

DIVORCE WITHOUT MINOR CHILDREN

For Respondent Only



PINAL COUNTY NON-COVENANT MARRIAGE

Response to Divorce Petition

**Instructional Forms
Provided as a Public Service by
Amanda Stanford
Clerk of the Superior Court**

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Response to Petition for Dissolution of A Non-Covenant Marriage (Divorce) Without Minor Children

This packet contains court forms and instructions about how to respond to a “Petition for Dissolution of a Non-Covenant Marriage (Divorce) Without Minor Children.” The documents should appear in the following order:

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You have permission to use these documents for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

REPRESENTING YOURSELF IN FAMILY COURT

This brief guide provides some very basic information to help you understand the proceedings. It does not tell you everything about family law or family court, and it is no substitute for understanding Title 25 of the Arizona Revised Statutes, the Arizona Rules of Family Law Procedure, and the Arizona Rules of Evidence. For more information, you should go to the Pinal County Superior Court website (www.pinalcountyz.gov/Departments/JudicialBranch/) or consult a lawyer.

Proceedings in Family Court

Proceedings in Family Court follow the *Arizona Rules of Family Law Procedure*.

In a divorce or paternity case, you may be referred to an Expedited Differentiated Case Management Conference, Mediation, Family Assessment, or a Settlement Conference (sometimes called an Alternative Dispute Resolution or “ADR”). These proceedings are designed to help the parties reach agreement on all or some of their disputes. They generally are not conducted by your assigned Judge.

You may also have to appear before the Judge for a pretrial hearing. The most common pretrial hearings are (1) a *Resolution Management Conference*, which helps the Judge manage the case by, among other things, setting deadlines and a trial date; and (2) a *Temporary Orders Hearing*, at which the Judge may issue temporary orders to govern the case until the trial.

If you do not reach a settlement of all issues, there will be a *trial*. This is the single hearing where the Judge will hear your evidence and make final decisions on disputed issues.

Disclosure and Discovery

To help parties prepare for the trial, the Arizona Rules of Family Law Procedure have *disclosure* and *discovery* requirements.

Disclosure requirements are in Rule 49. Each party must voluntarily provide certain information to the other party. You have an obligation to disclose such information to the other party, and you have a right to insist that the other party disclose such information to you. Failure to disclose as required may result in sanctions, including being barred from offering evidence that was not timely disclosed.

If you need information that is not voluntarily disclosed, you may engage in *discovery*, such as requesting documents from a party or subpoenaing documents from non-parties. Rules 51 through 65 of the Arizona Rules of Family Court discuss the requirements for discovery.

What is a Trial?

A trial is the time for you and for the other party to present *evidence* on disputed issues.

Additional Issues if Your Case Involves a Divorce:

- Spousal maintenance.
- Division of community property and allocation of debts.

The Judge will decide these issues based on the evidence presented during the trial. ***Only evidence you bring to the trial will be considered.***

After the trial, the Judge may issue a ruling in open court or may take the case “under advisement,” which means that the Judge will issue a written ruling at a later time.

The judge’s ruling may be a signed ***decree*** or ***judgment***, which officially concludes the case. If the judge chooses, the judge may decide disputed issues and then require one or both of the parties to submit a decree for the judge’s signature.

Preparing for The Trial

When preparing for the trial, it is critical that you read the judge’s minute entries carefully. The minute entries typically contain the Judge’s requirements for the trial. These requirements may include:

(1) Submitting a ***pretrial statement*** that describes the issues in the case and lists your witnesses and exhibits; and (2) Giving copies of your ***exhibits*** to the Clerk and to the other party before the trial.

Many Judges impose ***time limits*** at the trial. It is your responsibility to make sure you present all your evidence in the time allotted.

What Happens During the Trial?

The main thing that happens during the trial is the presentation of ***evidence***. The Judge will make decision based on the evidence presented during the trial. Evidence is generally of two kinds: (1) Witness testimony and (2) Documents.

