

# **LEGAL SEPARATION WITHOUT CHILDREN**

## **RESPONDING TO A CASE**

### **YOU CAN USE THIS PACKET IF ALL THIS IS TRUE:**

- Your spouse filed a Petition for Legal Separation Without Minor Children in Coconino County.
- You disagree with something in the Petition.
- You are not on active duty with the military.

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you understand your legal rights and responsibilities. The Self-Help Center has information on finding an attorney.

## INSTRUCTIONS

**Protecting Your Address:** If the other party has committed or threatened to commit physical violence against you or your children, and you do not want the other party to know your address: 1) use a post office box on all your court forms or 2) see Rule 7, Arizona Rules of Family Law Procedure, about how to protect your address. See the Self-Help Center packet *Order of Protection* if you need a court to order the other party to stay away from you.

**Continuing Group Health Benefits:** In many cases, federal law lets an employee’s spouse and children temporarily continue group health benefits under the employer’s plan after the employee and spouse are legally separated or divorced. To qualify for this extension, you or your spouse must notify the employer of your separation or divorce within 60 days of the court’s signing the Decree. The beneficiary must pay the entire premium of the continued coverage; the employer makes no contribution.

### STEP 1: READ THE PAPERS PETITIONER SERVED ON YOU

Petitioner should have filed the following papers with the court and served them on you.

Summons	Petition
Notice Regarding Community Debts	Preliminary Injunction

### STEP 2: FIGURE OUT HOW LONG YOU HAVE TO RESPOND

See the table below for how long you have to file a written response to the Petition. Find the date in the “After” column on a calendar. Start counting on the next day. Count off the days in the “Count” column, including weekends and holidays. You must file your Response by the last date you counted. If that date is a weekend or court holiday, you must file your response by the next work day.

Where Were the Papers Served?	How Were the Papers Served?	Count:	After:
In AZ*	Acceptance of Service	20 days	You signed the Acceptance of Service
	Process Server	20 days	You received the papers from the process server
	Sheriff or Tribal Law Enforcement	20 days	You received the papers from the officer
Outside of AZ	Acceptance of Service	30 days	You signed the Acceptance of Service
	Certified Mail	30 days	You signed the green card
	Process Server	30 days	You received the papers from the process server
	Sheriff or Tribal Law Enforcement	30 days	You received the papers from the officer
	Publication	60 days	The first publication

**\*If the Papers Were Served on an Indian Reservation in Arizona:** Depending on your situation, there *might* be more days for you to respond. An attorney can advise you.

**STEP 3: READ THE FAMILY COURT SERVICES INFORMATION SHEET**

**STEP 4: IF YOU DISAGREE WITH THE DIVISION OF PROPERTY OR DEBTS ASKED FOR IN THE PETITION:  
DECIDE HOW TO DIVIDE PROPERTY AND DEBTS**

You will enter how you want to divide property and debts on the Response.

**Community Property and Debts:** In general, community property is property (other than a gift or inheritance to one party) that you and your spouse acquire after you were married and before one spouse serves divorce papers on the other. See the Petition for a list of types of community property. One type of community property is retirement benefits (pension/retirement fund/profit sharing/stock plans/401k). Division of retirement benefits is a complicated area of the law. After the judge divides the retirement benefits, you will have to contact an attorney, accountant, or company representative to get the documents needed to access the retirement monies.

In general, community debts are debts you and your spouse acquire after you were married and before one spouse serves divorce papers on the other, no matter who spent the money. Generally, the court will order a fair division and will not give most or all of the property or debts to one spouse. If you and/or your spouse still owe money on a piece of property, the court will probably give that debt to the same spouse who gets that property. You may ask that real property be sold and the proceeds divided between you and your spouse. Community property and debts you fail to list on the Petition will be considered still owned or owed by both you and your spouse.

**Separate Property and Debts:** In general, separate property is property you or your spouse acquire before you were married, after one spouse serves divorce papers on the other, or as an inheritance or gift to one party. Separate property may become commingled community property in some circumstances.

In general, separate debts are debts you or your spouse acquire before you were married or after one spouse serves divorce papers on the other.

The court usually will confirm that your separate property and debts are yours and your spouse's separate property and debts are your spouse's.

**STEP 5: FILL OUT THE RESPONSE TO PETITION FOR LEGAL SEPARATION WITHOUT CHILDREN**

**STEP 6: FILE THE FOLLOWING WITH THE COURT**

Take or mail the original and two copies, all single-sided, to the Clerk's Office in the Coconino County Courthouse at 200 N. San Francisco St., Flagstaff, AZ 86001.

- [ ] Response to Legal Separation Without Children, with the following attached if applicable:
  - [ ] A copy of your marriage license

Also take or mail the \$289 filing fee. The Clerk’s Office accepts cash, money orders, and cashier’s checks payable to “Clerk of Superior Court”. If you can’t afford the fee, see the Self-Help Center packet *Getting Help With a Filing Fee*.

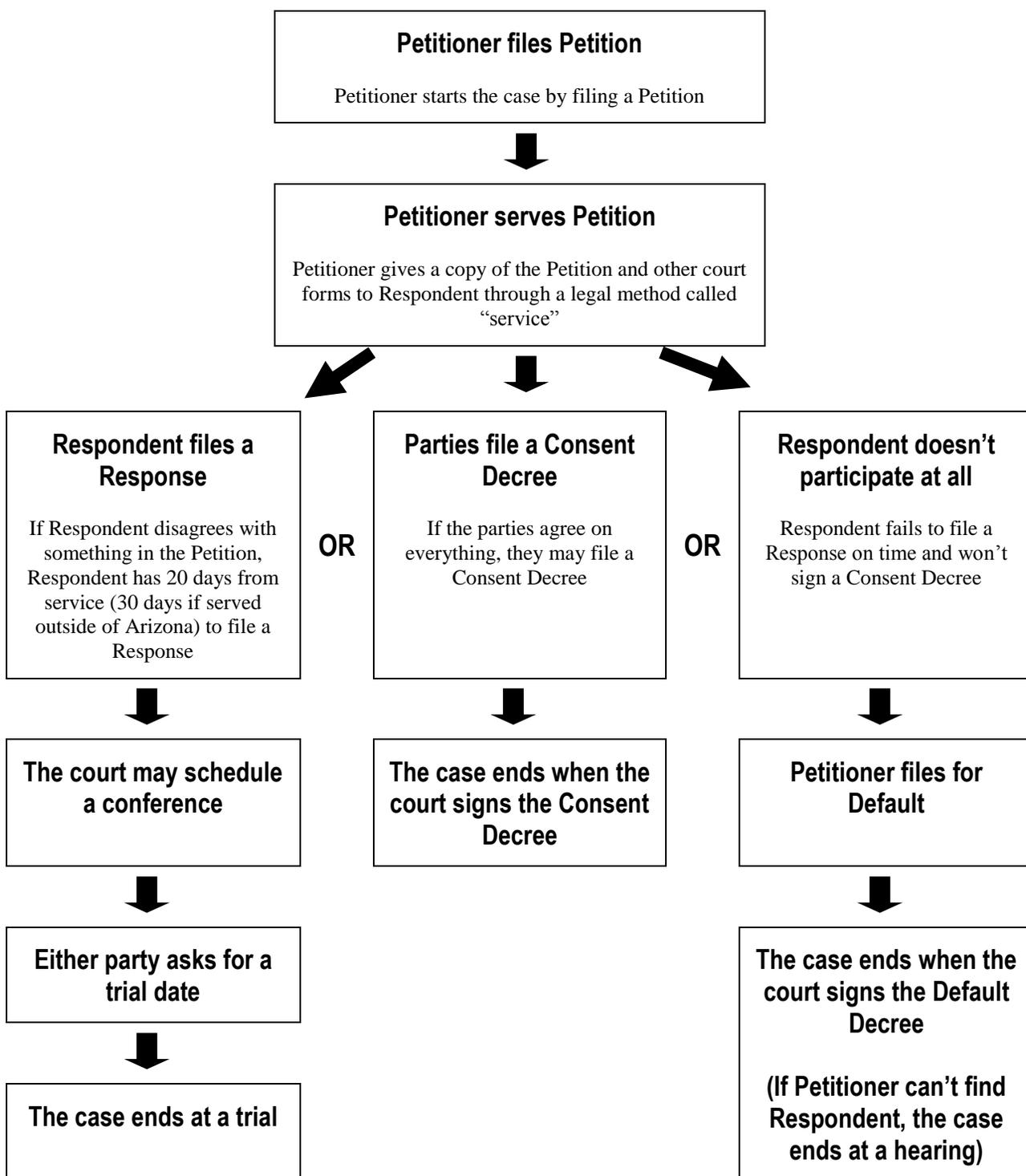
The Clerk will stamp your copies with the filing date and return them to you for your records. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the date-stamped copies to you.

**STEP 7: DELIVER COPIES TO PETITIONER**

On the day you file the Response, mail or hand-deliver a copy of each form listed above to Petitioner (mail or hand-deliver them to Petitioner’s attorney if Petitioner has one).

**STEP 8: BY 40 DAYS AFTER THE RESPONSE IS FILED:  
USE THE LAW LIBRARY PACKET CALLED *DISCLOSURE***

## Flowchart of the Court Process



**How Long Does It Take?** Divorce or Legal Separation: at least 60 days. Unmarried parents: at least 30 days.

**Where Can I Find Forms?** The Law Library has forms for all of these steps.

928-679-7540, 877-806-3187, [www.coconino.az.gov/lawlibrary](http://www.coconino.az.gov/lawlibrary)

## **FAMILY COURT SERVICES**

Service	When Can I Ask for It?	How Much Does it Cost?	How Do I Ask for It?
<b>Reconciliation/Separation Counseling</b>	Before or during a divorce or legal separation	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> session free</li> <li>• 2 more sessions at \$32 per session for a couple or \$24 per session for an individual</li> </ul>	See the Law Library packet <i>Asking for Family Court Services</i>
<b>Family Mediation</b>  The parties meet with a neutral mediator to come to agreements about legal decision-making and parenting time.	Before or during a court case involving children	Free	
	After a court case involving children	\$100 per party	
<b>Family Evaluation</b>  A mental health professional evaluates the family and recommends a legal decision-making and parenting time arrangement to the court.	During a court case involving children	Free	
	After a court case involving children	Fee set by the evaluator	
<b>Property or Support Mediation</b>  The parties meet with a neutral mediator to come to agreements about child support, spousal support, or dividing property and debt.	Before a divorce or legal separation	\$270 per party	
	During or after a divorce or legal separation		

Service	When Can I Ask for It?	How Much Does it Cost?	How Do I Ask for It?
<p><b>Cooperative Parenting</b></p> <p>The parties attend 8 classes over 8 weeks to gain insight, skills, and techniques to help their children’s long-term recovery from the disruption of family changes. The parties attend separate classes.</p>	<p>During a court case involving children</p>	<p>Free</p>	<p>Call the Law Library at 928-679-7540.</p>
<p><b>Rollercoasters</b></p> <p>Kids attend a 6-week therapeutic peer group to help them understand their parents’ divorce, separation, or other family changes. There are two peer groups: one for 5-8 year olds and one for 9-13 year olds.</p>	<p>During or after a court case involving children</p>		
<p><b>Best Interests Attorney</b></p> <p>The court appoints a qualified attorney to represent a child in a case involving children.</p>	<p>During a court case involving children</p>		

**Questions?** Call the Law Library at 679-7540 or 877-806-3187.

Person Filing: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email: \_\_\_\_\_  
Representing Self \_\_\_\_\_

COCONINO COUNTY SUPERIOR COURT

In re the marriage of \_\_\_\_\_ Case Number: \_\_\_\_\_

\_\_\_\_\_  
Petitioner (My spouse)  
  
\_\_\_\_\_  
Respondent (Me)

**RESPONSE TO PETITION FOR  
LEGAL SEPARATION WITHOUT  
CHILDREN**

**I STATE THE FOLLOWING UNDER OATH:**

**The Parties and the Marriage:**

**My Spouse's Name:** \_\_\_\_\_  
Street Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_  
Birthdate: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Job title: \_\_\_\_\_  
Number of months/years in a row to date my spouse has lived in Arizona: \_\_\_\_\_  
If not living in Arizona now, my spouse  lived  did not live in Arizona at some point during our marriage.

**My Name:** \_\_\_\_\_  
Street Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_  
Birthdate: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Job title: \_\_\_\_\_  
Number of months/years in a row to date I have lived in Arizona: \_\_\_\_\_  
If not living in Arizona now, I  lived  did not live in Arizona at some point during our marriage.

**The Marriage:** Date of Marriage: \_\_\_\_\_  
City and state or country where we were married: \_\_\_\_\_  
Conciliation:  Yes  No: The conciliation provisions have been met or do not apply.  
Covenant Marriage:  Yes  No: We have a covenant marriage. If yes, a copy of our marriage license is attached.

Whether I Object to a Decree of Legal Separation:  
 I want a legal separation.  
 I do not want a legal separation, but I do want a divorce.  
 I do not want a legal separation or divorce because the marriage is not irretrievably broken.

**Military Service:** I am not in military service.

**Residency:**  Yes  No: I and/or my spouse lived in Arizona, or my spouse was stationed in Arizona while a member of the Armed Forces, on the date my spouse filed the Petition.

**Minor Children:**  Yes  No: We have biological or adopted children together, and/or the wife is pregnant by the husband.

**General Denial:** I deny anything stated in the Petition that I have not specifically admitted or qualified.

**I ASK THE COURT TO ORDER THE FOLLOWING:**

**Legal Separation:**

- Order that my spouse and I be legally separated.
- Direct that the Petition be changed to a Petition for Divorce.
  - Yes  No: My spouse and/or I have lived in Arizona for at least 90 days.
- Dismiss this case because:
  - My spouse and I have a covenant marriage.
  - The Petition claims our marriage is irretrievably broken, but it is not.
  - Neither I nor my spouse lived in Arizona on the date my spouse filed the Petition.

**Spousal Support:**

- I agree with the spousal support the other party asked for in the Petition.

OR

- Neither party is entitled to spousal support.
- Award  Petitioner or  Respondent \$\_\_\_\_\_ per month in spousal support from the other party beginning the first day of the month after the Decree is signed because they:
  - Lack sufficient property, including property apportioned to them, to provide for their needs
  - Lack earning ability in the labor market that is adequate to be self-sufficient
  - Are the parent of a child whose age or condition is such that the parent should not be required to seek employment outside the home
  - Have made a significant financial or other contribution to their spouse's education, training, vocational skills, career, or earning ability, or has significantly reduced their income or career opportunities for their spouse's benefit
  - Had a marriage of long duration and is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient

Order that payments be made by the first day of each month thereafter and continue until the receiving party is remarried or deceased or until \_\_\_\_\_, whichever is sooner.

Order that payments be made through the Support Payment Clearinghouse by automatic wage assignment. If there are temporary spousal maintenance orders, order a judgment for arrearages when the judge signs the Decree.

**Property and Debts:**

I agree with the division of property and debts the other party asked for in the Petition.

OR

Order property and debts divided as follows.

<b>Community Property:</b>	Value	Me	My spouse
<b><u>Real Estate:</u></b>			
Address: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Legal Description: _____			
Address: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Legal Description: _____			
<b><u>Bank Accounts:</u></b>			
<i>Enter the name on the account and the account description (for example, "savings").</i>			
_____	\$ _____	<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><u>Motor Vehicles:</u></b>			
Make: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Model: _____			
Lienholder: _____			
Last Four Digits of VIN: _____			
Make: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Model: _____			
Lienholder: _____			
Last Four Digits of VIN: _____			
<b><u>Employment Benefits:</u></b>			
<i>Examples: 401K, retirement accounts, pensions.</i>			
<i>Enter name on the account and the fund name.</i>			
_____	\$ _____	<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 Community Property:**

My spouse and I have already divided all remaining property, and I ask the court to confirm that division, except as follows.

	Value	Me	My spouse
Household Furniture and Appliances:			
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
Other:			
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]

**Community Debts:**

*Enter the name on the account, creditor, and description (for example, "credit card").*

_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]

**Separate Property:**

_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]

**Separate Debts:**

_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]

Each party shall pay all debts unknown to the other party. Each party shall pay his or her debts forward from the date the Petition was served on Respondent. This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfers of title ordered in this Decree, such as for motor vehicles, houses, and bank accounts. The parties shall transfer all real and personal property to the other party as ordered within 10 calendar days after the judge signs the Decree.

**Summary of the Differences Between What I Say About Property and/or Debts and What the Other Party Said In the Petition About Property and Debts:**

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**I Request the Following Other Orders:**

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I request any other orders that the court deems appropriate.

**CERTIFICATE OF SERVICE:** I will mail or hand-deliver a copy of this Response to Petitioner on the day I file it.

*Sign in front of a notary, or in front of the Court Clerk when you start your case. The person signing must bring photo ID. Notaries are at most banks or listed in the Yellow Pages. Notaries usually charge a fee.*

Signature: \_\_\_\_\_

State of Arizona )

)

County of \_\_\_\_\_ )

Subscribed and sworn before me this date: \_\_\_\_\_ by: \_\_\_\_\_

Seal:

Notary Public: \_\_\_\_\_

Notary Expiration Date: \_\_\_\_\_