

DECREE OF LEGAL SEPARATION WITH CHILDREN



PINAL COUNTY

FORMS

**Provided as a Public Service by
CHAD A. ROCHE
Clerk of the Superior Court**

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

Name of Petitioner	CASE NUMBER: <u>DO2</u>
Date of Birth	DECREE OF LEGAL SEPARATION WITH CHILDREN
Name of Respondent	<input type="checkbox"/> By Consent <input type="checkbox"/> By Default <input type="checkbox"/> By Trial
Date of Birth	HONORABLE: _____

THE COURT FINDS:

1. This case has come before this court for a final Decree of Legal Separation. The court has taken all testimony needed to enter a Decree, or the court has determined testimony is not needed to enter the Decree.
2. This court has jurisdiction over the parties under the law and the provisions of this Decree are fair and reasonable under the circumstances, and are in the best interests of the minor child(ren) as to Legal Decision-Making, Parenting Time, and support.

SERVICE BY PUBLICATION:

If Respondent was served by publication and was not personally served, this court cannot make a legal order, with respect to issues of child support, medical and dental insurance, payments, expenses for the minor child(ren), community property or debt, or spousal maintenance/support. The court reserves jurisdiction until personal service is made upon Respondent to consider the maintenance/support of either spouse, the disposition of community property or debts, child support, and any other relief requested in the Petition or orders deemed necessary by the court.

3. **The Court finds that:**

- a. **90 Day Requirement:** At the time this action was filed, the Petitioner or the Respondent had lived in Arizona for more than 90 days, or had lived in Arizona while a member of the United States Armed Forces for more than 90 days.
- b. **Conciliation Court.** The provisions relating to the Conciliation Court either do not apply or have been met.
- c. **Live Apart.** The marriage is irretrievably broken or the parties desire to live separate and apart.
- d. **No Objections.** The other party does not object to the Decree of Legal Separation.
- e. **Legal Decision-Making, Support, Spousal Maintenance/Support, Division of Property and Debt.** Where it has the legal power and where it is applicable to the facts of this case, this court has considered, approved, and made Orders relating to issues of child Legal Decision-Making, Parenting Time, child support, spousal maintenance/support (alimony), and the division of property and/or debts.
- f. **Community Property and Debt.**
 - The parties did **not** acquire any community property or debt during the marriage, **OR**
 - The parties have agreed to a division of community property and/or debt as evidenced by their signatures on **“Exhibit A”** attached to and incorporated into this Decree, **OR**
 - There is no agreement as to division of community property and debt, but all community property and debt is divided pursuant to this Decree.
- g. **Pregnancy.**
 - Wife is **not** pregnant, **OR**
 - Wife is pregnant, and the husband **IS** OR **IS NOT** the father of the child.
- h. **Spousal Maintenance/Support.**
 - The Petitioner, **OR** The Respondent
Lacks enough property, including property given to them as part of this divorce, to provide for their reasonable needs, and are unable to support themselves through an appropriate job, or they are providing the primary care to a child(ren) of young age or is of a condition that they should not be required to look for work outside the home, or lacks earning ability necessary to support themselves, or contributed significantly to the educational opportunities of the other spouse, or had a marriage that lasted a long time and is of an age that may severely limit the possibility of getting a job to support themselves.
- i. **Parent Information Program.**
 - 1. Petitioner has attended the Parent Education Class as evidenced by the **“Certificate of Completion”** in the court file. **OR**
Petitioner has not attended the Parent Education Class and shall be denied any requested relief to enforce or modify this decree until Petitioner has completed the class.
 - 2. Respondent has attended the Parent Education Class as evidenced by the **“Certificate of Completion”** in the court file. **OR**
Respondent has **not** attended the Parent Education Class and shall be denied any requested relief to enforce or modify this decree until Respondent has completed the class.

j. Deviation from Child Support. The court, having considered the best interests of the child(ren), deviates from the guidelines for the following reasons:

- Application of the guidelines is inappropriate
- Application of the guidelines is unjust
- The parties have signed a written agreement with knowledge of the amount of support that would have been ordered by the guidelines but for the agreement.

