

GRANDPARENT VISITATION

Do not copy
or file this page

3

Part 3: Response to the Petition

RESPONSE TO PETITION TO ESTABLISH GRANDPARENT VISITATION

CHECKLIST

You may use the forms and instructions in this packet if . . .

- ✓ A grandparent or great grandparent has filed a **Petition** to get a court order allowing visitation with your minor children, AND
- ✓ You want to inform the Court of your disapproval *or approval* of all or part of the request and/or to request a court hearing to explain why the request should or should not be granted,

AND/OR

- ✓ The **Petition** or other documents contain inaccurate information that you believe the Court should be aware of.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

RESPONSE TO PETITION FOR COURT ORDER FOR GRANDPARENT VISITATION

PART 3 -- RESPONSE TO PETITION

This packet contains court forms and instructions to file response to petition for court order for grandparent visitation. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them 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.

INSTRUCTIONS: HOW TO RESPOND TO VISITATION PAPERS FILED BY GRANDPARENTS

WHEN TO USE THIS FORM:

Use this form to respond to a petition filed by natural or adoptive grandparents or great grandparents who want to get a court order for visitation, and you disagree with all or part of that petition.

WARNING: jurisdiction over the respondent is very serious. If you have any doubts about whether it was proper for the petitioner to sue you in Arizona, you should see a lawyer **IMMEDIATELY**, and **BEFORE** you file any written response or answer or other court paper.

HELP COMPLETING YOUR WRITTEN RESPONSE TO THE PETITION FOR GRANDPARENT VISITATION:

Use this form if you want to **RESPOND** to a Petition for Grandparent Visitation.

- A. Make sure your form states **RESPONSE TO PETITION FOR GRANDPARENT VISITATION** in the upper right hand part of the page. Decide what you want a court order for. Here are the choices:
- B. In the top left corner of the first page, fill out the following: YOUR name; address (if not protected); city, state and ZIP code; telephone number.
- C. Fill in the name of "Grandparent Requesting Visitation", "Petitioner/Party A" and "Respondent/Party B" exactly the same way as it looks on the Petition. Do that for every document you ever file with the court from now on.
- D. Use the DR, FC or FN case number that is stamped in the upper right-hand corner of the Petition. Do that for every document you ever file with the court from now on.

A. General information:

- 1. **Information about you:** Fill in your name, address (if not protected) and date of birth. This is basic information about YOU and your relationship to the children for whom the Grandparent wants to establish visitation.
- 2. **Information about the grandparent(s) requesting visitation:** Fill in name, address (if not protected) and date of birth. This is basic information about the grandparents and their relationship to the children for whom they want the order.
- 3. **Information about Party A:** If you are Party A, then check the box and move onto question #4. If you are not Party A, fill in the information about the Party A, including address and date of birth. This is basic information about Party A.
- 4. **Information about Party B:** If you are Party B, then check the box and move onto question #5. If you are not Party B, fill in the information about the Party B, including address and date of birth. This is basic information about Party B.

5. **Information about the legal guardian (if any):** If you are the legal guardian of the minor child(ren), then check the box and move onto question #6. If you are not the legal guardian, fill in the information about any legal guardian for the children, including address and date of birth. This is basic information about the legal guardian.
6. **Information about the children:** Fill in information about all the children for whom you want this order. The same persons should be the legal parents for all the children for whom you want this order.
7. **Legal reasons grandparents should not have visitation:** under the law, grandparents can only have visitation orders in certain cases. Read all the choices and decide if the reason stated in the petition is correct. Then complete all the information about the choice you selected.
8. **Relationship with Children:** explain here what the relationship is with the children and grandparents and why it is best for the children not to have visitation with the grandparents (if applicable).
9. **Your visitation plan:** If you agree with visitation but disagree with the grandparent's plan, or you disagree about visitation altogether but the judge might order it anyway, **explain here specifically what visitation arrangements you think are best for the children.**

Other information about the minor children: If you are aware of court cases about the children, you need to tell the Court that. Attach a copy of the orders about legal decision-making and physical custody, visitation, or child support to the Response, unless the orders are from the Superior Court in Yuma County.