When you call a ***witness*** to testify, you must ask the witness questions. A witness may only answer questions that are asked. When the party who called a witness is done with questioning, the other party may “cross-examine” the witness by asking additional questions.

A party may testify as a witness on his or her own behalf. However, while a witness is on the stand, the parties may only ask questions. Arguing with a witness or commenting on the answers is not allowed.

Documents may be evidence at the trial, but you must follow the proper procedure. Before the trial (usually 5 days before), you must give documents that you want to use to the Clerk of the Court to be “marked” with an exhibit number. However, marking an exhibit does not mean it is evidence. Rather, during the trial, you must “offer” the exhibit by asking the judge to admit it into evidence. The judge then decides whether to admit the evidence. The judge will consider only evidence that is ***admitted***.

Proper Court Behavior

Although family cases are often emotional, it is important that everyone act in an orderly and respectful way in court. Here are some “Do’s and Don’ts:”

- Do dress appropriately. Don’t wear hats, sunglasses, tank tops, shorts, or flip-flops.
- Do wait your turn to speak. Don’t interrupt while someone else is talking.
- Do treat others with respect. Don’t curse, make faces, or engage in confrontational behavior.
- Do be honest and candid with the judge.
- Do make sure that friends and family who accompany you sit quietly. They are not allowed to speak unless called as a witness, and then only when they are testifying.

For Additional Information

This guide presents very basic information. For additional information, read the applicable statutes and rules, visit the Pinal County Superior Court website (www.pinalcountyaz.gov/Departments/Judicial Branch) and if necessary, consult a lawyer.

PROCEDURES

How to File a Response with the Court for Dissolution of a Non-Covenant Marriage (Divorce) – without Minor Children

STEP 1: Complete the forms – **TYPE OR PRINT IN BLACK INK**

DO NOT INCLUDE your address if you are filing a “Request for Protected Address”

STEP 2: Make 2 Copies of the documents after you have filled them out

STEP 3: **SEPARATE YOUR DOCUMENTS INTO THREE (3) SETS:**

SET 1: Originals for Clerk of Court

SET 2: Copies for Spouse

SET 3: Copies for You

STEP 4: **FILE THE PAPERS WITH THE CLERK OF THE SUPERIOR COURT:**
Go to the Clerk of Court filing counters at one of our locations. **You should go to the Court at least two hours before it closes.**

Visit our website for office locations or feel free to give us a call.

Contact Information for all Offices

Toll Free: 888.431.1311 • Local: 520.509.3555 or 311 • Fax: 520.866.5320

www.coscpinalcountyaz.gov/office.html

FEES: There is a filing fee for filing this Response and there may be other charges associated with this case. Inquire with the Clerk’s office regarding the filing fee amount or go online to www.coscpinalcountyaz.gov/fees.html for a list of current fees.

If you cannot pay these fees, you may request the fee(s) to be deferred or waived. The Clerk of the Superior Court has the necessary forms to ask for a deferral or waiver. To obtain a “Deferral for Fees Application” go online www.coscpinalcountyaz.gov/forms.html.

NOTE: With the Application for Deferral, there is a \$28 fee and you must provide proof of income (copy of your last 2 most recent paystubs).

PAPERS: Hand all three **(3)** sets of your court papers to the Deputy Clerk along with the filing fee. Cash, VISA/MasterCard debit or credit cards, money order, or personal in-state check **made payable to the “Clerk of Superior Court”** are acceptable forms of payment.

MAKE SURE YOU GET THE FOLLOWING BACK FROM THE CLERK:

- Your Set of Copies – Conformed stamped
- Your Spouse's Set of Copies – Conformed stamped

STEP 5: Keep one copy for yourself, and mail or hand-deliver the other copy to the other person (or the person's attorney, if he/she is represented by an attorney. If the person is represented by an attorney, the attorney's name and address will be on the Petition in the upper left-hand corner.)

