

Person Filing: (A) _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Representing [] Self or [] Attorney for _____
Lawyer's Bar Number: _____

FOR CLERK'S USE
ONLY

SUPERIOR COURT OF ARIZONA
IN _____ COUNTY

(B) _____
Name of Petitioner

Case Number: (C) _____

Name of Respondent

**RESPONSE TO PETITION FOR
DISSOLUTION OF A NON-
COVENANT MARRIAGE (DIVORCE)
WITH MINOR CHILDREN**

STATEMENTS TO THE COURT, UNDER OATH OR AFFIRMATION:

1. INFORMATION ABOUT MY SPOUSE:

Name: _____
Address: _____
Date of Birth: _____
Job Title: _____
Starting with today number of months/years in a row, your 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, you have lived in Arizona:

3. INFORMATION ABOUT OUR MARRIAGE:

Date of Marriage: _____

City and state or country where we were married: _____

We have a **covenant marriage**. I have attached a copy of my marriage license to show that I have a covenant marriage. (Warning: If this statement is true, divorce cannot be granted based on a petition filed relating to a NON-Covenant marriage. You may skip to “Requests to the Court”, (A), or file a separate motion to dismiss the Petition for Dissolution of Non-Covenant Marriage case, and then petition the Court for a Dissolution of a Covenant Marriage if you want a divorce.)

Our marriage is **irretrievably broken** and there is no reasonable prospect of reconciliation. (Our marriage is over.) The conciliation requirements under Arizona law, A.R.S. § 25-381.09 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 your spouse’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. 90-DAY RESIDENCY REQUIREMENT:

Neither I nor my spouse have lived or have been stationed while a member of the Armed Forces, in Arizona for at least 90 days before my spouse filed this action. (WARNING: If this statement is true, your spouse cannot proceed. You may skip to “Requests to the Court”, (A)) or file a separate motion to dismiss the case, and then petition the Court for a divorce when the statement IS NOT true.)

5. CHILDREN COMMON TO THE PARTIES WHO ARE LESS THAN 18 YEARS OLD:

There are **no children common to the parties**, under the age of 18, either born to or adopted by, the parties. **Note:** If you checked this box, stop. You should be using the petition packet to get a divorce without children.

This court **does not have jurisdiction** to determine legal decision-making (custody) concerning minor child(ren) common to the parties under Arizona law because the minor children have not lived in Arizona for at least 6 months prior to the Petition being 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.)

This court **has jurisdiction** to determine legal decision-making (custody) concerning the minor child(ren) common to the parties under Arizona law because the minor child(ren) have lived with Petitioner or Respondent 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 Petitioner and Respondent, and where marked, born before the marriage. (Attach extra pages if necessary).

Child’s Name: _____

Birth Date: _____

Address: _____

Length of Time at Address: _____

Born before the marriage

Child's Name: _____

Birth Date: _____

Address: _____

Length of Time at Address: _____

Born before the marriage

Child's Name: _____

Birth Date: _____

Address: _____

Length of Time at Address: _____

Born before the marriage

Child's Name: _____

Birth Date: _____

Address: _____

Length of Time at Address: _____

Born before the marriage

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

6. PREGNANCY: (Check box to indicate whether either party is currently pregnant, etc.)

Petitioner **is** OR **is not pregnant.**

OR

Respondent **is** OR **is not pregnant.**

If either party is pregnant, the baby is due on _____ (date), (and, check one box below):

Petitioner and Respondent **are the parents** of the child,

OR

Petitioner or **Respondent is not a parent** of the child.

7. Summary of what I want CONCERNING OUR MINOR CHILD(REN) that is different from what my spouse said or asked for in the petition and affidavit of minor children.

8. INFORMATION ABOUT PROPERTY and DEBTS:

8.a. COMMUNITY PROPERTY. (Property acquired during the marriage) (Check one box.)

- Petitioner and Respondent **did not acquire** any community property during the marriage,
- OR**
- Petitioner and Respondent **did acquire** community property during our marriage, and we should divide it as follows: (List the property and the value of the property and check the box to tell the Court who should get the property.)

WARNING: You must be specific. You must describe the property that should go to you, and then check the box, and describe the property that should go to 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 (Respondent), or to your spouse (Petitioner). Never list an item and then check both Petitioner and Respondent boxes.