10. **More information about children:** Fill out where the children from this action have been living **for the past 5 years**; if any child(ren) is/are under age 5, simply put information since their birth. Write each child's name; the address where the child lived; what dates the child lived at each address; who the child lived with; and the relationship of that person to the child. While you may not remember exact dates when you moved from one location to another, fill this information out as completely as possible.
11. **Other cases about the children:** You must tell the Court if there are prior cases involving your minor child(ren) **that do NOT involve** legal decision-making and **physical custody or visitation**, for example personal injury cases involving the child(ren). If there are no other cases, mark the first box and GO ON. If there is another case, mark the second box and give as much information as possible. This information could affect you or your child(ren)'s rights in this case.
12. **Other legal decision-making, physical custody, visitation, and support cases about these children:** The Court **MUST** know if there have been **other cases involving physical custody, visitation or child support** of the children of this case. If there are no other legal decision-making and physical custody or visitation cases, or you don't know of any, mark the first box and GO ON. If you have been involved in any way with this type of court case, mark the second box and give the information where requested. Tell the Court what happened and what is going on now in the other case(s).
13. **Legal decision-making and Physical Custody rights of others as to these children:** If you do not know of another person OTHER THAN THE OPPOSING PARTY who is claiming legal decision-making and physical custody or visitation rights to any of the children, mark the first box and GO ON. If you do know of such a person, put the information here, including the child's name and the person who believes they have a legal decision-making and physical custody or visitation claim.
14. **Summary about what you say about the children that is different from what the grandparent(s) asked for.** This is because the form of petition the grandparent(s) used might not be from the Law Library Resource Center, and so it might be arranged a little differently than this form of response.
15. **Proper location ("VENUE") for this court case:** the children must live in Yuma County for this to be a proper county for the grandparents to pursue this court case. Check whether the first box if the minor children live in Yuma County. Check the second box if the minor children do not live in Yuma County.
16. **General denial:** this tells the Court that even if you did not answer each and everything said in the Petition you deny what you did not address. This is extra protection for you.

REQUESTS MADE TO THE COURT

1. **VISITATION:** Check here if you want visitation according to the plan you wrote out above.
2. **NO VISITATION:** check here if you want no visitation to the Grandparents, based on what you said in your response above.
3. **SUPERVISED VISITATION TO THE GRANDPARENTS:** check here if you request supervised visitation if the grandparents cannot adequately care for the children or cannot do so without another person present. You may request this if the grandparents abuse drugs or alcohol; are violent or abusive; or, do not have the skills to care for a child without another adult present. Remember, supervised visitation is not intended to punish but to protect the child. You must write in specifically why you say the visitation should be supervised visitation

OTHER ORDERS: Mark this box only if you have made other requests of the Court. If you mark the box write the specific additional orders you are requesting the Court to make that were not covered elsewhere in your Petition.

SIGNATURE AND AFFIRMATION

By signing this document you are telling the Court that everything contained in the response is true, under penalty of perjury.

WHAT TO DO NEXT:

1. **COPIES OF RESPONSE:** After completing your **“Response,”** make three **(3) copies** before you file. The Family Department Sensitive Data Coversheet does not get copied and only gets filed with the ORIGINAL Response.

FILING THE RESPONSE AND PAYMENT OF COURT FEE: File the 3 copies and the original of your **“Response”** (along with the Family Department Coversheet) with the Clerk of the Court. .

FEES: A list of current fees is available from the Law Library Resource Center and from the Clerk of Court's website.

If this is the first time one of the parties or his or her attorney has “appeared”, that is, filed papers in this case, an **“appearance fee”** (also known as a “response” or “answer” fee) *will be due from that party* at the time of filing.

2. If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of the Court. Deferral Applications are available at no charge from the Law Library Resource Center. You do **not** need to send a copy of the fee deferral request to the other party or his/her attorney. Make sure you receive two (2) copies back from the Clerk and they have been stamped.
3. **MAIL A COPY TO THE OTHER PARTY:** You need to mail or hand-deliver one copy to each party. If the person is represented by an attorney, mail or hand-deliver the copy to the attorney whose name and address appears on the Petition in the upper right hand corner.
4. **KEEP THE LAST COPY FOR YOUR RECORDS:** You should always keep a copy of any document that you file with this Court.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Case No. _____

Petitioner / Party A

ATLAS No. _____

Respondent / Party B

**FAMILY DEPARTMENT SENSITIVE DATA
COVERSHEET WITH CHILDREN
(CONFIDENTIAL RECORD)**

Fill out. File with Clerk of Superior Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43.1(f).

A. Personal Information:

Petitioner / Party A

Respondent / Party B

Name

Gender

Date of Birth (Month/Day/Year)

Social Security Number

☐ Male or ☐ Female

☐ Male or ☐ Female

Warning: DO NOT INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION

Mailing Address

City, State, Zip Code

Contact Phone

Receive texts from Court to
contact phone number above?

☐ Yes ☐ No texts

☐ Yes ☐ No texts

Email Address

Current Employer Name

Employer Address

Employer City, State, Zip Code

Employer Telephone Number

Employer Fax Number

B. Child(ren) Information:

Child Name

Gender

Child Social Security Number

Child Date of Birth

C. Type of Case being filed: Mark only one (1) category below. (*) Mark this box only if no other case type applies.

☐ Dissolution (Divorce)

☐ Paternity

☐ Order of Protection

☐ Legal Separation

☐ *Legal Decision-Making
/ Parenting Time

☐ Register Foreign Order

☐ Annulment

☐ *Child Support

☐ Other

D. Do you need an interpreter? ☐ Yes or ☐ No. If Yes, what language? _____

DO NOT COPY this document. DO NOT SERVE THIS DOCUMENT to the other party.

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

ATLAS Number: _____

Lawyer's Bar Number: _____

For Clerk's Use Only

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

In the Matter of :

Case Number _____

Name of Grandparent Requesting Visitation

ATLAS No. _____

Name of *Other* Grandparent Requesting
Visitation, if applicable

RESPONSE TO PETITION FOR GRANDPARENT VISITATION A. R. S. § 25-409

Name of Party A ☐ DECEASED

☐ *There is a prior Family Department
case in this county between the legal
parents of the minor children with the
following (**different**) case number:*

Name of Party B ☐ DECEASED

Name of Legal Guardian, if applicable

GENERAL INFORMATION

1. Information about me, the person filing this response:

Name: _____

Address: _____

County of residence: _____

Date of Birth: _____

Occupation: _____

My relationship to child(ren) for whom the visitation order is requested : (explain)

2. Information about the grandparents (or great grandparents) requesting visitation:

Name(s): _____

Address: _____

County of residence: _____

Date of Birth: _____

Occupation: _____

Relationship to children for whom VISITATION order is requested: (Check one)

- | | |
|--|--|
| <input type="checkbox"/> Grandparent on Party A's side | <input type="checkbox"/> Grandparent on Party B's side |
| <input type="checkbox"/> Great Grandparent on Party A's side | <input type="checkbox"/> Great Grandparent on Party B's side |

3. Information about the Party A ☐ same as #1 above, or:

Name: _____

Address: _____

County of residence: _____

Date of Birth: _____

Occupation: _____

Party A's relationship to children for whom visitation order is requested: _____

4. Information about the Party B ☐ same as #1 above, or:

Name: _____

Address: _____

County of residence _____

Date of Birth: _____

Occupation: _____

Party B's relationship to children for whom visitation order is requested: _____

5. Information about legal guardians of child(ren), if any: ☐ same as #1 above, or:

Name: _____

Address: _____

County of residence: _____

Date of Birth: _____

Occupation: _____

6. Information about child(ren) listed in the Petition for Grandparent Visitation:☐ Party A and Party B are the legal parents for all children listed below.

Name _____

Name _____

Birth Date: _____

Birth Date: _____

Current _____

Current _____

Address: _____

Address: _____

County of Residence: _____

County of Residence: _____

Name _____

Name _____

Birth Date: _____

Birth Date: _____

Current _____

Current _____

Address: _____

Address: _____

County of Residence: _____

County of Residence: _____

☐ INFORMATION ABOUT ADDITIONAL CHILDREN ARE LISTED ON ATTACHED PAGE.**7. Grandparent(s) do not have a right to visitation under Arizona law (A.R.S. § 25-409) because:**

(Check box(es) for statements that apply and write-in requested information.)

A. ☐ Children were not born out of wedlock.B. ☐ Parents of children are not divorced *or* have not been divorced for at least 3 months. *If divorced:* Date of Divorce: _____

Court case number: _____

Name of court: _____

Court Location: _____

- C. ☐ Party A OR ☐ Party B has been dead for ***less than 3 months***.

Date of Death: _____

- D. ☐ Party A OR ☐ Party B has been missing for ***less than 3 months***.

Date parent discovered to be missing: _____

Date reported to law enforcement agency: _____

Name, location of agency: _____

- E. ☐ The grandparents or great grandparents asking for visitation rights are doing so as the paternal grandparents or great grandparents, however there is no paternity order and I do not believe the grandparent's son or great grandparent's grandson is the legal father of the minor child(ren) because: (explain)

8. **Explain the Grandparent's or Great Grandparent's relationship with the children for the last 6 months, and why you think it is NOT in the children's best interests for visitation to be ordered, or why, if ordered, visitation should be limited or supervised:**

9. **If visitation is ordered, it should be as set forth below. (be specific)**

- ☐ **There should be no court-ordered visitation, but if ordered, should be as follows:**

TRANSPORTATION will be provided by (name): _____ as follows: (explain)

During WEEKENDS (explain specifically)

During the SUMMER MONTHS OR SCHOOL BREAKS: (explain specifically)

FOR HOLIDAYS AND BIRTHDAYS: (explain specifically)

FOR TELEPHONE CALLS: (explain specifically)

OTHER: (explain specifically)

OTHER INFORMATION ABOUT THE CHILDREN

10. **Where the children who are under 18 years old have lived for the last 5 years.** (Attach extra pages if necessary.)

