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DITCHER QUICK LEE & HYDE LLP

One Million North Central Avenue
20th - 25th Floors
Phoenix, AZ 85016
telephone: (999) DAD-wins
facsimile: (555) 555-5555

Shay D. Billings*
*** Certified Family Law Specialist Specializing In Family Law**

Attorneys for Respondent

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

In re the Marriage of:

JANE DOE,

Petitioner,

and

JOHN DOE,

Respondent.

Case No. FC2018-994486—03

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

Assigned to the Honorable Fred E. Fairness

NOW COMES Respondent, JOHN DOE (hereinafter “Husband”), by and through undersigned counsel and hereby responds to the allegations in Petitioner’s (“Wife”) Petition for Dissolution of Non-Covenant Marriage with Children as follows:

1. Husband admits in part the allegations contained in Paragraph One. Specifically, Husband admits Wife’s date of birth and current address. Wife is voluntarily unemployed.
2. Husband admits the allegations contained in Paragraph Two.
3. Husband admits the allegations contained in Paragraph Three.
4. Husband admits the allegations contained in Paragraph Four.
5. Husband admits the allegations contained in Paragraph Five.
6. Husband admits the allegations contained in Paragraph Six.

1 7. Husband neither admits nor denies the allegations contained in Paragraph
2 Seven.

3 8. Husband admits the allegations contained in Paragraph Eight.

4 9. Husband admits the allegations contained in Paragraph Nine.

5 10. Husband admits the allegations contained in Paragraph Ten.

6 11. Husband admits the allegations contained in Paragraph Eleven.

7 12. Husband denies the allegations contained in Paragraph Twelve. Wife's
8 family has a history of mental illness. Husband is concerned that Wife may be imagining
9 events or hallucinating.

10 13. Husband denies the allegations and relief sought in Paragraph Thirteen.

11 Wife uncontrollably abuses alcohol and prescription medication pursuant to A.R.S. §
12 25-403.04. Husband should be awarded sole legal decision-making and designated as
13 the primary residential parent. Wife's parenting time should be supervised at a court-
14 approved facility until Wife submits to mental health and substance abuse screenings
15 and completes all recommended treatment protocols.

16 14. Husband admits the allegations and relief sought in Paragraph Fourteen.

17 Wife should be ordered to pay her child support obligation through the clearinghouse
18 and Wife should be responsible for all transaction fees.

19 15. Husband denies the allegations and relief sought in Paragraph Fifteen. The
20 provisions of A.R.S. § 25-320(C) are plainly inappropriate in this case. Wife withheld the
21 children, contrary to their best interests and attempted to sever all contact between the
22 children and Husband. Husband vacated the marital home only to protect himself from
23 Wife's increasingly dangerous episodes of derangement.

24 16. Husband denies the allegations and relief sought in Paragraph Sixteen.

25 Husband is self-employed and thus the only insurance options available to him are

1 marketplace options. Based on information and belief, Wife will be eligible for superior
2 benefit plans as soon as she obtains full time employment.

3 17. Husband admits the allegations contained in Paragraph Seventeen.

4 18. Husband admits the allegations contained in Paragraph Eighteen.

5 19. Husband denies the allegations contained in Paragraph Nineteen.

6 20. Husband admits in part the allegations contained in Paragraph Twenty.

7 Specifically, Husband admits that Wife's voluntary unemployment was a central factor
8 that led to the deterioration of the parties' relationship. Husband denies that Wife was
9 the primary caretaker. Husband supplied a full time nanny to attend to those
10 responsibilities.

11 21. Husband denies the allegations and relief sought in Paragraph Twenty One.

12 Wife does not qualify for spousal maintenance.

13 22. Husband neither admits nor denies the relief sought in Paragraph Twenty

14 Two.

**SAMPLE RESPONSE
GENERAL DENIAL AND AFFIRMATIVE CLAIMS
TO PETITION FOR
DISSOLUTION**

15 23. Husband generally denies all allegations not specifically admitted.

16 24. Husband affirmatively alleges that Wife's positions are unreasonable and
17 asks the Court to order her to pay his reasonable attorney's fees and costs incurred
18 pursuant to A.R.S. § 25-324.

19 25. The marital residence where Wife presently resides is Husband's sole and
20 separate property by virtue of disclaimer deed.

21 26. Wife has no legal right to occupy the property.

22 27. Wife should be ordered to peacefully vacate the property within fourteen
23 (14) days.
24

25

1 28. Wife should be ordered to reimburse Husband the full cost of the mortgage,
2 insurance, homeowners association dues, and all utilities for the period of time
3 commencing when he was forced to flee the property for his own safety until Wife is
4 rightfully ordered to vacate the property.

5 **WHEREFORE**, Husband having fully answered and responded to Wife's
6 Petition for Dissolution, requests the the Court enter the following orders:

7 A. To dissolve the parties' marriage and restore each party to the legal status of
8 a single person;

9 B. To award Husband sole legal decision-making;

10 C. To designate Husband as the children's primary residential parent and to
11 order Wife's parenting time to be supervised until she completes treatment necessary
12 for mental illness and substance abuse;

13 D. To order Wife to submit to a mental health evaluation at her sole expense;

14 E. To order Wife to submit to a substance abuse evaluation at her sole expense;

15 F. To order Wife to submit to random urinalyses at least twice weekly at her
16 sole expense;

17 G. To deny Wife's request for spousal maintenance;

18 H. To equitably divide the parties' community property and debts;

19 I. To confirm each party's sole and separate property;

20 J. To order Wife to pay Husband's reasonable attorney's fees and costs
21 pursuant to A.R.S. § 25-324;

22 K. To deny all other claims made by Wife;

23 L. To set this matter for a Resolution Management Conference; and

24 M. For any other relief this Court deems proper.

25 **RESPECTFULLY SUBMITTED** this 3rd day of December, 2018.

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/s/ Shay D. Billings
Certified Family Law Specialist
Attorney for Husband

ORIGINAL of the foregoing e-filed
this same date with:

The Clerk of the Court
Maricopa County Superior Court

COPIES of the foregoing e-delivered*/mailed**
this same date to:

The Honorable Fred E. Fairness*
Judge of the Superior Court

Jane Doe**
1234 NE Pro Per Blvd.
Scottsdale, AZ 85260
Petitioner

By: /s/ Paralegal No. 5

SAMPLE RESPONSE
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