

Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_

FOR CLERK'S USE ONLY

Representing  Self, without a Lawyer or  Attorney for  Petitioner OR  Respondent

## SUPERIOR COURT OF ARIZONA IN COCHISE COUNTY

\_\_\_\_\_  
Name of Petitioner / Party A

Case Number: \_\_\_\_\_

ATLAS Number: \_\_\_\_\_  
(if applicable)

\_\_\_\_\_  
Name of Respondent / Party B

### RESPONSE TO PETITION FOR LEGAL SEPARATION WITH MINOR CHILDREN

## STATEMENTS TO THE COURT, UNDER OATH OR BY AFFIRMATION:

### GENERAL INFORMATION:

#### 1. INFORMATION ABOUT MY SPOUSE,

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Job Title: \_\_\_\_\_  
Starting with today, number of months/years in a row, my spouse has lived in Arizona: \_\_\_\_\_

#### 2. INFORMATION ABOUT ME,

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Job Title: \_\_\_\_\_  
Starting with today, number of months/years in a row I have lived in  
Arizona: \_\_\_\_\_

**3. ABOUT OUR MARRIAGE**

Date of Marriage: \_\_\_\_\_

City and state, or country where we were married: \_\_\_\_\_

(Check all boxes below that are true.)

We have a **covenant marriage**. I have attached a copy of my marriage license to show that we have a covenant marriage.

Our marriage is irretrievably broken (our marriage is over) and there is no reasonable prospect of reconciliation, or  **Party A desires**  **Party B desires** to live separate and apart. The conciliation requirements under Arizona law either do not apply or have been met.

**OR**

Our marriage **is not irretrievably broken** and there are reasonable prospects of reconciliation. The conciliation requirements under Arizona law, A.R.S. § 25-381.09 either apply or have not been met. Explain to the Court why you disagree with the other Party's statement (that the marriage is irretrievably broken):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Summary of what I say about **OUR MARRIAGE** that is **different from** what my spouse said in the Petition:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. ABOUT THE LEGAL SEPARATION** (check one box)

I want to be legally separated from my spouse.

I do not want to be legally separated from my spouse.

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

**5. RESIDENCY REQUIREMENT.** (Check only if true.)

Party A has not lived in Arizona and has not been stationed in Arizona while a member of the Armed Forces.

Party B has not lived in Arizona or has not been stationed in Arizona while a member of the Armed Forces.

**6. INFORMATION ABOUT PROPERTY AND DEBT**

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 Party A and the Party B box.

**6.a. COMMUNITY PROPERTY: (Property acquired during the marriage).**

(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:

Description of property	Party A	Party B	Value
<input type="checkbox"/> Real estate at: _____ Legal Description: _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
<input type="checkbox"/> Real estate at: _____ Legal Description: _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
<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"/>	\$ _____
<input type="checkbox"/> Other items:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

Description of property	Party A	Party B	Value
<input type="checkbox"/> Pension/retirement fund/profit sharing/stock plan/401K:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

Description of property	Party A	Party B	Value
<input type="checkbox"/> Motor vehicles:			
Make: _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Model: _____			
VIN Number: _____			
Lien Holder: _____			
 Make: _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Model: _____			
VIN Number: _____			
Lien Holder: _____			

**6.b. SEPARATE PROPERTY. (Property acquired before the marriage)**  
 (Check all boxes that apply.)

- Party A does not have any separate property.
- Party B does not have any separate property.
- Party A has separate property. I want this property awarded to Party as described below.
- Party B has separate property. I want this property awarded to Party B 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	Party A	Party B	Value
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

**6.c. 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 debt / Amount of debt:	Party A	Party B	Amount
_____	<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"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

**6.d. 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**

Party A has separate debt that should be paid as described below:

Party B has separate debt that should be paid as described below:

Description of debt	Party A	Party B	Amount
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

Summary of what I request concerning **PROPERTY AND DEBTS** that is different from what the other Party asked for in the Petition:

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**7. TAX RETURNS: (Check the box(es) to tell the Court what you want).**

After the Judge or Commissioner signs the Decree of Legal Separation, we will, subject to IRS Rules and Regulations, pay federal and state taxes as follows:

**7. TAX RETURNS, continued: (Check the box(es) to tell the Court what you want).**

For the calendar year (the year that the Decree is signed) and all future calendar years, each party will, subject to IRS Rules and Regulations:

The parties will file **joint** federal and state income tax returns. The 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.