Child's Name _____ **Dates: From** _____ **To** _____

Lived with _____ **Relationship to child** _____

Street address _____ **City, State** _____

Child's Name _____ **Dates: From** _____ **To** _____

Lived with _____ **Relationship to child** _____

Street address _____ **City, State** _____

Case No. _____

Child's Name _____ Dates: From _____ To _____

Lived with _____ Relationship to child _____

Street address _____ City, State _____

Child's Name _____ Dates: From _____ To _____

Lived with _____ Relationship to child _____

Street address _____ City, State _____

11. COURT CASES NOT INVOLVING LEGAL DECISION-MAKING, PHYSICAL CUSTODY, PARENTING TIME OR VISITATION RELATED TO THE CHILD(REN) UNDER 18 YEARS OLD:

(check one box)

☐ I HAVE ☐ I HAVE **NOT** been a party or a witness in court in this state or in any other state NOT INVOLVING the legal decision-making, physical custody, parenting time or visitation of any of the children named above (If so, explain below, using extra pages if necessary. IF NOT, GO ON.)

Name of each child: _____

Court state _____ Court location _____

Court case number _____ Current status _____

How the child is involved:

Summary of any Court Order:

12. LEGAL DECISION-MAKING, PHYSICAL CUSTODY, PARENTING TIME, OR VISITATION CASES RELATED TO CHILDREN UNDER 18 YEARS OLD: (check one box)

☐ I DO HAVE ☐ I DO **NOT** HAVE information about a legal decision-making, physical custody, parenting time or visitation court case relating to any of the children named above that is pending in this state or in any other state (If so, explain below, using extra pages if necessary. IF NOT, GO ON).

Name of each child: _____

Court state: _____ Court location: _____

Court case number: _____ Current status: _____

Nature of the court proceeding: _____

Summary of any Court order:

13. LEGAL DECISION-MAKING, PHYSICAL CUSTODY, PARENTING TIME OR VISITATION CLAIMS OF ANY PERSON: (check one box)

☐ I DO KNOW ☐ I DO **NOT** KNOW a person other than Party A or Party B who has or claims legal decision-making authority, physical custody, parenting time or visitation rights to any of the children named above. (If so, explain below, using extra pages if necessary. IF NOT, GO ON).

Name of each child: _____

Name of person with the claim: _____

Address of person with the claim: _____

Nature of the claim: _____

14. SUMMARY OF WHAT I SAY ABOUT THE CHILDREN THAT IS DIFFERENT FROM WHAT THE GRANDPARENT(S) ASKED FOR: (Here summarize what is different between what you say about the child(ren), and what the grandparent(s) said)

OTHER STATEMENTS TO THE COURT**15. VENUE:**

- ☐ This is the proper court to bring this lawsuit under Arizona law because it is the county of residence of the child(ren). **OR**
- ☐ This is NOT the proper court to bring this lawsuit under Arizona law because it is NOT the county of residence of the child(ren).

16. GENERAL DENIAL: I deny anything stated in the Petition that I have not specifically admitted, qualified, or denied.

REQUESTS TO THE COURT: (check which number applies to your request)

1. ☐ ORDER VISITATION AS DESCRIBED ABOVE.
2. ☐ ORDER **NO** VISITATION TO THE GRANDPARENT PETITIONER(S).
(Check and complete "3" below *only* if you believe visitation should be supervised.)
3. ☐ **SUPERVISED VISITATION** is in the best interests of the child(ren), pursuant to A.R.S. Section 25-409, because (explain reasons visitation should be supervised):

Therefore supervised visitation to (name) _____
only in the presence of another person, who is named by the court or as suggested below,
upon a finding that supervised access is in the best interest of the child(ren),

Name of Person to supervise: _____

Requested restrictions on visitation: (explain here) _____

The cost of supervised visitation shall be paid by:

- ☐ the person being supervised;
- ☐ Party A;
- ☐ Party B
- ☐ shared equally by the parties.

OTHER ORDERS Requested Concerning Visitation by Grandparents or Great Grandparents

ACKNOWLEDGMENT AND SIGNATURE UNDER OATH OR AFFIRMATION

I state to the Court under penalty of perjury that the contents of this document are true and correct.

Signature

Date

STATE OF _____

COUNTY OF _____

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

_____.

(notary seal)

Deputy Clerk or Notary Public

Copy of this document mailed to the other party on:

Month / Date / Year

To the following address:
