

Instructions for Filing a Response to the Petition for Dissolution of Marriage or Legal Separation with or without Children in Coconino County



IMPORTANT

This Instruction sheet provides information and links to the forms you will need to complete your case. **Print the Instruction sheet** for future reference before you leave AZTurboCourt.

If you need to return to these instructions for any reason, you must do one of the following to be able to access these instructions and forms at a later time:

1. **Save this Webpage.** Write down or save the following link or website URL: <http://azcourts.gov/azturbocourtinformation/InstructionsforFilingPetitionorResponse.aspx> to a convenient location. For example, you can add this webpage to your “favorites” list by clicking the  icon in the top left corner of your browser window. **And / Or**
2. **Save a copy** of these instructions to your PC or any mass storage device. From the File menu select Save As... then choose a location on your PC or Storage Device.



Have you read the IMPORTANT information above?

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STEP 1: REVIEW OF DOCUMENTS

Your printed forms packet will include some or all of the following documents:

	FORM TITLE	ADDITIONAL EXPLANATION/ SPECIAL INSTRUCTION
1	Instruction Sheet	DO NOT COPY.
2	Confidential Sensitive Data Sheet	MAKE ONE COPY FOR YOUR RECORDS.
3	Response to Petition for Dissolution of Marriage WITH Children; OR Response to Petition for Dissolution of Marriage WITHOUT Children; OR Response to Petition for Legal Separation WITH Children; OR Response to Petition for Legal Separation WITHOUT Children; OR	Form filed with the Court to respond to the Petition for divorce or legal separation proceedings. Sign this form in front of a Clerk of the Superior Court or a notary public.
4	Joint Alternative Dispute Resolution	Form included in divorce packet and addresses measures taken to settle the case through mediation and arbitration. You and your spouse must complete and file form with court.
5	Statement of Community Assets and Debts	Form is included as part of Response only if "Community" assets and debts were noted in the Response.
6	Statement of Separate Assets and Debts	Form is included as part of Response only if "Separate" assets and debts were noted in the Response.
7	Request for Protected Address	Form will be generated and filed with the court, if you are a victim of domestic violence and you do not want address information included on court papers.
8	Order for Protected Address	Order will accompany Request for Protected Order. Order will be signed by Judge if request is granted.
9	Interpreter Information	Used only in Maricopa County – A form that requires you to fill out information about your need for interpreter services.
ADDITIONAL FORMS FOR CASES WITH CHILDREN		
10	Affidavit Regarding Children	Form is included as part of Response only if children have not lived in current residence for 5 years or more. Sign this form in front of a Clerk of the Superior Court or a notary public.
11	Jurisdiction of Children	Form is included as part of Response only if children have not lived in Arizona for the past 6 months or since birth.
12	Parenting Plan	Optional form at the time of filing but will have to provide to the court at a later date.
13	Child Support Worksheet	Optional form at the time of filing but will have to provide to the court at a later date

STEP 2: MAKE COPIES

Make 2 copies of the following documents:

- Response
- Joint Alternative Dispute Resolution Statement
- Statement of Community Assets and Debts (if applicable)
- Statement of Separate Assets and Debts (if applicable)

Cases WITH Children may print out the following forms – make 2 copies:

- Affidavit Regarding Children (if applicable)
- Jurisdiction of Children (if applicable)
- Parenting Plan (optional)
- Child Support Worksheet (optional)

If the forms noted below print out, make 1 copy:

- Request for Protected Address
- Order for Protected Address
- Interpreter Information

STEP 3: SEPARATE COPIES INTO 3 SETS

<p>SET 1 – ORIGINALS FOR CLERK OF COURT</p> <ul style="list-style-type: none">• Confidential Sensitive Date Sheet (DO NOT GIVE COPY TO YOUR SPOUSE)• Response• Joint Alternative Dispute Resolution <p>Additional forms for Cases WITH Children:</p> <ul style="list-style-type: none">• Affidavit Regarding Children (optional)• Jurisdiction of Children (optional)• Parenting Plan (optional)• Child Support Worksheet (optional) <p>If additional forms below printed out:</p> <ul style="list-style-type: none">• Statement of Community Assets and Debts• Statement of Separate Assets and Debts• Request for Protected Address• Order for Protected Address• Interpreter Information	<p>SET 2 – COPIES FOR SPOUSE:</p> <ul style="list-style-type: none">• Response• Joint Alternative Dispute Resolution <p>Additional forms for Cases WITH Children:</p> <ul style="list-style-type: none">• Affidavit Regarding Children (optional)• Jurisdiction of Children (optional)• Parenting Plan (optional)• Child Support Worksheet (optional) <p>If additional forms below printed out:</p> <ul style="list-style-type: none">• Statement of Community Assets and Debts• Statement of Separate Assets and Debts
<p style="text-align: center;">SET 3 – COPIES FOR YOU:</p> <ul style="list-style-type: none">• Confidential Sensitive Data Sheet (DO NOT GIVE COPY TO YOUR SPOUSE)• Response• Joint Alternative Dispute Resolution <p>Additional forms for Cases WITH Children:</p> <ul style="list-style-type: none">• Affidavit Regarding Children (optional)• Jurisdiction of Children (optional)• Parenting Plan (optional)• Child Support Worksheet(optional) <p>If additional forms below printed out:</p> <ul style="list-style-type: none">• Statement of Community Assets and Debts• Statement of Separate Assets and Debts• Request for Protected Address• Interpreter Information	

STEP 4: WHEN IS A WRITTEN RESPONSE TO THE COURT PAPERS DUE?

- **LOOK AT THE TIMETABLE BELOW.** If the **last day** for you to respond falls on a Saturday, Sunday, or legal holiday, you **do not** count that day. The last day you count to determine if you can file a response must be a day when the court is open for business.
- **INCLUDE WEEKENDS AND HOLIDAYS.** In counting the days, include weekends and holidays until you reach the number of days in the Timetable below.

RESPONSE/DEFAULT TIMETABLE

SERVICE BY	COUNT	EVENT
<u>IN ARIZONA</u>		
<i>Acceptance of Service</i>	20 days	After you sign the “ <i>Acceptance of Service</i> ”
Certified Mail	20 days	After you sign the “Receipt of Mail” card
Process Server	20 days	After you receive papers from process server
Sheriff	20 days	After you receive papers from sheriff
Publication	50 days	Service is complete 30 days after the 1 st day of publication and you are given an additional 20 days to respond.
<u>OUT OF STATE</u>		
<i>Acceptance of Service</i>	30 days	After you sign the “ <i>Acceptance of Service</i> ”
Certified Mail	30 days	After you sign the “Receipt of Mail” card
Process Server	30 days	After you receive papers from process server
Sheriff	30 days	After you receive papers from sheriff
Publication	60 days	Service is complete 30 days after the 1 st day of publication and you are given an additional 30 days to respond.

STEP 5: FILE DOCUMENTS WITH THE COURT

Go to the Clerk of Court filing counter to file your papers: You should go to the court at least **two hours before it closes.** You may file your court papers at the following Superior Court locations:

Coconino County Superior Court
200 N. San Francisco St.
Flagstaff AZ. 86001

Clerk’s Office - (928) 679-7600
Law Library/Self-Help Center - 928-679-7540 OR 877-806-3187 (toll-free)

Hours of Operation: Monday through Friday, 8:00 a.m. to 5:00 p.m.

Website: <http://www.coconino.az.gov/courts>

FEES:

FAMILY COURT ACTION	FEE AMOUNT
Response to Petition for Dissolution or Legal Separation (with or without children)	\$ 246.00
For a complete listing of filing fees visit:	http://www.coconino.az.gov/uploadedFiles/Courts/Legal_Services/21.pdf

Acceptable methods for paying fees to the Court:

- Cashier's Check *
- Money Order*
- Cash

*Checks and Money Orders should be made out to the "Clerk of the Court"

Notice: There is a filing fee for all responses. If you are unable to afford the filing fee, you may request a waiver or deferral of the filing fees at the time you file your papers with the Clerk of the Court.

Other Fees:

If you request the Clerk of the Court to make copies for you there is a \$.50 per page fee

Filing Forms by Mail:

Mail-in filings are accepted. You should mail your documents to one of the Maricopa County Superior Court locations listed above. Your mail-in packet should include the following:

- All 3 sets of your forms
- A self-addressed, stamped envelope for return of the clerk-stamped copies
- Other: Include a note asking the Clerk to return the date-stamped copies to you in the envelope you have provided.

Acceptable payment methods for mail-in filings:

- Cashier's Check
- Money Order

*Checks and Money Orders should be made out to the "Clerk of the Court"

MAKE SURE YOU GET THE FOLLOWING BACK FROM THE CLERK:

- Your Set of Copies
- Your Spouse's Set of Copies

Keep one copy for yourself, and mail or hand-deliver the other copy to your spouse (or your spouse's attorney, if he/she is represented by an attorney.) If your spouse is represented by an attorney, the attorney's name and address will be on the Petition in the upper left hand corner.)

STEP 6: JOINT ALTERNATIVE DISPUTE RESOLUTION STATEMENT TO THE COURT INSTRUCTION SHEET

Print 2 copies of the “Joint Alternative Dispute Resolution Statement to the Court” form available online at <http://azcourts.gov/Portals/96/Forms/JointADRStatementForm.pdf> and is also included in your set of forms. Keep one copy for yourself, and mail or hand-deliver the other copy to your spouse (or your spouse’s attorney, if he/she is represented by an attorney).

Complete the “Joint Alternative Dispute Resolution Statement to the Court” form, 30 days after your meeting with your spouse or at the Resolution Management Conference, whichever is earlier.

STEP 7: NOTICE TO ATTEND HEARING OR CONFERENCE

You may want to seek help from an attorney if you and your spouse cannot agree on all the issues that will need to be decided such as the division of property, spousal support or child custody and support.

At the court date you and your spouse will need to present your documents for review by the judge/commissioner.

STEP 8: PREPARE FOR THE COURT HEARING

- **GET YOUR PAPERS TOGETHER.** Read the instructions for the Court Order/Decree that applies to your case. Fill out the Order or Decree and **MAKE COPIES** as instructed. Bring all required court papers to your hearing. If you do not bring all required documents, your hearing will be rescheduled.
- **IF THE COURT PAPERS YOU FILED INCLUDE A REQUEST TO ESTABLISH CUSTODY AND/OR PARENTING TIME** (visitation) (other than “Grandparent Visitation”), you and your spouse **must** attend the **PARENT EDUCATION PROGRAM** and file the “*Certificate of Completion*” before the hearing. If you have questions concerning the Parent Education Program, call (928) 714-5304.

PARENTING PLAN

If you did not complete the Parenting Plan with your original documents or if you need to change the original Parenting Plan, you need to return to your old form set in the AZTurboCourt application.

- Log into [AZTurboCourt](https://turbocourt.com/) at <https://turbocourt.com/>.
- Click on “List My Forms”
- Click on your old form set number
- On the Filing Details Screen click on “Copy for New Form Set” located on a tab at the top of the page. The “Copy for New Form Set” button will copy the information from your previous form set into a new form set. It allows you to make changes or add additional information in the same case without entering all the information over again.

(Note: There will be an application fee associated with printing your new form set and you will need to pay this fee.)

- **IF THE COURT PAPERS YOU FILED INCLUDE A REQUEST TO ESTABLISH CHILD SUPPORT** and you do not already have a Temporary Order for Child Support, you must complete the “*Child Support Worksheet*” located at <http://azcourts.gov/familylaw/childsupportcalculator.aspx> or bring the following:
 - **Gross Monthly Income information** for both parties (if unknown, last known income, income earning potential or minimum wage may be used to calculate child support).
 - **Social Security numbers** for both parties.
 - **Employer’s** names, addresses and telephone numbers, if known for both parties.
 - **Information about costs for children’s** day care, medical insurance, special needs, etc.

CHECKLIST FOR DOCUMENTS NEEDED AT THE HEARING:

Dissolution or Legal Separation

- [] Completed Decree of Dissolution or Legal Separation and 2 copies

If you have requested Spousal Support:

- [] Completed Current Employer or Other Payor Information and 2 copies

If your case involves minor children:

- [] Parent Information Program Certificate if it has not already been filed
[] Signed Parenting Plan and 2 copies
[] Completed Child Support Worksheet and 2 copies
[] Completed Current Employer or Other Payor Information and 2 copies
[] Wage information/pay stubs for both parties and other financial information such as childcare costs, medical insurance premiums etc.
[] Copy of any prior Court Order for Child Support or for Paternity
[] 9X12 envelope addressed to the other party with the appropriate amount of postage

STEP 9: GO TO OUR HEARING AT THE SCHEDULED DATE AND TIME

I. THE COURT HEARING: DO'S AND DON'TS

- A. **Arrive before the time scheduled for your hearing.**
B. **Do not bring children.**
C. **If you are late or bring children, your hearing will be rescheduled to a different day.**
D. **Expect to be in the courthouse up to four hours or longer. Plan your child care and parking accordingly.**
E. **Do not bring food or drinks into the courtroom.**
F. **Do not chew gum in the courtroom.**
G. **Review your decree.** Make sure your Decree does not ask for anything different from what you asked for in your Response.
H. **Dress Appropriately.** If your clothing could be worn at a swimming pool or for playing basketball , it probably is not appropriate for court (no shorts, tank tops, etc). Men should remove caps and hats in the courtroom.

II. AT THE HEARING: WHAT TO DO IN THE COURTOOM

- A. **Be on time.** Wait quietly in the courtroom until your name is called.
B. **Children are not permitted in the courtroom.**
C. **Stand when your name is called** and walk toward the “bench” where the judge is seated. Court staff will ask you to take an oath or to affirm that the information you are providing to the court is true. You will raise your right hand and swear or *affirm* that the information you are providing is true. Lying in court, or *perjury*, is a serious crime.
D. **Sit in the witness chair** located next to the judge.
E. Call the judge “Your Honor.”
F. **Do not** reach over the desk to take anything from the judge or to hand anything directly to the judge, unless the judge first gives permission or asks you to do so.

III. THE JUDGE WILL ASK YOU AND YOUR SPOUSE SOME OF THE FOLLOWING QUESTIONS

- What is your name and address?
- Is the relief you are asking for today the same as what you asked for in the Petition/Response?
- How did you serve your spouse and when was he or she served?

QUESTIONS FOR DIVORCE/LEGAL SEPARATION CASES ONLY

- A. How long have you lived in Arizona? Did you or your spouse live in Arizona or was either of you a member of the Armed Forces and stationed in Arizona at least 90 days before the Petition was filed?
- B. What is the date of marriage and where were you married?
- C. Is your marriage irretrievably broken? Do you think your marriage can be reconciled? (This means: is there any reasonable chance that you can continue the marriage?)
- D. Are you aware of Conciliation Services? (Conciliation Services is a service of the Court that provides free marital counseling.) If you were not aware of the services, the Judge may describe these services to you and send you to Conciliation Services.
- E. Do you want your former name restored? (Your former name will be restored, if you answer “yes” to this question.)
- F. What property and debts do you have from the marriage? (Describe your property and debts listed in your Petition and Decree.)
- G. How have you divided the property and debts? (Explain what you have asked for and put in the Decree.)
- H. Do you think the division of property and debts is fair?

QUESTIONS FOR DIVORCE/LEGAL SEPARATION/CUSTODY/ PARENTING TIME AND SUPPORT CASES

- A. The following questions may be asked if you have children:
 - 1. How many children do you have and what are their ages?
 - 2. Are you requesting custody of your minor children?
 - 3. What type of parenting time do you want the other party to have?
 - 4. Are there any expected problems with parenting time? (If you have requested supervised parenting time or no parenting time, you should be prepared to tell the judge why. For example, you should tell the judge if there has been domestic violence, child abuse, or if the other party has a drug or alcohol problem.)
 - 5. Do you think the portions of the Decree dealing with custody and parenting time are fair?
 - 6. Who will provide medical insurance for the minor children? (Generally, this should be the parent who has insurance available through his or her employer at the most affordable cost. If no insurance is available and the minor children are on AHCCCS, you can tell the judge this.)
 - 7. Can the other party pay child support?
 - 8. Is your spouse employed? How much does your spouse earn? (The amount he or she earns should be on the “*Parent’s Worksheet for Child Support.*”)

AFTER THE HEARING, IF THE JUDGE SIGNED YOUR DECREE:

- 1. **You and your spouse** should receive a copy of the Decree and all related documents that become part of the Decree (such as custody agreement, parenting plan, etc.). If the Decree is not signed at the hearing a copy will be mailed to you. Make sure your spouse and the court have a correct mailing address.
- 2. **If you have an Atlas Number** or if (DCSE) is involved in your case, a copy of the completed “*Parent’s Worksheet for Child Support*” will be sent to: Child Support Enforcement, Attn.: Attorney General Department, 2323 N. Walgreen St., Ste 100, Flagstaff, AZ 86004