STEP 6: **WHAT WILL HAPPEN NEXT:** You will receive notice to attend either a hearing or a conference.

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**

Name of Petitioner

CASE NUMBER: S1100DO2

**RESPONSE TO PETITION FOR
DISSOLUTION OF A NON-COVENANT
MARRIAGE (DIVORCE) WITHOUT
CHILDREN**

Name of Respondent

HONORABLE: _____

GENERAL INFORMATION

Information about my spouse, the Petitioner:

Name: _____
Address: _____
Date of Birth: _____
Job Title: _____
How long the Petitioner has lived in Arizona: _____

Information about me, the Respondent:

Name: _____
Address: _____
Date of Birth: _____
Job Title: _____
How long the Petitioner has lived in Arizona: _____

Information about my marriage:

Date of Marriage: _____

Location of Marriage: _____

**THIS IS A RESPONSE TO A PETITION FOR A FINAL “DECREE OF
DISSOLUTION OF MARRIAGE WITHOUT MINOR CHILDREN.”**

This Court has jurisdiction over the parties under the law, and the provisions of this Response are fair and reasonable under the circumstances.

***These statements (1-3) must be true and the boxes must be checked for your case to proceed using this paperwork.**

1. *90 Day Requirement

At the time this action is filed, the Petitioner and/or the Respondent has lived in Arizona for more than 90 days, or had been stationed in Arizona while a member of the United States Armed Forces for more than 90 days.

2. *Conciliation Court

You may request a free meeting with yourself, the other party and a counselor to determine if divorce is the right decision for you. You do not need the other party’s consent to request this meeting. Please contact Family Services of Conciliation Court at 520.866.7349 for more information.

We have tried to resolve our problems through Conciliation Services OR going to Conciliation Services would not work.

3. *Irretrievably Broken

The marriage is irretrievably broken and there is no hope of reconciliation.

4. Covenant Marriage

The marriage is NOT a covenant marriage.

The marriage is a covenant marriage. (See Arizona Revised Statutes 25-901 and following).

5. Pregnancy

Neither spouse is pregnant.

- Wife is pregnant and the other party **is** the natural father of the child.
- Wife is pregnant and the other party **is not** the natural father of the child.

6. Domestic Violence

INSTRUCTIONS: Check the relevant box below.

- Domestic violence has not occurred during this marriage.
- Significant domestic violence occurred during this marriage.
- Domestic violence has occurred during this marriage. Even though domestic violence has occurred, it was not significant or committed by both parties.

7. Spousal Maintenance: Money paid from one spouse to the other spouse after the divorce, also known as alimony.

INSTRUCTIONS: Check this box if you do not want either spouse to receive spousal maintenance.

- Neither party is entitled to spousal maintenance

INSTRUCTIONS: If you want the other party to pay you spousal maintenance, check the box that says “Respondent”. If you want to pay the other party spousal maintenance, check the box that says “Petitioner”.

- Petitioner OR** **Respondent** is entitled to spousal maintenance because s/he

INSTRUCTIONS: you must also check at least one of the following four boxes explaining why spousal maintenance is appropriate.

- Lacks sufficient property, including given to him or her as part of this divorce, to provide for his or her reasonable needs.
- Is unable to be self-sufficient through appropriate employment or is the custodian of a child whose age or condition is such that the custodian should not be required to seek employment outside the home or lacks earning ability in the labor market adequate to be self-sufficient.
- Contributed to the educational opportunities of the other spouse.
- Had a marriage of long duration and is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient.

REQUESTS THE COURT TO ORDER

1. Dissolution

The marriage of the parties is dissolved and the parties are restored to the legal status of single persons.

OR

Deny the Petition and refuse to dissolve the marriage due to my answers in:

Number 1 about residing in Arizona for 90 days prior to the Petition being filed.

Number 3 about the marriage being irretrievably broken.

Number 4 about covenant marriage.