	Petitioner	Respondent	Value
<input type="checkbox"/> Real estate located at:	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

Legal Description:

	Petitioner	Respondent	Value
<input type="checkbox"/> Real estate located at:	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

Legal Description:

	Petitioner	Respondent	Value
Household furniture and appliances:			
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
Household furnishings:			
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
Other items:			
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
Pension/retirement fund/profit sharing/stock plan/401K:			
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____
_____	[]	[]	\$ _____

Case Number: _____

	Petitioner	Respondent	Value
Motor vehicles:			
Make	[]	[]	\$
Model			
VIN			
Lien Holder			
Make	[]	[]	\$
Model			
VIN			
Lien Holder			

8.b. SEPARATE PROPERTY. (Check all boxes that apply.)

Petitioner does not have any separate property,
OR

Petitioner has separate property that was brought into this marriage. Award this property to Petitioner as described below.

Respondent does not have any separate property,
OR

Respondent has separate property that was brought into this marriage. Award this property to Respondent 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 Separate Property	Petitioner	Respondent	Value
_____	[]	[]	\$
_____	[]	[]	\$
_____	[]	[]	\$
_____	[]	[]	\$

Case Number: _____

	Petitioner	Respondent	Value
_____	[]	[]	\$
_____	[]	[]	\$

8.c. COMMUNITY DEBTS. (Debt that was incurred during the marriage): (Check one box.)

- Petitioner and Respondent **did not incur** any community debts during the marriage,
OR
 Petitioner and Respondent **should divide** the responsibility for the debts incurred during the marriage as follows:

Description of Community Debt	Petitioner	Respondent	Amount Owed
_____	[]	[]	\$
_____	[]	[]	\$
_____	[]	[]	\$
_____	[]	[]	\$
_____	[]	[]	\$

8.d. SEPARATE DEBTS. (Check all boxes that apply.)

- Petitioner and Respondent **do not have any debts** that were incurred prior to the marriage or separate debt,
OR
 Petitioner has separate debt or debt was incurred prior to the marriage which should be paid by Petitioner as described below.
 Respondent has separate debt or debt that was incurred prior to the marriage that should be paid by Respondent as described below.

Description of Separate Debt	Petitioner	Respondent	Amount Owed
_____	[]	[]	\$
_____	[]	[]	\$
_____	[]	[]	\$
_____	[]	[]	\$

Summary of what I request **CONCERNING PROPERTY AND DEBTS** that is different from what my spouse asked for in the petition.

9. TAX RETURNS: (Check this box if this is what you want.)

After the Judge or Commissioner signs the Decree of Dissolution of Marriage (Divorce), we will, subject to IRS Rules and Regulations, pay federal and state taxes as follows: **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, file separate federal and state income tax returns. Each party will give the other party all necessary documentation to do so.

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 costs 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.

10. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY): (Check the box that applies to you.):

Neither party is entitled to spousal maintenance/support (alimony),
OR

Petitioner OR **Respondent is entitled** to spousal maintenance because:

Check one or more of the box(es) below that apply. At least one reason must apply to get spousal maintenance/support.

- Person **lacks sufficient property** to provide for his/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/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.
- Person has **significantly reduced their income or career opportunities** for the benefit of the other spouse.

Summary of what I request **REGARDING SPOUSAL MAINTENANCE/SUPPORT** that is different from what my spouse asked for in the petition.

11. WRITTEN AGREEMENT:

Petitioner and Respondent **have a written agreement** signed by both parties about the maintenance of a spouse, division of property/debt, where the children will live, authority for legal decision-making concerning the children (custody), parenting time, and child support, AND I have attached a copy of the written agreement.

12. **THE PARENT INFORMATION/EDUCATION PROGRAM** is required for persons seeking legal decision-making (custody) or parenting time. (Check one box.)

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

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

Domestic violence **has not occurred,**

OR

Domestic violence **has occurred, but it has not been significant.**

There has been **significant domestic violence.**

Summary of what I say **ABOUT DOMESTIC VIOLENCE** that is different from what my spouse said in the petition:

14. **DRUG / ALCOHOL CONVICTION WITHIN LAST TWELVE MONTHS:** (If you intend to ask for joint legal decision-making (joint 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,

OR

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.

Petitioner was convicted.

Respondent was convicted.

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

Explain how this arrangement appropriately protects the minor child(ren).

Summary of what I say about **DRUG OR ALCOHOL CONVICTIONS** that is different from what my spouse said in the petition:

15. CHILD SUPPORT:

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 OR should not order child support in this case along with legal decision-
making (custody), and parenting time.

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.

16. 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 my spouse said in the petition:

- 17. **GENERAL DENIAL.** I deny anything stated in the Petition that I have not specifically admitted, qualified, or denied.

REQUESTS TO THE COURT:

A. DISSOLUTION (DIVORCE):

- Dissolve the parties' marriage** and return each party to the status of a single person.
- Deny the petition and refuse to dissolve the marriage because:**
 - We have a **covenant marriage**
 - Neither of us meets the **90-day residency requirement**
 - Our marriage is **not irretrievably broken.**
- Dissolve the marriage and return each party to status of a single person but **refuse to decide child legal decision-making (custody) matters due to lack of jurisdiction** because the minor children have not lived in Arizona for at least the 6 months prior to the Petition being filed.

- B. RESTORE NAME:** (Optional) I took the name of my spouse at the time of marriage and I want to restore my last name to the name I used before this marriage or to my maiden name.

My complete married name is:

I want my legal name restored to: (List complete maiden or legal name before this marriage).

WARNING: If you are not the person who is requesting to have your former name restored, the court must have a written request from the party who wants his/her name restored, to change the name.

C. PATERNITY and MINOR CHILD(REN)’S NAMES: (Check one box, if this is what you want.)

Declare **Petitioner** **Respondent 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:

	(Optional) Change the name of the child to:
Current Legal Name	
_____	_____
_____	_____
_____	_____
_____	_____

D. PRIMARY RESIDENCE, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION-MAKING (CUSTODY):

1. PRIMARY RESIDENCE: Declare which residence is designated as “Primary Residence” for each minor child as follows:

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

Declare Petitioner’s residence as the primary residence for the following named children:

[] **Declare Respondent's residence** as the primary residence for the following named children:

2. PARENTING TIME: Award parenting time as follows:

[] **Reasonable parenting time** as described in the attached Parenting Plan,
OR

[] **Supervised parenting time** between the children and [] **Petitioner** or
[] **Respondent**,

OR

[] **No parenting time rights** to [] **Petitioner** or [] **Respondent**.

Supervised or no parenting time is in the best interests of the child(ren) because:

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

a. Name this **person to supervise**: _____

b. **Restrict parenting time** as follows: _____

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

[] **Petitioner**,

[] **Respondent, OR**

[] **Shared equally** by the parties.

3. AUTHORITY FOR LEGAL DECISION-MAKING (CUSTODY): Award legal

authority to make decisions (custody) concerning the child(ren) as follows:

AWARD SOLE AUTHORITY FOR LEGAL DECISION-MAKING to:

Petitioner **Respondent**

OR

AWARD JOINT LEGAL DECISION-MAKING AUTHORITY to BOTH PARENTS. Petitioner and Respondent 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)

E. CHILD SUPPORT:

Order that child support be paid by: **Petitioner OR** **Respondent** in a reasonable 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 Decree 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.

Order that past child support be paid by **Petitioner OR** **Respondent** 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.

The Child Support Order to be attached to the Decree of Dissolution of Marriage.

F. MEDICAL, DENTAL, VISION INSURANCE AND HEALTH CARE EXPENSES FOR MINOR CHILDREN:

Petitioner is responsible for providing **medical** **dental** **vision care insurance.**

Respondent is responsible for providing **medical** **dental** **vision care insurance.**

The parties should pay for all reasonable unreimbursed medical, dental, vision care and health-related expenses incurred for the minor child(ren) **in proportion to their respective incomes.**

G. TAX EXEMPTION:

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, subject to IRS Rules and Regulations, claim the children as income tax dependency exemptions on federal and state income tax returns **as follows:**

Parent entitled to claim			Tax Year	
Petitioner	Respondent	Name of child	Current	Later
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____

Pattern shall repeat for subsequent years.

NOTE: 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.

H. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

Do not order spousal maintenance.

Order spousal support to be paid by **Petitioner OR** **Respondent** in the amount of \$ _____ per month beginning with the first day of the month after the Judicial Officer signs the Decree and continuing until the person receiving spousal maintenance remarries or either party is deceased, or for a period of _____ months. These payments, and a fee for handling, will be paid through the Support Payment Clearinghouse, PO Box 52107, Phoenix, Arizona 85072-7107 by income withholding order.

I. COMMUNITY PROPERTY:

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

J. COMMUNITY DEBTS:

Order **each party to pay community debts** as requested in the 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 Petitioner or Respondent:

since the parties' **separation** on _____ (date),

OR

the date I was **served with the Petition** for Dissolution.

K. SEPARATE PROPERTY:

Award Petitioner's separate property to Petitioner.

Award Respondent's separate property to Respondent.

L. SEPARATE DEBT: Order each party to pay separate debt and hold the other party harmless from debts incurred during the marriage

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

OATH OR AFFIRMATION AND VERIFICATION

I swear or affirm that the information in this document is true and correct under penalty of perjury.

Date

Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ **(date)**

by _____.

(notary seal)

Deputy Clerk or Notary Public

Copy of this document mailed to the other party on:

Month / Date / Year

To the following address:

