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Representing ☐ Self or ☐ Attorney for _____
Lawyer's Bar Number: _____

THE JUDICIAL COURT OF THE TOHONO O'ODHAM NATION CIVIL DIVISION

Name of Petitioner

v.

Name of Respondent

Case Number: _____

RESPONSE TO PETITION FOR DISSOLUTION OF MARRIAGE (DIVORCE) WITH MINOR CHILDREN

STATEMENTS TO THE COURT, UNDER OATH OR AFFIRMATION:

1. INFORMATION ABOUT MY SPOUSE:

Name: _____

Address: _____

Date of Birth: _____

Tribal Affiliation: _____ Tribal ID #: _____

Number of months/years in a row, your spouse has lived on the Nation: _____

2. INFORMATION ABOUT ME:

Name: _____

Address: _____

Date of Birth: _____

Tribal Affiliation: _____ Tribal ID #: _____

Number of months/years in a row, you have lived on the Nation: _____

3. INFORMATION ABOUT OUR MARRIAGE:

Date of Marriage: _____

Location where we were married: _____

- ☐ Our marriage is **irretrievably broken, grounds for obtaining a divorce exist**, and there is no reasonable prospect of reconciliation. (Our marriage is over.)

OR

- ☐ Our marriage is **not irretrievably broken, no valid grounds for divorce have been alleged**, and there are reasonable prospects of reconciliation. Explain to the court why you disagree with your spouse's statement (that the marriage is irretrievably broken):

Summary of what I say **ABOUT OUR MARRIAGE** that is different from what my spouse said in the petition:

4. CHILDREN COMMON TO THE PARTIES WHO ARE LESS THAN 18 YEARS OLD:

- ☐ There are **no children common to the parties**, under the age of 18, either born to or adopted by, the parties.

OR

- ☐ This court **does not have jurisdiction** to determine legal decision-making (custody) concerning minor child(ren) common to the parties under Tohono O'odham Nation law because:

Case Number: _____

OR

- ☐ This court **has jurisdiction** to determine legal decision-making (custody) concerning the minor child(ren) common to the parties under Tohono O'odham Nation law.

Listed below are children still under the age of 18 born to or adopted by Petitioner and Respondent, and where marked, born before the marriage. (Attach extra pages if necessary).

Child's Name: _____

Birth Date: _____

Address: _____

Length of Time at Address: _____

☐ Born before the marriage

Child's Name: _____

Birth Date: _____

Address: _____

Length of Time at Address: _____

☐ Born before the marriage

Child's Name: _____

Birth Date: _____

Address: _____

Length of Time at Address: _____

☐ Born before the marriage

Child's Name: _____

Birth Date: _____

Address: _____

Length of Time at Address: _____

☐ Born before the marriage

☐ Information for additional children is listed on attached page(s), and is made part of this document by reference.

5. Summary of what I want **CONCERNING OUR MINOR CHILD(REN)** that is different from what my spouse said or asked for in the petition and affidavit of minor children.

6. **INFORMATION ABOUT PROPERTY and DEBTS:**

- 7.a. **COMMUNITY PROPERTY.** (Property acquired during the marriage) (Check one box.)

☐ Petitioner and Respondent **did not acquire** any community property during the marriage,

OR

☐ Petitioner and Respondent **did acquire** community property during our marriage, and we should divide it as follows: (List the property and the value of the property and check the box to tell the Court who should get the property.)



NOTE: You must be specific. You must describe the property that should go to you and describe the property that should go to your spouse. Never list an item under both Petitioner and Respondent boxes.

Petitioner to be Awarded Items:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Respondent to be Awarded Items:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

7.b. COMMUNITY DEBTS. (Debt that was incurred during the marriage): (Check one box.)

- ☐ Petitioner and Respondent **did not incur** any community debts during the marriage,
OR
- ☐ Petitioner and Respondent **should divide** the responsibility for the debts incurred during the marriage. The incurred indebtedness, loans, bills, or unpaid accounts and the responsibility for the payment of this indebtedness should be addressed by the Court as follows:
- i. ☐ The Petitioner is responsible for their debts.
 - ii. ☐ The Respondent is responsible for their debts.

Debts Petitioner will pay:

Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____

Debts Respondent will pay:

Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____

7.c. SEPARATE DEBTS. (Check all boxes that apply.)

☐ Petitioner and Respondent **do not have any debts** that were incurred prior to the marriage or separate debt,

OR

☐ **Petitioner has** separate debt or debt was incurred prior to the marriage which should be paid by Petitioner as described below.

☐ **Respondent has** separate debt or debt that was incurred prior to the marriage that should be paid by Respondent as described below.

Summary of what I request **CONCERNING PROPERTY AND DEBTS** that is different from what my spouse asked for in the petition.

Debts Petitioner will pay:

Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____

Debts Respondent will pay:

Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____
Account: _____	Balance Owed: _____

7. TAX RETURNS: (Check if this is what you want.)

- ☐ After the Judge signs the Decree of Dissolution of Marriage (Divorce), we will, subject to IRS Rules and Regulations, pay federal and state taxes as follows: **For the calendar year (the year that the Decree is signed) and all future calendar years**, each party will, subject to IRS Rules and Regulations, file separate federal and state income tax returns. Each party will give the other party all necessary documentation to do so.

☐ **For previous years** (the years we were married, not including the year the Decree was signed), (Check one box.)

☐ The parties will **file joint federal and state income tax returns**. For previous calendar years, both parties will pay, and hold the other harmless from, 1/2 of all additional income taxes if any and other costs and each will share equally in any refunds.

OR

☐ The parties will **file separate federal and state income tax returns**. For previous calendar years, each party will pay and hold the other harmless from any income taxes and/or incurred costs as a result of the filing of that party's tax return and each party will be awarded 100% of any refund received as a result of the filing of that party's tax return.

8. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

☐ **Neither party** is entitled to spousal maintenance/support (alimony),

OR

☐ The _____ has the ability to pay and should pay spousal support as decided by the Court. Check all of the box(es) below that apply. At least one reason must apply to the person who is requesting the support in order for the Court to consider spousal maintenance/support.

☐ Person **lacks sufficient property** to provide for his/her reasonable needs.

☐ Person is **unable to support himself/herself** through appropriate employment.

☐ Person is the custodian of a child(ren) whose age or condition is such that the **person should not be required to seek employment outside the home**.

☐ Person **lacks earning ability** in the labor market adequate to support himself/herself.

☐ Person made a **significant financial or other contribution** to the education, training, vocational skills, career, or earning ability of the other spouse.

- ☐ Person had a **marriage of long duration** and is now of an age that precludes the possibility of gaining employment adequate to be self-sufficient.
- ☐ Person has **significantly reduced their income or career opportunities** for the benefit of the other spouse.

Summary of what you request **REGARDING SPOUSAL SUPPORT**. Include explanations of anything checked above that you would like the judge to consider.

9. WRITTEN AGREEMENT:

- ☐ Petitioner and Respondent **have a written agreement** signed by both parties about the maintenance of a spouse, division of property/debt, where the children will live, authority for legal decision-making concerning the children (custody), parenting time, and child support, **AND** I have attached a copy of the written agreement.

10. DOMESTIC VIOLENCE: (Check the box that is true.)

- ☐ Domestic violence **has not occurred**,
- OR**
- ☐ Domestic violence **has occurred, but it has not been significant**.
- OR**
- ☐ There has been **significant domestic violence**.

Summary of what I say **ABOUT DOMESTIC VIOLENCE** that is different from what my spouse said in the petition:

11. DRUG / ALCOHOL CONVICTION WITHIN LAST TWELVE MONTHS: (If you intend to ask for joint legal decision-making (joint custody), check one box.)

☐ **Neither party** has been convicted for a drug offense or driving under the influence of drugs or alcohol in the last twelve (12) months,

OR

☐ **One or both parties have** been convicted for a drug offense or driving under the influence of drugs or alcohol in the last twelve (12) months.

☐ **Petitioner** was convicted.

☐ **Respondent** was convicted.

The legal decision-making (custody) and parenting time arrangement I am requesting **appropriately protects the minor child(ren).**

Explain how this arrangement appropriately protects the minor child(ren).

Summary of what I say about **DRUG OR ALCOHOL CONVICTIONS** that is different from what my spouse said in the petition:

12. CHILD SUPPORT:

☐ **There is an Order** for Child Support, dated _____
from (name of court) _____.

☐ To my knowledge **there is no child support order** for the minor child(ren) and the Court ☐ should **OR** ☐ should not order child support in this case along with legal decision-making (custody), and parenting time.

☐ **Petitioner** OR ☐ **Respondent** made voluntary / direct support payments that need to be taken into account, if past support is requested.

☐ **Petitioner** OR ☐ **Respondent** owes past support for the period between:

☐ the date this petition was filed and the date current child support is ordered.

OR

☐ the date the parties started living apart, but not more than three years before the date this petition was filed, and the date current child support is ordered.

13. OTHER EXPENSES.

☐ The parties should be ordered to divide between them any **uninsured medical, dental, or health expenses**, reasonably incurred for the minor child(ren), in proportion to their respective incomes.

Summary of what I say about **CHILD SUPPORT AND EXPENSES** that is different from what my spouse said in the petition:

14. GENERAL DENIAL. I deny anything stated in the Petition that I have not specifically admitted, qualified, or denied in this response.

REQUESTS TO THE COURT:

A. DISSOLUTION (DIVORCE):

☐ **Dissolve the parties' marriage** and return each party to the status of a single person.

☐ **Deny the petition and refuse to dissolve the marriage because:**

☐ The Tohono O'odham Nation Court does not have jurisdiction.

☐ Our marriage is **not irretrievably broken**.

☐ Dissolve the marriage and return each party to status of a single person but **refuse to decide child legal decision-making (custody) matters due to**

B. RESTORE NAME: (Optional) I took the name of my spouse at the time of marriage and I want to restore my last name to the name I used before this marriage or to my maiden name.

My complete married name is:

I want my legal name restored to: (List complete maiden or legal name before this marriage).



NOTE: If you are not the person who is requesting to have your former name restored, the court must have a written request from the party who wants his/her name restored, to change the name.

C. PATERNITY and MINOR CHILD(REN)'S NAMES: (Check one box, if this is what you want.)

Declare ☐ **Petitioner** ☐ **Respondent to be a parent** of the following named minor child(ren) born before the marriage and (optional) change the legal name of those minor child(ren) to the name listed on the right, below:

Current Legal Name

(Optional)

Change the name of the child to:

D. PRIMARY RESIDENCE, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION-MAKING (CUSTODY):

1. PRIMARY RESIDENCE: Declare which residence is designated as “Primary Residence” for each minor child as follows:

☐ **Neither party’s home** is designated as the primary residence for the minor child(ren).

☐ **Declare Petitioner’s residence** as the primary residence for the following named children:

☐ **Declare Respondent’s residence** as the primary residence for the following named children:

2. PARENTING TIME: Award parenting time as follows:

☐ **Reasonable parenting time** as described in the attached Parenting Plan,

OR

☐ **Supervised parenting time** between the children and ☐ **Petitioner /**
☐ **Respondent,**

OR

☐ **No parenting time rights to** ☐ **Petitioner /** ☐ **Respondent.**

Supervised or no parenting time is in the best interests of the child(ren) because:

☐ Explanation continues on attached pages made part of this document by reference.

a. Name this **person to supervise**: _____

b. **Restrict parenting time** as follows:

c. **Order cost of supervised parenting time** (if applicable) to be paid by:

- ☐ **Petitioner,**
☐ **Respondent, OR**
☐ **Shared equally** by the parties.

3. **AUTHORITY FOR LEGAL DECISION-MAKING (CUSTODY):** Award legal authority to make decisions (custody) concerning the child(ren) as follows:

☐ **AWARD SOLE AUTHORITY FOR LEGAL DECISION-MAKING**
to: ☐ **Petitioner** / ☐ **Respondent**

OR

☐ **AWARD JOINT LEGAL DECISION-MAKING AUTHORITY to BOTH PARENTS.** Petitioner and Respondent will act as joint legal decision-makers concerning the minor child(ren). (For the court to order joint legal decision-making, there must have been no “significant” domestic violence.)

E. CHILD SUPPORT:

☐ Order that child support be paid by ☐ Petitioner / ☐ Respondent

☐ Order that past child support be paid by ☐ Petitioner / ☐ Respondent

The Child Support Order is to be attached to the Decree of Dissolution of Marriage.

F. MEDICAL, DENTAL, VISION INSURANCE AND HEALTH CARE EXPENSES FOR MINOR CHILDREN:

☐ **Petitioner** is responsible for providing ☐ medical / ☐ dental / ☐ vision care insurance.

☐ **Respondent** is responsible for providing ☐ medical / ☐ dental / ☐ vision care insurance.

The parties should pay for all reasonable unreimbursed medical, dental, vision care and health-related expenses incurred for the minor child(ren) **in proportion to their respective incomes.**

G. TAX EXEMPTION:

☐ **Allocate tax exemptions** for the minor child(ren) as determined by the court under the Arizona Child Support Guidelines and in a manner that allows each party to claim allowable federal dependency exemptions proportionate to adjusted gross income in a reasonable pattern that can be repeated.

☐ The parties will, subject to IRS Rules and Regulations, claim the children as income tax dependency exemptions on federal and state income tax returns **as follows:**

☐ Pattern will repeat for subsequent years.

Parent entitled to claim		Name of child	Tax Year	
Petitioner	Respondent		Current	Later
☐	☐			
☐	☐			
☐	☐			
☐	☐			
☐	☐			
☐	☐			
☐	☐			
☐	☐			

H. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

- ☐ **Do not order** spousal maintenance.
- ☐ **Order spousal support to be paid by** ☐ **Petitioner** / ☐ **Respondent** in the amount of \$ _____ per month beginning with the first day of the month after the Judicial Officer signs the Decree and continuing until the person receiving spousal maintenance remarries or either party is deceased, or for a period of ____ months.

I. COMMUNITY PROPERTY:

- ☐ Make a **fair division** of all community property as requested in this Response.

J. COMMUNITY DEBTS:

- ☐ Order **each party to pay community debts** as requested in the Response, and to pay any other community debts unknown to the other party. Order each party to pay and hold the other party harmless from debts incurred by Petitioner or Respondent:
- ☐ since the parties' **separation** on _____ (date),
OR
☐ the date I was **served with the Petition** for Dissolution.

K. SEPARATE PROPERTY:

- ☐ Award Petitioner's separate property to Petitioner.
- ☐ Award Respondent's separate property to Respondent.

L. SEPARATE DEBT: Order each party to pay separate debt and hold the other party harmless from debts incurred during the marriage

M. OTHER ORDERS I AM REQUESTING: (Explain request here.)

Case Number: _____

OATH OR AFFIRMATION AND VERIFICATION

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

Date

Signature

STATE OF _____

COUNTY OF _____

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

by _____.

(notary seal)

Deputy Clerk or Notary Public

A copy of this document was mailed to the other party on: _____
Month / Date / Year

To the following address: _____