The court makes the following finding regarding the deviation:

- The child support order would have been \$ _____
- The child support order after deviation is \$ _____
- All parties have signed the agreement free of duress and coercion.

k. Physical Legal Decision-Making Adjustment, Court Approved Discretionary Parenting Time Adjustment and/or other Adjustments. (The court must make written findings if any of these adjustments are made.)

The court finds that the person responsible for paying child support has the ability to pay child support:

- In the amount entered on Line 38 of the Worksheet for \$ _____
- In an adjusted amount calculated using the Self-Support Reserve Test on line 37 of the Parent's Worksheet for \$ _____

i. Legal Decision-Making of Minor Child(ren). (Check/complete only if Legal Decision-Making is contested or joint Legal Decision-Making is ordered.)

- The Legal Decision-Making order or agreement is in the best interests of the child(ren) for the following reasons: (List the reasons.)

REASONS: _____

m. Supervised or No Parenting Time. (Check and complete only if supervised or no Parenting Time is ordered.)

- Supervised Parenting Time** between the children and Petitioner **OR** Respondent, **or**
- No Parenting Time** by Petitioner **OR** Respondent, is in the best interests of the child(ren), for the following reasons: (Explain the reasons)

REASONS: _____

n. Domestic Violence. If the court enters an order for joint Legal Decision-Making of the child(ren), check box "1" or box "2" and explain.

1. Domestic violence has not occurred during this marriage, **OR**
2. Domestic violence has occurred during this marriage.
Explain why joint Legal Decision-Making is in the best interest of the child(ren) even though domestic violence has occurred:

THE COURT ORDERS:

- 1. **LEGAL SEPARTATED:** The parties are legally separated.
- 2. **ENFORCEMENT OF TEMPORARY ORDERS:** All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of ALL temporary orders here) _____

are satisfied in full or judgment is awarded against the party with the obligation with the highest legal interest allowed by law, for the total amount of \$_____.

3. **CHILD LEGAL DECISION-MAKING, PARENT CHILD ACCESS, AND CHILD SUPPORT:**

a. **PREGNANCY:**

- A child who is common to the parties is expected to be born this date:
All orders below as to Legal Decision-Making, Parenting Time, support, and medical insurance/expenses include this child and all other children named below.

b. **CHILDREN:** This Decree includes all minor children common to the parties as follows:

NAME(S) OF CHILD(REN)

Date of Birth

_____	_____
_____	_____
_____	_____
_____	_____

c. **CHILD LEGAL DECISION-MAKING:**

1. **SOLE LEGAL DECISION-MAKING:** Sole Legal Decision-Making of the minor child(ren) is awarded to:

Petitioner, **OR** Respondent, subject to Parenting Time as follows:

- Parenting Time to the parent not having Legal Decision-Making, according to the terms of the Parenting Plan attached as Exhibit B and made a part of this Decree. **OR,**
- Supervised Parenting Time to Petitioner **OR** Respondent according to the terms of the Parenting Plan attached as Exhibit B. Parenting Time may only take place in the presence of another person or agency, named below, or otherwise approved by the court.

Name of supervising agency or person: _____

Restrictions on Parenting Time: _____

The cost of supervised Parenting Time will be paid by:

- Petitioner **OR**
- Respondent **OR**
- Shared equally by the parties. **OR**
- No Parenting Time rights to Petitioner **OR** Respondent. **OR,**

2. **JOINT LEGAL DECISION-MAKING:** Petitioner and Respondent agree to act as joint custodians of the child(ren), as set forth in the Joint Legal Decision-Making Agreement/Parenting Plan by the parties, signed by both parties and attached to this Decree as **“Exhibit B.”** There have been no acts of Domestic Violence by either parent. The court adopts the terms of the Joint Legal Decision-Making Agreement/Parenting Plan describing the Legal Decision-Making and Parenting Time agreement between the parties. By attaching the Joint Legal Decision-Making Agreement/Parenting Plan to the Decree, the Agreement becomes part of the Decree and carries the same legal weight as the Decree.

d. **CHILD SUPPORT:** Petitioner, **OR** Respondent shall pay child support to the other party in the amount of \$_____ per month, beginning **THE FIRST DAY OF THE MONTH** following the date this Decree is signed by the judge until further order of the court. Child Support is based on the information in the Parent’s Worksheet for Child Support attached hereto and incorporated by reference. All child support payments shall be made through the Clerk of the Court/Clearinghouse, and must include the statutory fee by the Order of Assignment signed this date. Payments will be in equal installments made on the 1st and 15th of each month.

e. **MEDICAL AND DENTAL INSURANCE, PAYMENTS, AND EXPENSES:**
 Petitioner, **OR** Respondent is ordered to provide medical and dental insurance for the minor child(ren). Medical and dental insurance, payments, and expenses are based on the information in the Parent’s Worksheet for Child Support attached hereto and incorporated by reference. The party ordered to pay must keep the other party informed of the insurance company name, address, and telephone number, and must give the other party the documents necessary to submit insurance claims.

FURTHER,

Petitioner is ordered to pay _____ %, **AND**
 Respondent is ordered to pay _____ %
of all reasonable uncovered and/or uninsured medical, dental, prescription, and other health care charges for the minor child(ren), including co-payments.

4. SPOUSAL MAINTENANCE/SUPPORT:

a. Neither party shall pay spousal maintenance/support (alimony) to the other party, **OR**
b. Petitioner, **OR** Respondent is ordered to pay Respondent or Petitioner the sum of \$_____ per month spousal maintenance/support **BEGINNING THE FIRST DAY OF THE MONTH** after this Decree is signed. Each payment shall be made by the first day of each month after that and shall continue until the receiving party is remarried or deceased or until (date) _____. All payments shall be made through the Clerk of this Court by automatic wage assignment, until all required payments have been made under this Decree. Payments made shall be included in receiving spouse’s taxable income and is tax deductible from the paying spouse’s income as required by law. Spousal maintenance/support payments end if the receiving party is remarried or deceased.

5. PROPERTY, DEBTS AND TAX RETURNS:

a. Petitioner is ordered to pay all debts unknown to Respondent, **AND**
 Respondent is ordered to pay all debts unknown to Petitioner, **AND**
 Each party is ordered to pay his or her debts from the following date, _____
b. Other orders and relief relating to property or debt are contained in Exhibit A, which is attached and incorporated into this Decree.
c. Each party is assigned their separate property and Petitioner must pay their separate debt, and Respondent must pay their separate debt.

- d. This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of title ordered in this Decree, such as motor vehicles, houses, and bank accounts. The parties shall transfer all real and personal property as described in Exhibit A to the other party on or before _____ by 5:00 p.m.

If the party required to transfer the property has not transferred the property to the party entitled to receive the property on or before the date and time listed above, the party entitled to receive the property is entitled upon application to a Writ of Assistance or Writ of Execution to be issued by the Clerk of the Court commanding the sheriff to put him or her in possession of the property.

- e. For previous calendar years, pursuant to IRS rules and regulations, the parties will file
 Joint federal and state income tax returns and hold the other harmless from half of all additional income taxes if any and other costs, and each will share equally in any refunds, **OR**
 Separate federal and state income tax returns. **AND,**
 This calendar year and continuing thereafter, each party will file separate federal and state income tax returns. **AND,**
 Each party shall give the other party all necessary documentation to file all tax returns.

6. FINANCIAL INFORMATION EXCHANGES:

The parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every twenty-four months.

7. TAX EXEMPTION:

The parties shall claim as income tax dependency exemptions on federal and state tax returns as follows. A party required to pay child support is only entitled to claim a child(ren) as an income tax dependency exemption if that parent has paid all of the child support due and owing for the year that party is entitled to the exemption:

Parent entitled to claim	Name of child	Tax year
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____

8. CHILDREN TO WHOM THIS DECREE DOES NOT APPLY:

It is ordered that Petitioner, **OR** Respondent has no legal obligation or right to the child(ren) born during the marriage but **not** common to the marriage. These children include: (Use additional paper if necessary)

Name: _____ Birth date: _____
 Name: _____ Birth date: _____
 Child expected to be born this date: _____

10. LIMITATION ON JURISDICTION: This court cannot make a legal order, without personal service on Respondent, with respect to issues of child support, medical and dental insurance, payments, expenses for minor children, community property or debt, or spousal maintenance / support.

11. OTHER ORDERS. (List any other orders.)

DONE IN OPEN COURT this _____ day of _____, 20_____.

SUPERIOR COURT JUDGE

APPROVED BY PETITIONER:

Date

Signature

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

If You Are Filing A Consent Decree Or If There Has Been A Trial, The Respondent Must Sign:

Date

Signature

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

If Either Party Is Represented By A Lawyer, The Lawyer Must Sign:

Petitioner's Lawyer: _____ Date: _____

Respondent's Lawyer: _____ Date: _____

(If you are the Petitioner and have a Default Hearing, and the Respondent was served with the court papers by signing an Acceptance of Service, or by Registered Process Server or Sheriff, you must mail or give a copy of the Decree to the Respondent after the Judge has signed it. You must tell the court you will do this.)

By signing below, Petitioner promises that a copy of the Decree will be mailed to Respondent at the following address:

Respondent's Name: _____

Address: _____

City, State, Zip code: _____

Email: _____

Petitioner's signature: _____

Date: _____

EXHIBIT A: PROPERTY AND DEBTS

1a. DIVISION OF COMMUNITY PROPERTY:

The following community property is awarded to each party as follows:

1b. LIST OF COMMUNITY PROPERTY. Be specific

AWARD TO:
 Petitioner Respondent

<input type="checkbox"/>	Household furniture/furnishings	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Appliances	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	VCR	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	TV	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Personal Computer	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Stereo	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	State Income Tax Refund	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Federal Income Tax Refund	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Cash, bonds of \$ _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>

Award each party the personal property in his or her possession.

Continued, see attached list.

1c. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION

(WARNING. You should see a lawyer about your retirement, pension, deferred compensation, 401k plans and/or benefits. If you do not see a lawyer regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. Only a lawyer can help you prepare these documents.)

Award each party his or her interest in any retirement benefits, pension plans, or other deferred compensation described as:

Petitioner's: _____

Respondent's: _____

OR

The Plan Administrator and the parties have approved the Qualified Domestic Relations Order (QDRO) attached as Exhibit(s) _____. Do not check this box without first seeking the

help of a lawyer.

OR

Each party **WAIVES AND GIVES UP** his or her interest in any retirement benefits, pension plan, or other deferred compensation of the other party:

Signature of Petitioner: _____

Signature of Respondent: _____

OR

Neither party has a retirement, pension, deferred compensation, 401K Plan and/or benefits.

1d. DIVISION OF REAL PROPERTY. Section A is for one piece of property. Section B is for another piece of property. If you own more than two pieces of property, check the box below and attach another sheet of paper with the information requested in A and B.

More than 2 pieces of property are involved. See attached sheet listing the same information as in A and B.

A. Real property located at (address) _____ which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

Awarded to Petitioner **OR** Respondent as his or her sole and separate property.

OR

Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to Petitioner.

_____ % or \$ _____ to Respondent.

This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of titles ordered in this Decree, such as motor vehicles, houses, and bank accounts.

_____ is appointed real estate commissioner to sell this real property.

B. Real property at (address) _____ which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

Awarded to Petitioner **OR** Respondent as his or her sole and separate property.

OR

Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to Petitioner.

_____ % or \$ _____ to Respondent.

- This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of titles ordered in this Decree, such as motor vehicles, houses, and bank accounts.
- _____ is appointed real estate commissioner to sell this real property.

1e. DIVISION OF COMMUNITY DEBTS. (You should see a lawyer about how to divide secured and unsecured debts.) The following community debts shall be divided as follows:

Creditor(s)	Amount owed	Petitioner	Respondent
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

- Continued on attached list.
- Any debts or obligations incurred by either party, before the Respondent was served with the Petition for Dissolution, that are not identified in the list above or attached, shall be paid by the party who incurred the debt or obligation. And that party shall indemnify and hold the other party harmless from such debts.

2a. SEPARATE PROPERTY. The following separate property is awarded as follows: (Be specific)

Description of Property. Be specific.	Petitioner	Respondent
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

2b. SEPARATE DEBT. The parties are each ordered to pay his or her separate debt as follows:

Creditor(s)	Amount owed	Petitioner	Respondent
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

SIGNATURES:

APPROVED BY PETITIONER:

Date

Signature

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

If You Are Filing A Consent Decree Or If There Has Been A Trial, The Respondent Must Sign:

Date

Signature

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

If Either Party Is Represented By A Lawyer, The Lawyer Must Sign:

Petitioner's Lawyer: _____ Date: _____

Respondent's Lawyer: _____ Date: _____