prostitution as prescribed in § 13-3212.
- Involving or using minors in drug offenses.
- Continuous sexual abuse of a child.
- Attempted first degree murder.
- Sex trafficking.


© 2017 Coconino County Law Library

- Manufacturing methamphetamine under circumstances that cause physical injury to a minor.
- Bestiality as prescribed in § 13-1411, subsection A, paragraph 2.
- Luring a minor for sexual exploitation.
- Aggravated luring a minor for sexual exploitation.
- Unlawful age misrepresentation.

**IN ADDITION, WE WILL:**

- Inform each other in advance of address and/or phone number changes.
- Notify each other in writing before relocating a child out-of-state or over 100 miles within Arizona, if both parties live in Arizona, as required by Arizona law (A.R.S. 25-408).
- Use the Parenting Time Plan order most recently in place until other arrangements are made if either party moves out of the area without the children and returns later.
- Inform each other promptly of emergencies and other important events involving the children.
- Consult with each other and agree about extra activities that affect the children's access to either party.
- Consider each other as care-providers for the children before making other childcare arrangements.
- Not use the children to convey information or change the Parenting Time Plan.
- Encourage love and respect between the children and the other party, and do nothing that might hurt the other party's relationship with the children.

**DISPUTES:**

We will make our best effort to cooperate consistent with the children's best interests and amicably resolve any disputes. If we are unable to reach an agreement about proposed changes, disputes, or alleged breaches of this Agreement, we may request mediation through the court or a private mediator of our choice. While a dispute is being resolved, we will continue to follow this Agreement.

Date: _____ Petitioner's Signature: _____

Date: _____ Respondent's Signature: _____


© 2017 Coconino County Law Library

# CHILD SUPPORT INFORMATION FORM

***Don't file this form with the court.***

***It's essential to fill in ALL the blanks.***

***The Attorney will use this information to complete your child support forms at your Pre-Filing Meeting. If you're missing information, your child support forms might not be correct.***

How many children age 12 or older do you and the other party have together? _____
What's the month and year of the youngest child's birthday? _____

How many children from other relationships live with the Petitioner? _____
How many children from other relationships live with the Respondent? _____

How many hours a week will the children spend with the Petitioner, according to the parenting time you're asking for? _____
How many hours a week will they spend with the Respondent? _____

Has a court ordered the other party to pay past-due alimony or child support from other relationships? [ ] Yes [ ] No
If Yes, how much per month? _____

On what date did you and the other party start living apart? _____
Do you want the other party to pay you child support for the months you've lived apart?
[ ] Yes [ ] No
[ ] Petitioner [ ] Respondent has voluntarily paid the other party $_____ to support the children since you started living apart.

| | **Petitioner** | **Respondent** |
|---|---|---|
| Monthly gross income: | $_____ | $_____ |
| Monthly court-ordered child support each party pays from other relationships: | $_____ | $_____ |
| Monthly court-ordered alimony each party pays from other relationships: | $_____ | $_____ |
| Monthly court-ordered alimony each party receives from other relationships: | $_____ | $_____ |


© 2014 Coconino County Law Library

| | Petitioner | Respondent |
|---|---|---|
| Monthly health insurance paid for the children only *(Don't include what you pay for yourself. Your Human Resources Department can give you the right amount.)*: | $_____ | $_____ |
| Monthly payment for work-related childcare: | $_____ | $_____ |
| Monthly payment for a child's extraordinary educational needs based on the parties' agreement or a court order: | $_____ | $_____ |
| Monthly payment for a gifted or handicapped child's special needs: | $_____ | $_____ |

**Information About the Party Who Should Pay Child Support:**

***This information lets the court order this party's employer to witthold child support. If you're missing information, it might take longer to get child support. You can get this information from that party's Human Resources Department.***

Social Security Number of the Party Who Should Pay Child Support: _____

Current Employer: _____
Payroll Mailing Address: _____
City: _____ State: _____ Zip: _____
Phone Number: _____ Fax Number: _____

Previous Employer (if known): _____
Payroll Mailing Address: _____
City: _____ State: _____ Zip: _____
Phone Number: _____ Fax Number: _____


© 2014 Coconino County Law Library

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

COCONINO COUNTY SUPERIOR COURT

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 Legal Decision-Making About the Children (I disagree with the legal decision-making 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.


© 2017 Coconino County Law Library

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: The other spouse 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 |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |


© 2017 Coconino County Law Library

[ ] Yes [ ] No: I have participated, as a party or witness or in any other way, in another court case, described below, about the custody, legal decision-making, or parenting time of a child named above.
CHILD'S NAME: _____ Case Number: _____
Court Name: _____
Date the court signed the legal decision-making order: _____
What that order says: _____
CHILD'S NAME: _____ Case Number: _____
Court Name: _____
Date the court signed the legal decision-making order: _____
What that order says: _____

[ ] Yes [ ] No: Another court case, described below, involving a child named above, but not about custody, legal decision-making, 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 party 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 party 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: _____


© 2017 Coconino County Law Library

**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.

**Legal Decision-Making About the Children:**

[ ] I agree with the legal decision-making the other party asked for in the Petition.

OR

**[ ]** **Joint Legal Decision-Making:** Award the parties joint legal decision-making about the children as stated in the Joint Legal Decision-Making Agreement we signed. No significant domestic violence has occurred between the parties.

**[ ]** **Sole Legal Decision-Making:** Award [ ] Petitioner or [ ] Respondent sole legal decision-making about the children. Joint legal decision-making is not in the children's best interest because *(you must fill in this blank if you ask for sole legal decision-making)*:

_____

_____

_____

_____

**Children's Primary Residence:**

[ ] Children will live mostly with Petitioner.
[ ] Children will live mostly with Respondent.
[ ] Children will live equally with Petitioner and Respondent.


© 2017 Coconino County Law Library

**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 Petitioner's care at these times:

_____

_____

_____

_____

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

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

_____

_____

_____

_____

At the start of Respondent's time with the children, [ ] Petitioner will drop them off or
[ ] Respondent 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 [ ] Petitioner's or [ ] Respondent'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 party will travel with the children outside Arizona for longer than _____ days without the prior written consent of the other party 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 | |
|---|---|---|---|---|
| | Petitioner | Respondent | Petitioner | Respondent |
| New Year's Eve | [ ] | [ ] | [ ] | [ ] |
| New Year's Day | [ ] | [ ] | [ ] | [ ] |
| Spring Vacation | [ ] | [ ] | [ ] | [ ] |


© 2017 Coconino County Law Library

| | Even Years | | Odd Years | |
|---|---|---|---|---|
| | Petitioner | Respondent | Petitioner | Respondent |
| Easter | [ ] | [ ] | [ ] | [ ] |
| Passover | [ ] | [ ] | [ ] | [ ] |
| Mother's Day | [ ] | [ ] | [ ] | [ ] |
| Father's Day | [ ] | [ ] | [ ] | [ ] |
| 4th of July | [ ] | [ ] | [ ] | [ ] |
| Halloween | [ ] | [ ] | [ ] | [ ] |
| Veteran's Day | [ ] | [ ] | [ ] | [ ] |
| Thanksgiving | [ ] | [ ] | [ ] | [ ] |
| Hanukkah | [ ] | [ ] | [ ] | [ ] |
| Christmas Eve | [ ] | [ ] | [ ] | [ ] |
| Christmas Day | [ ] | [ ] | [ ] | [ ] |
| Winter Break | [ ] | [ ] | [ ] | [ ] |
| Children's Birthdays | [ ] | [ ] | [ ] | [ ] |

[ ] Each party will have the children on that party'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 party who has them for the weekend.

Holiday times will begin and end as follows: _____

Phone access:

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

[ ] Other: _____

Religion:

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

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

[ ] Religious arrangements do not apply to this Plan.

Communicating with each other: We will communicate with each other about the children [ ] by phone [ ] by email [ ] by text [ ] in person at least every _____ days.

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: _____


© 2017 Coconino County Law Library

[ ] **Order Supervised Parenting Time:**

Unsupervised parenting time would 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 party being supervised or [ ] by the custodial party or [ ] equally by both parties.

[ ] **Order No Parenting Time:**

Even supervised parenting time with the other party would 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 [ ] Petitioner or [ ] Respondent 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 party pay monthly child support of $_____.
[ ] Neither party pay child support.
This deviation is in the children's best interest because:

_____


© 2017 Coconino County Law Library

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: _____
[ ] Petitioner [ ] Respondent has voluntarily paid the other party $_____ to support the children since we started living apart.

Order that any payments be made through the Support Payment Clearinghouse by automatic wage assignment. If there are temporary child support orders, order a judgment for arrears when the judge signs the Decree.

**Medical, Dental, Vision Care for Minor Children:** Order these expenses divided as follows:
Petitioner is responsible for providing [ ] medical [ ] dental [ ] vision care insurance.
Respondent 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.

**Tax Exemptions:** Divide our income tax exemptions for dependents as follows:
*(This does not include claiming the children for tax credits such as the Earned Income Credit.)*

| Party Entitled to Claim: | | | |
|---|---|---|---|
| Petitioner | Respondent | Child's Name | Tax Years |
| [ ] | [ ] | _____ | _____ |
| [ ] | [ ] | _____ | _____ |
| [ ] | [ ] | _____ | _____ |
| [ ] | [ ] | _____ | _____ |
| [ ] | [ ] | _____ | _____ |
| [ ] | [ ] | _____ | _____ |

**<u>Spousal Support:</u>**

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

OR

[ ] Neither party is entitled to spousal support.
[ ] Award [ ] Petitioner or [ ] Respondent $_____ 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


© 2017 Coconino County Law Library

[ ] 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").* | | | |
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |
| Motor Vehicles: | | | |
| Make: _____ | $_____ | [ ] | [ ] |
| Model: _____ | | | |
| Lienholder: _____ | | | |
| Last Four Digits of VIN: _____ | | | |
| Make: _____ | $_____ | [ ] | [ ] |
| Model: _____ | | | |
| Lienholder: _____ | | | |
| Last Four Digits of VIN: _____ | | | |


© 2017 Coconino County Law Library

| | Value | Petitioner | Respondent |
|---|---|---|---|
| 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 | Petitioner | Respondent |
|---|---|---|---|
| Household Furniture and Appliances: | | | |
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |
| Other: | | | |
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |

**Community Debts:**

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

| | | | |
|---|---|---|---|
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |

**Separate Property:**

| | | | |
|---|---|---|---|
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |
| _____ | $_____ | [ ] | [ ] |

**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


© 2017 Coconino County Law Library

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:**

_____

_____

**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


© 2017 Coconino County Law Library

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: _____


© 2017 Coconino County Law Library