**OR**

The parties will file **separate** federal and state income tax returns. Each party will pay and hold the other harmless from any income taxes and/or incurred as a result of the filing of that party's tax return and each party will be awarded 100% of any refund received as a result of the filing of that party's tax return.

For previous years (the years we were married, **not** including the year the Decree was signed), (check one box)

The parties will file **joint** federal and state income tax returns. 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.

**OR**

The parties will file **separate** federal and state income tax returns. For previous calendar years, each party will pay and hold the other harmless from any income taxes and/or incurred as a result of the filing of that party's tax return and each party will be awarded 100% of any refund received as a result of the filing of that party's tax return.

Summary of what I request concerning TAX RETURNS that is different from what the other Party asked for in the Petition:

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

Neither party is entitled to Spousal Maintenance (alimony), **OR**

Party A **OR**  Party B is entitled to Spousal Maintenance because: (Check all 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 or 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;
- Person made a significant financial or other contribution to the education, training, vocational skills, career, or earning ability of the other spouse;
- Person had a marriage of long duration, and is now of an age that precludes the possibility of gaining employment adequate to be self-sufficient; and/or
- Person has significantly reduced that spouse's income or career opportunities for the benefit of the other spouse.

Summary of what I say about **SPOUSAL MAINTENANCE** that is different from what the other Party said in Petition:

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**9. PREGNANCY**

- Party A is pregnant      **OR**       Party A is **NOT** pregnant,
- OR**
- Party B is pregnant      **OR**       Party B is **NOT** pregnant

If either party is pregnant, please complete the following and check one box below:

The baby is due on \_\_\_\_\_ (date):

- Party A and Party B are the parents of the child; **OR**
- Party A is not the parent of the child; **OR**
- Party B is not the parent of the child.

Summary of what I say about PREGNANCY that is different from what the other Party said in the Petition.

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**10. DOMESTIC VIOLENCE:** (Check the box that is true. If you intend to ask for joint legal decision-making, there must have been no "significant" domestic violence. A.R.S. § 25 - 403.03):

- Domestic violence has not occurred, **OR**
- There has been domestic violence in this relationship and no legal decision-making (legal custody) should be awarded to the party who committed the violence.
- Domestic Violence has occurred but it was committed by both parties or it is otherwise still in the best interests of the minor child(ren) to grant joint or sole legal decision-making (joint or

sole legal custody) to a party who has committed domestic violence because: (Explain.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**11. DRUG / ALCOHOL CONVICTION WITHIN LAST TWELVE MONTHS.** (If you are asking for joint legal decision-making (joint legal custody), check one box.)

Neither party has been convicted for a drug offense or driving under the influence of drugs or alcohol in the last twelve (12) months.

One or both parties have been convicted for a drug offense or driving under the influence of drugs or alcohol in the last twelve (12) months.

Party A was convicted.       Party B was convicted.

The legal decision-making (legal custody) and parenting time arrangement I am requesting appropriately protects the minor child(ren).

Explain how this arrangement appropriately protects the minor children.

\_\_\_\_\_  
\_\_\_\_\_

Summary of what I say about DRUG/ALCOHOL CONVICTIONS that is different from what the other Party stated in the Petition.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**12. CHILDREN COMMON TO THE PARTIES WHO ARE LESS THAN 18 YEARS OLD**  
(Check box below, if true.)

There are **no children** under the age of 18 either born to, or adopted by Party A and Party B.

**NOTE: If you checked this box, stop. You should be using the response packet to get a legal separation without children. OR**



- This Court **does not have jurisdiction** to determine legal decision-making (legal custody) concerning the minor child(ren) common to the parties under Arizona law because the minor child(ren) **has not lived** in Arizona for at least the 6 months prior to the Petition being filed.
- Listed below are children still under the age of 18 born to or adopted by my spouse and me during our marriage, or where indicated, born before.

Child's Name:	_____	<input type="checkbox"/> Born prior to marriage
Birthdate:	_____	
Address:	_____	
Length of Time at Address:	_____	

Child's Name:	_____	<input type="checkbox"/> Born prior to marriage
Birthdate:	_____	
Address:	_____	
Length of Time at Address:	_____	

Child's Name:	_____	<input type="checkbox"/> Born prior to marriage
Birthdate:	_____	
Address:	_____	
Length of Time at Address:	_____	

Child's Name:	_____	<input type="checkbox"/> Born prior to marriage
Birthdate:	_____	
Address:	_____	
Length of Time at Address:	_____	

Child's Name:	_____	<input type="checkbox"/> Born prior to marriage
Birthdate:	_____	
Address:	_____	
Length of Time at Address:	_____	

Information for additional children is listed on attached page(s), made part of this document.

Summary of what I say about MINOR CHILDREN that is different from what the other Party said in the Petition or Affidavit of Minor Child(ren).

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**13. CHILD SUPPORT and OTHER EXPENSES**

There is an Order for Child Support, dated \_\_\_\_\_ from (name of Court) \_\_\_\_\_.

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 (legal custody), and parenting time.

Party A  Party B made voluntary / direct support payments that need to be taken into account, if past support is requested.

Party A  Party B owes past support for the period between:  
\_\_\_\_\_

the date the 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 the Petition was filed, and the date current child support is ordered.

**OTHER EXPENSES.** The parties should be ordered to divide between them any uninsured medical, dental, or health expenses, reasonably incurred for the minor child(ren), in proportion to their respective incomes.

Summary of what I say about **CHILD SUPPORT AND EXPENSES** that is different from what the other Party said in the Petition.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Title IV-D program or Temporary Assistance for Needy Families (TANF) Programs:**

Does not apply.

Party A  Party B is applying for or currently receiving TANF or services from the Arizona Title IV-D program. NOTE: If one or both of the parties is or will be receiving TANF or Title IV-D support, you must obtain the Attorney General or county attorney approval by signature on the Final decree BEFORE you file it. (Rule 45(c)(3))

**14. WRITTEN AGREEMENT. CHECK ONLY IF TRUE:**

My spouse and I have a written agreement signed by both of us about the maintenance of a spouse, division of property/debt, where the children will live, legal decision-making concerning the children (legal custody), parenting time, and child support and I have attached a copy of the written agreement,

**OR**

My spouse and I **DO NOT** have a written agreement signed by both of us about the maintenance of a spouse, division of property/debt, where the children will live (authority for legal decision-making concerning the children (legal custody), parenting time, and child support.

**15. SUMMARY OF WHAT I ASKED FOR THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION:** (Here summarize what is different between you want and what your spouse asked for.)

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**16. THE PARENT INFORMATION PROGRAM** is required for parties seeking legal decision-making (legal custody) or parenting time. (Check one box.)

I,  have **OR**  have not, already completed the Parenting Information Program.

**17. 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:**

- Do not order legal separation. **OR**
- 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. **OR**
- Legally separate the parties, but refuse to decide legal decision-making matters due to lack of jurisdiction because the minor child(ren) has not lived in Arizona for at least the 6 months prior to the Petition being filed.

**B. PATERNITY and MINOR CHILD(REN)'S NAMES.** Declare  **Party A**  **Party B**

to be a parent of the following named minor child(ren) born before the marriage and (optional) change the legal name of those minor child(ren) to the name listed on the right, below:

<b>Current Legal Name</b>	<b>(Optional) Change the name of the child to:</b>
_____	_____
_____	_____
_____	_____
_____	_____

**C. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):** Not applicable.

Order spousal maintenance/support to be paid by  Party A **OR**  Party B in the amount of \$ \_\_\_\_\_ per month, to begin on the first day of the month after the Judge or Commissioner signs the Order with all payments, plus the statutory handling fee, to be paid through the Support Payment Clearinghouse, PO Box 52107, Phoenix, Arizona 85072-7107 by income withholding order and continuing until the person receiving the spousal maintenance is deceased, or for \_\_\_\_\_ months.

**D. COMMUNITY PROPERTY:**  Make a fair division of all community property as requested in this Response.

**E. 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 Party A or Party B.

Since the parties separation on (date) \_\_\_\_\_,

**OR**

Since the date I was served with the Petition for Legal Separation \_\_\_\_\_.

**F. SEPARATE PROPERTY AND DEBT:**

Award each party his or her separate property.

Order each party to pay his or her separate debt, and hold the other party harmless from debts incurred before the marriage.

**G. PRIMARY RESIDENCE, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION-MAKING (LEGAL CUSTODY):** Declare the Primary Residence for each minor child as follows:

Neither party's home is designated as the primary residence for the minor child(ren).

Declare **Party A's home** as the primary residence for the following named children:

\_\_\_\_\_

Declare **Party B's home** as the primary residence for the following named children:

\_\_\_\_\_

**G.1. PARENTING TIME: Award parenting time with the minor child(ren) as follows:**

- Reasonable parenting time as described in the Parenting Plan, OR
- Supervised parenting time between the children and  Party A OR  Party B,
- OR
- No parenting time rights to  Party A OR  Party B.

Supervised or no parenting time between the minor children and  Party A OR  Party B is in the best interests of the child(ren) because:

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Explanation continues on attached pages made part of this document by reference.

- a. Name this person to supervise: \_\_\_\_\_
- b. Restrict parenting time as follows: \_\_\_\_\_

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c. Order the cost of supervised parenting time (if applicable) to be paid by:

- Party A OR
- Party B OR
- Shared equally by the parties.

**G.2. AUTHORITY FOR LEGAL DECISION-MAKING (Legal Custody): Award legal authority to make decisions concerning the child(ren) as follows:**

AWARD SOLE LEGAL DECISION-MAKING to:  Party A OR  Party B

OR

AWARD JOINT LEGAL DECISION-MAKING to BOTH PARENTS.

Party A and Party B will act as joint legal decision-makers concerning the minor child(ren). (For the Court to order "joint" legal decision-making, there must have been no "significant" domestic violence according to Arizona law, A.R.S. § 25-403.03).

Party A and Party B will act as joint legal decision makers concerning the minor child(ren).

(For the court to order "joint" legal decision-making, there must have been no "significant" domestic violence according to Arizona law, A.R.S. § 25-403.03).

**G.3.  Provisions for LEGAL DECISION-MAKING and PARENTING TIME to be within or attached to the Decree as a Parenting Plan. (Rule 45 (c)(1))**

**H. CHILD SUPPORT:**

Order that child support will be paid by  Party A **OR**  Party B in an amount as determined by the Court under the Arizona Child Support Guidelines. Support payments will begin on the first day of the first month after the Judge or Commissioner signs the Order with all payments, plus the statutory handling fee, to be paid through the Support Payment Clearinghouse, PO Box 52107, Phoenix, Arizona 85072-7107 by income withholding order. The Child Support Order to be attached to the Decree.

Order that **past child support** be paid by  Party A **OR**  Party B in an amount determined by using a retroactive application of the Arizona Child Support Guidelines taking into account any amount of **temporary or voluntary/direct support** that has been paid. Support to be paid as defined above.

**I. MEDICAL, DENTAL, VISION CARE INSURANCE AND HEALTH CARE EXPENSES FOR MINOR CHILDREN:** Order that:

**Party A** should be responsible for providing:  medical  dental  vision care insurance.

**Party B** should be responsible for providing:  medical  dental  vision care insurance.

The parties shall share all reasonable medical/dental/vision care expenses for the minor child(ren) not paid by insurance in proportion to their respective incomes.

**J. TAX EXEMPTION:** Under the Affordable Care Act, the party who claims the child as a dependent on a federal tax return has the obligation to ensure that the child is covered by medical insurance and may be penalized by the IRS for failing to do so.

Allocate tax exemptions for the minor child(ren) as determined by the Court under the Arizona Child Support Guidelines and in a manner that allows each party to claim allowable federal dependency exemptions proportionate to adjusted gross income in a reasonable pattern that can be repeated.

The parties will claim the minor children as income tax dependency exemptions on federal and state income tax returns as follows:

<u>Parent entitled to claim</u>	<u>Name of child</u>	<u>Current tax year</u>	<u>Later tax years</u>
<input type="checkbox"/> Party A or <input type="checkbox"/> Party B	_____	_____	_____
<input type="checkbox"/> Party A or <input type="checkbox"/> Party B	_____	_____	_____
<input type="checkbox"/> Party A or <input type="checkbox"/> Party B	_____	_____	_____
<input type="checkbox"/> Party A or <input type="checkbox"/> Party B	_____	_____	_____

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**UNDER OATH OR BY AFFIRMATION**

**I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to or affirmed before me this: \_\_\_\_\_ by  
(Date)

\_\_\_\_\_.

(Notary seal)

\_\_\_\_\_  
Deputy Clerk or Notary Public

**Copy of the foregoing mailed to the other party on \_\_\_\_\_  
Month/Day/Year**

**At the following address:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_