2. Name Change *Optional*

INSTRUCTIONS: Check this box only if you want to use your maiden or former name. If you check the box, also check the box next to whoever is changing his or her name, either Petitioner or Respondent. In the first blank, write out the complete married name, including the middle name. In the second blank, write out the complete maiden name/former name.

The name of Petitioner **OR** Respondent whose complete married name is:

is restored to: (List the complete legal name or maiden name as before the marriage)

3. Spousal Maintenance

INSTRUCTIONS: Earlier in the Response you told the court whether or not one of the parties should receive spousal maintenance from the other party. Here, you tell the court how much per month and for how long that spouse should receive spousal maintenance or if neither party should pay spousal maintenance to the other party.

Neither party to pay spousal maintenance to the other party.

OR

Petitioner shall receive spousal maintenance from Respondent in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased.

OR

Petitioner shall receive spousal maintenance from Respondent in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased or for _____ months.

OR

Respondent shall receive spousal maintenance from Petitioner in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased.

OR

Respondent shall receive spousal maintenance from Petitioner in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased or for _____ months.

INSTRUCTIONS: Do you want either the other party or yourself to be able to modify spousal maintenance in the future? If so, check the first box. If not, check the second box.

Spousal maintenance shall be modified in accordance with Arizona law.

Spousal maintenance shall NOT be modifiable for any reason.

4. Debt

INSTRUCTIONS: You must identify all of your debt as either community debt or separate debt. **Community debts** are debts that you or the other party incurred during the marriage. **Separate debts** are debts that you or the other party incurred before the marriage.

a. Community Debt: Community debts are debts incurred by either party during the marriage. You should see a lawyer about how to divide secured and unsecured debts. Community debts shall be divided as follows:

INSTRUCTIONS: Check this box if you do not have any community debt.

My spouse and I do not have any community debts.

INSTRUCTIONS: Check this box if you have community debt. List all community debts, the total owed, and the amount OR percentage to be paid by each party. If you need more space attach an additional sheet of paper and check the box "The list continues on attached page."

My spouse and I have community debts which shall be divided as follows:

Creditor Name	Amount Owed	Amount or Percent to be paid by Petitioner	Amount or Percent to be paid by Respondent

The list continues on attached page.

- Petitioner is ordered to pay all debts unknown to Respondent.
- Respondent is ordered to pay all debts unknown to Petitioner.
- Each party is ordered to pay his or her debts incurred since (date)_____.
- Any debts or obligations incurred by either party before the date of separation, that are not identified in the list above or attached, shall be paid by the party who incurred the debt or obligation and that party shall indemnify and hold the other party harmless from such debts.

b. Separate Debt: Separate debts are debts incurred before the marriage. Check ONLY one of the three boxes. If you check the last box, list your separate debts, the total owed, and the amount or percentage to be paid by each party. Separate debts shall be divided as follows:

- Neither my spouse nor I have any separate debt.
- My spouse and/or I have separate debts and Petitioner must pay his/her separate debt and Respondent must pay his/her separate debt.
- My spouse and/or I have separate debts and they shall be divided as follows:

Creditor Name	Amount Owed	Amount or Percent to be paid by Petitioner	Amount or Percent to be paid by Respondent

5. Property

IMPORTANT: If there is a piece of property with a debt attached such as a car with a loan, you must list the property under “Property” and the debt under “Debt”.

INSTRUCTIONS: You must identify all of your property as either community property or separate property. **Community property** is property that you acquired during the marriage, but was not gifted to either you or the other party and that was not inherited. **Separate property** is property that you acquired before the marriage, property that was gifted to either you or the other party, or that was inherited.

a. Community Property: Community Property is property that was acquired during the marriage, which was not gifted to one party or inherited. Community Property shall be divided as follows:

- My spouse and I did not acquire any community property during the marriage.

OR

My spouse and I acquired community property during the marriage and it should be divided as follows: *Include vehicles on this list.*

Description of Property	Awarded to Petitioner	Awarded to Respondent	Value
_____	<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"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

b. Separate Property: Separate property is property acquired before the marriage, property that was gifted to one party, or that was inherited. Separate Property to be divided as follows:

- My spouse and I do not have separate property.
- My spouse and/or I have separate property and Petitioner shall be awarded his/her separate property and Respondent shall be awarded his/her separate property.
- My spouse and/or I have separate property, which shall be divided as follows:

Description of Property	Awarded to Petitioner	Awarded to Respondent	Value
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

c. Real Property: Real property is the house and land you own. You can ask the court to give you the home, to give the home to the other party, or to sell the home and divide any loss or proceeds. Write the complete address of the property under “real property located at”. Most property has a legal description such as “LOT 77, PINE TREE ACRES, according to Book 111 of Maps” which appears on your deed papers. You should use this description. A cemetery plot is considered real property.

My spouse and I do not have real property.

My spouse and I have real property located at: _____
_____ valued at approximately
\$_____. The legal description of the property is (this information is
needed prior to an order being entered regarding real property):

The real property shall be sold and any loss or proceeds divided with Petitioner being awarded _____% and Respondent being awarded _____%.

The real property shall be awarded to Petitioner.

The real property shall be awarded to Respondent.

The party being awarded the real property will refinance the real property solely in his or her name on or before _____ (insert date). If unsuccessful, the real property will be _____

INSTRUCTIONS: Complete only if there is a second property.

My spouse and I do not have additional real property.

My spouse and I have additional real property located at: _____
_____ valued at approximately \$_____.

The legal description of the property is (this information is needed prior to an order being entered regarding the real property): _____

The real property shall be sold and the proceeds divided with Petitioner being awarded _____% and Respondent being awarded ___%.

The real property shall be awarded to Petitioner.

The real property shall be awarded to Respondent.

The party being awarded the real property will refinance the real property solely in his or her name on or before _____ (insert date). If unsuccessful, the real property will be _____

d. Retirement:

WARNING: You should see a lawyer about your retirement accounts. If you do not see a lawyer regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. It is recommended that you consult with a lawyer to help you prepare these documents.

INSTRUCTIONS: A retirement account is considered property. Any part of the retirement that grew during the marriage is community property. Any part of the retirement that existed before the marriage, is separate property. You do not need to list the retirement under “Property” if you list it here.

IMPORTANT: If you want to divide the retirement account(s) you must see an attorney about a document called a Qualified Domestic Relations Order (QDRO) or a Court Order Acceptable for Processing (COAP). A QDRO or a COAP is a very specialized legal document. It is recommended that you seek professional assistance to prepare the QDRO or COAP. Do not have this done until a judge signs your Decree.

- Neither party has a retirement account.
- Each party **waives and gives** up his/her interest in any and all retirement benefits, pension plans, or other deferred compensation of the other party.
- Divide retirement accounts as follows: _____

6. Taxes

INSTRUCTIONS: This question is asking how you and the other party have filed taxes during the time you were married.

- a.** For **previous** calendar years, pursuant to IRS rules and regulations, the parties have filed or will file:

INSTRUCTIONS: If you and the other party ever filed jointly, check this box and list the tax years you filed jointly.

- Joint federal and state income tax returns for (years) _____ and hold each other harmless from half of all income taxes and costs, if any, and each party will share equally in tax refunds, if any.

INSTRUCTIONS: If you and the other party ever filed separately, check this box and list the tax years you filed separately.

Separate federal and state income tax returns for (years) _____

Other: _____

This calendar year and continuing thereafter, each party will file separate federal and state income tax returns.

Each party shall give the other party all necessary documentation to file all tax returns, unless that information is protected.

Other information and request(s) regarding taxes: _____

7. Other Requests

INSTRUCTIONS: Use this space to ask the court for anything that you want the court to do but have not yet asked.

OATH OR AFFIRMATION AND VERIFICATION

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

Date

Signature

State of Arizona)

)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20_____

by _____
Name of Signer

Commission Expires

Notary Public