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| IF YOU HAVE BEEN SERVED |

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| The worst thing to do, if you've been served with a Dissolution of Marriage (Divorce) court papers or Paternity court papers, is to do nothing. Being "served" includes the signing of a blank form acknowledging that you have received a document.  It can even be as simple as signing for an envelope from a Postal Carrier, or a delivery service such as FedEx or UPS can result in you being served.  If you have received the documents, you probably have been served, and you should assume that you have been served, unless an attorney tells you that you have not been served. You may feel depressed or helpless and want to ignore what's happening. But it won't just go away. Time is running out to DO SOMETHING POSITIVE to protect your future. Actually, you'll feel much better once you've begun taking responsible action.  Divorce or paternity papers may, on the surface, look harmless. They're not. If you do nothing, there will eventually be a Judgment by Default, in which your best interests and wishes are ignored. As far as the Court System is concerned, a Respondent who does not properly file a timely response (called an "Answer") has no right to object later. You have only a limited amount of time to file your Answer, so it is urgent that you not put this off. If you do not file an Answer, the Petitioner can request that the Court enter a "Default" so that the Court can proceed without your input.  Victims of default divorce often wake up when they find the first child support payment is automatically taken out of a paycheck, find there is no enforceable access to a beloved child, the child has been moved far away, or property and debt has been unfairly divided. It's a rude awakening. You can't easily change things after a Default Judgment.  Child custody, in most instances, can't be altered unless you prove that a substantial and continuing change of circumstances has occurred since the Order was first entered. Property and debt divisions are generally cast in stone. By doing nothing you seriously and perhaps permanently, damage future child-relationships or financial survivability.  Instead, quickly filing the Answer will stop the Petitioner from simply taking *everything* by Default. Then, the parties can either reach an agreement, or the court will make decisions with your input. You have many options once you file an Answer; you can also seek mediation, a Judicial Settlement Conference or Collaborative Divorce if your spouse is willing. (Most cases where an Answer has been filed, will end up settling instead of having a final trial.)  "No-fault divorce" in Arizona cannot be stopped solely by the Respondent doing nothing. Wishful thinking causes long-term loss. You may hope, by "being nice and not contesting," that somehow things will go back to the way they were in happier days. Don't fall into that trap. You may want to trust your spouse's verbal (or even written) promises. However, in most cases, the Court will not allow those promises to overrule the language of the Decree.  Marriages can be saved, or relationships with out-of-wedlock children can be preserved by a written agreement that the Court has approved, but a silent, ruinous Default may still occur despite ongoing bargaining, even with written promises that are not a part of the Decree. Take the future into your hands by negotiating from a position of strength to be effective.  You might think that "Fill in the blank" forms are sufficient, but they often leave out important matters regarding your rights. Document Preparers often do not have the experience to deal with sometimes subtle issues, especially in child custody cases, or if you or your spouse own a home or an IRA or 401(k). You are much safer in the long run by hiring an experienced family law attorney to prepare your response and to spot future problems that "one-size-fits-all" forms often don't reveal.  Once the final Decree or Judgment has been signed, it may be too late. It's not easy to overcome depression and hopelessness; but it's NECESSARY to get up and take simple steps to assure that your point of view will be considered by the Court.  Call our office and make an appointment for a free half-hour consultation. We can almost always see you the same day for a consultation. If you retain Mr. Robbins, he can prepare your Answer so that your interests and wishes can be considered. |