

Name of Person Filing: _____

Street Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Email Address: _____

ATLAS Number (if applicable): _____

Representing Self (No Attorney) or Represented by Attorney

If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

_____ Case Number: **S1100DO2**
Name of Petitioner

**RESPONSE TO PETITION FOR
LEGAL SEPARATION WITH
CHILDREN**

_____ Honorable: _____
Name of Respondent

**STATEMENTS MADE TO THE COURT, UNDER
OATH GENERAL INFORMATION**

1. ABOUT MY SPOUSE, THE PETITIONER

Name: _____

Address: _____

Date of Birth: _____ Social Security Number: _____

Occupation: _____

Starting with today, number of months/years in a row, my spouse has lived in Arizona: _____

2. ABOUT ME, THE RESPONDENT

Name: _____

Address: _____

Date of Birth: _____ Social Security Number: _____

Occupation: _____

Starting with today, number of months/years in a row, my spouse has lived in Arizona: _____

3. ABOUT OUR MARRIAGE

Date of Marriage: _____

City and State or County where we were married: _____

4. ABOUT THE LEGAL SEPARATION

- I want to be legally separated from my spouse, **OR**
- I do not want to be legally separated from my spouse because my marriage is over and I want to be divorced.

INFORMATION ABOUT PROPERTY AND DEBTS

Instructions: You must be specific. You must describe the property and debt that should go to you or be paid by you and then check the box. You must then describe the property and debt that should go to or be paid by your spouse, and check the box. For example, under household furnishings you could say, blue and white living room sofa, and then check the box to say whether it should go to you or to your spouse. Never list an item and check both the Petitioner and the Respondent box.

5. a. COMMUNITY PROPERTY: (check one box)

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

	My Spouse, Petitioner	Me, Respondent
<input type="checkbox"/> Description of Property/	<input type="checkbox"/>	<input type="checkbox"/>
Value of Property: _____		
Real Estate at: _____		
Legal Description: _____		

	My Spouse, Petitioner	Me, Respondent
<input type="checkbox"/> Description of Property/	<input type="checkbox"/>	<input type="checkbox"/>
Value of Property: _____		
Real Estate at: _____		
Legal Description: _____		

<input type="checkbox"/> Household furniture and appliances:		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/> Household furnishings:		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

Other items:

Pension/Retirement Fund/
Profit Sharing/Stock Plan/401K

Motor Vehicles: Make:

Make: _____
Model: _____
VIN Number: _____
Lien Holder: _____

My Spouse, Petitioner Me, Respondent

Motor Vehicles: Make:

Make: _____
Model: _____
VIN Number: _____
Lien Holder: _____

5. b. SEPARATE PROPERTY: (check all boxes that apply)

- I do not have any property that I brought into the marriage or separate property.
- My spouse, the Petitioner does not have any property that he or she brought into the marriage or separate property.
- I have property that I brought into the marriage or I have separate property. I want this property awarded to me as described it below.
- My spouse, the Petitioner, has property that he or she brought into the marriage or has separate property. 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 Property/ Value of Property	My Spouse, Petitioner	Me, Respondent
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

6. 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 Property/ Value of Property	My Spouse, Petitioner	Me, Respondent
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

6. 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:
 My spouse has separate debt or debt that he or she incurred prior to the marriage that should be paid by my spouse as described below:

Description of Property/ Value of Property	My Spouse, Petitioner	Me, Respondent
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

7. TAX RETURNS: (check this box if this is what you want)

After the Judge or Commissioner signs the Decree of Legal Separation, we will pay federal and state taxes as follows: For previous years, the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will pay and hold the other harmless from 1/2 of all additional income taxes if any and other costs, and each will share equally in any refunds.

- For this calendar year (the year that the Decree is signed) and all future calendar years, each party will, subject to IRS Rules and Regulations, file: Joint Tax Returns **OR**
 Separate Tax Returns.

8. SPOUSAL MAINTENANCE (ALIMONY): (check the box that applies to you):

- Neither party is entitled to Spousal Maintenance (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.)

- Person lacks sufficient property to provide for his or 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 or herself; and,
 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.

9. 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

WARNING. If wife is **NOT** pregnant **STOP. YOU MUST FILE THE PAPERS FOR LEGAL SEPARATION WITHOUT CHILDREN.**

10. DOMESTIC VIOLENCE: (check the box that is TRUE if you intend to ask for joint custody)

- Domestic Violence has not occurred, **OR**
 Domestic Violence has occurred but it had not been significant

SUMMARY OF WHAT I SAY ABOUT DOMESTIC VIOLENCE THAT IS DIFFERENT FROM WHAT MY SPOUSE SAID IN THE PETITION

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

- There are no children under the age of 18 either born to or adopted by me and my spouse.
NOTE: If you checked this box, STOP. You should be using the response packet to get a legal separation without children. OR
 The following child(ren) are under age 18 and were born to or adopted by me and my spouse: (Attach extra pages if necessary.)

Child's Name: _____
Social Security No.: _____ Birth Date: _____
Address: _____

Child's Name: _____
Social Security No.: _____ Birth Date: _____
Address: _____

Child's Name: _____
Social Security No.: _____ Birth Date: _____
Address: _____

Child's Name: _____
Social Security No.: _____ Birth Date: _____
Address: _____

12. WRITTEN LEGAL DECISION-MAKING AGREEMENT: (check only if TRUE)

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

13. SUMMARY OF WHAT I ASKED FOR THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION: (Summarize here what the difference is between what you want and what your spouse has asked for.)

14. CONCILIATION: True or False. (check one box.) The conciliation requirements under Arizona law either do not apply or have been met. (This must be a true statement or you cannot file for Legal Separation.)

15. CHILD LEGAL DECISION-MAKING JURISDICTION: (check only one box)

- This court has jurisdiction to decide child 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**
- This court does not have jurisdiction to decide child legal decision-making matters under Arizona law because the children have not lived in Arizona for at least 6 months before this 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.)

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

REQUESTS TO THE COURT:

A. LEGALLY SEPARATE OR CHANGE TO DIVORCE:

Legally separate the parties **OR** Change this case to a divorce case because my marriage is over and either I or my spouse have lived in Arizona for the last 90 days.

B. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

Order spousal maintenance/support to be paid by Petitioner, **OR** Respondent through the Clerk of the Court/Clearinghouse in the amount of _____ per month, and the statutory fee. Beginning with the first day of the month after the judge or commissioner signs the Decree of Legal Separation and continuing until the person receiving the spousal maintenance/support is deceased, or for _____ months.

C. COMMUNITY PROPERTY:

Make a fair division of all community property as requested in this Response.

D. COMMUNITY DEBTS:

Order each party to pay community debts as requested in this Response, 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 or her since the party's separation on (date): _____.

E. SEPARATE PROPERTY AND DEBT:

Award each party his/her separate property and debt.

F. CHILD LEGAL DECISION-MAKING AND PARENTING TIME:

Award custody and parenting time of the children common to the parties, and less than 18 years as follows: (Check either the sole custody box or the joint custody box. If you check the sole custody box, check only one box related to parenting time.)

F.1 **SOLE LEGAL DECISION-MAKING** of the minor child(ren) awarded to Petitioner **OR** Respondent, subject to parenting time as follows:

Reasonable parenting time rights to the parent not having legal decision-making, as will be described in the Parenting Plan attached to the Legal Separation Decree.

Supervised parenting time between the children and the Petitioner **OR** Respondent is in the best interest of the children because:

(Explain the reasons for supervision or no parenting time. Use extra paper if necessary.)

Name of the person who will supervise: _____

Requested restrictions on parenting time: (explain here):

The cost of supervised parenting time will be paid by the parent being supervised; the parent having legal decision-making; shared equally by the parties.

No parenting time rights to the parent not having legal decision-making is in the best interests of the child(ren) because:

(Explain the reasons for no parenting time. Use extra paper if necessary):

OR

F.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. (Remember, there can be no significant domestic violence in your marriage.)

G. CHILD SUPPORT DEVIATION:

INSTRUCTIONS: Within this packet you will find a child support calculator form for the Parent's Worksheet. You must fill out the child support calculator entry form online; there are instructions in this packet. **Fill this section out ONLY if you want a different amount of child support than is given on the child support calculator.**

- First, fill in the amount the child support calculator gives.
- Second, give reasons why the amount of child support should be different.
- Third, fill in the amount of child support that should be ordered.

The amount of child support based on the Parent's Worksheet for Child Support is \$_____, however, this amount is inappropriate or unjust and not in the best interest of the child(ren) because

The amount of child support should be \$_____.

H. CHILD SUPPORT:

- Neither party shall pay child support until further Order of the court.
- There **is an Order** for Child Support dated _____ (date) from _____.
- To my knowledge **there is no child support order** for the minor child(ren) and the court should order child support in this case along with legal decision making (custody), and parenting time.

INSTRUCTIONS: Tell the court who should pay child support by checking either Petitioner or Respondent. On the space provided, enter the amount calculated on the Parent's Worksheet for Child Support OR the amount previously requested. Choose whether you want the child support payments to begin the month after the Decree is signed by a judge or on a previous date.

- Petitioner **OR** Respondent shall pay child support to the other party in the amount of \$_____ per month, beginning
 - the month following the date the Decree is signed by the judge
- OR**
- _____(date)

until further Order of the court. Child Support is based on the information in the Parent's Worksheet for Child Support calculated pursuant to the Arizona Child Support Guidelines attached hereto and incorporated by reference. All child support payments shall be made by wage assignment (if applicable) through the Support Payment Clearinghouse (P.O. Box 52107, Phoenix, AZ 85072-2107), and must include the statutory fee by the Income Withholding Order or the Order of Assignment

Past Support

- There is a request for past support. There is not a request for past support.
- Petitioner **OR** Respondent made **voluntary/direct support payments** that need to be taken into account if past support is requested.

Petitioner **OR** Respondent owes past support for the period between:

the **date this petition was filed** and the date current child support is ordered.

OR

the **date the parties started living apart**, but not more than three years before the date this petition was filed and the date current child support is ordered

I. INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN: Order that Petitioner, **OR** Respondent will pay for the health, medical, and dental insurance coverage for the child(ren) common to the parties and under the age of 18 years. 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 as described in the Parents' Worksheet, which I will submit with the Decree.

I. TAX EXEMPTION: The parties will 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 year
<input type="checkbox"/> Petitioner OR <input type="checkbox"/> Respondent	_____		
<input type="checkbox"/> Petitioner OR <input type="checkbox"/> Respondent	_____		
<input type="checkbox"/> Petitioner OR <input type="checkbox"/> Respondent	_____		
<input type="checkbox"/> Petitioner OR <input type="checkbox"/> Respondent	_____		
<input type="checkbox"/> Petitioner OR <input type="checkbox"/> Respondent	_____		

J. OTHER ORDERS I AM REQUESTING (Explain request here):

OATH AND VERIFICATION OF RESPONDENT:

I, the Respondent, being duly sworn and under oath, state that I have read this Response. All the statements are true, correct, and complete to the best of my knowledge and belief.

_____ **Date** _____ **Signature**

State of Arizona)
)
County of Pinal)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20____
(Day) (Month) (Year)

by _____
(Name of Signer)

(seal)
(Affix notary seal here)

Notary Public (Notary's Signature)

Copy of the foregoing mailed to
the other party or their attorney
on

(month/day/year)

to the following address:
