

**DIVORCE
WITH MINOR CHILDREN
For Respondent Only**



**PINAL COUNTY
NON-COVENANT MARRIAGE**

Response to Divorce Petition

**Instructional Forms
Provided as a Public Service by
Amanda Stanford
Clerk of the Superior Court**

**DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE)
WITH MINOR CHILDREN
(FOR RESPONDENT ONLY)**

RESPONSE TO A PETITION

This packet contains court forms and instructions about how to respond to a “Petition for Dissolution of a Non-Covenant Marriage (Divorce) With Minor Children.” The documents should appear in the following order:

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You have permission to use these documents 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.

REPRESENTING YOURSELF IN FAMILY COURT

This brief guide provides some very basic information to help you understand the proceedings. It does not tell you everything about family law or family court, and it is no substitute for understanding Title 25 of the Arizona Revised Statutes, the Arizona Rules of Family Law Procedure, and the Arizona Rules of Evidence. For more information, you should go to the Pinal County Superior Court website (www.pinalcountyz.gov/Departments/JudicialBranch/) or consult a lawyer.

Proceedings in Family Court

Proceedings in Family Court follow the *Arizona Rules of Family Law Procedure*.

In a divorce or paternity case, you may be referred to an Expedited Differentiated Case Management Conference, Mediation, Family Assessment, or a Settlement Conference (sometimes called an Alternative Dispute Resolution or “ADR”). These proceedings are designed to help the parties reach agreement on all or some of their disputes. They generally are not conducted by your assigned Judge.

You may also have to appear before the Judge for a pretrial hearing. The most common pretrial hearings are (1) a *Resolution Management Conference*, which helps the Judge manage the case by, among other things, setting deadlines and a trial date; and (2) a *Temporary Orders Hearing*, at which the Judge may issue temporary orders to govern the case until the trial.

If you do not reach a settlement of all issues, there will be a *trial*. This is the single hearing where the Judge will hear your evidence and make final decisions on disputed issues.

Disclosure and Discovery

To help parties prepare for the trial, the Arizona Rules of Family Law Procedure have *disclosure* and *discovery* requirements.

Disclosure requirements are in Rule 49. Each party must voluntarily provide certain information to the other party. You have an obligation to disclose such information to the other party, and you have a right to insist that the other party disclose such information to you. Failure to disclose as required may result in sanctions, including being barred from offering evidence that was not timely disclosed.

If you need information that is not voluntarily disclosed, you may engage in *discovery*, such as requesting documents from a party or subpoenaing documents from non-parties. Rules 51 through 65 of the Arizona Rules of Family Court discuss the requirements for discovery.

What is a Trial?

A trial is the time for you and for the other party to present *evidence* on disputed issues.

General Issues If Children Are Involved in Your Case:

- Legal decision-making (authority over major matters concerning the children).

- Parenting time (what time each parent will spend with the children).
- Child support.

Additional Issues If Your Case Involves a Divorce:

- Spousal maintenance.
- Division of community property and allocation of debts.

The Judge will decide these issues based on the evidence presented during the trial. ***Only evidence you bring to the trial will be considered.***

After the trial, the Judge may issue a ruling in open court or may take the case “under advisement,” which means that the Judge will issue a written ruling at a later time.

The judge’s ruling may be a signed ***decree*** or ***judgment***, which officially concludes the case. If the judge chooses, the judge may decide disputed issues and then require one or both of the parties to submit a decree for the judge’s signature.

Preparing for The Trial

When preparing for the trial, it is critical that you read the judge’s minute entries carefully. The minute entries typically contain the Judge’s requirements for the trial. These requirements may include:

(1) Submitting a ***pretrial statement*** that describes the issues in the case and lists your witnesses and exhibits; and (2) Giving copies of your ***exhibits*** to the Clerk and to the other party before the trial.

Many Judges impose ***time limits*** at the trial. It is your responsibility to make sure you present all your evidence in the time allotted.

What Happens During the Trial?

The main thing that happens during the trial is the presentation of ***evidence***. The Judge will make decision based on the evidence presented during the trial. Evidence is generally of two kinds: (1) Witness testimony and (2) Documents.

When you call a ***witness*** to testify, you must ask the witness questions. A witness may only answer questions that are asked. When the party who called a witness is done with questioning, the other party may “cross-examine” the witness by asking additional questions.

A party may testify as a witness on his or her own behalf. However, while a witness is on the stand, the parties may only ask questions. Arguing with a witness or commenting on the answers is not allowed.

Documents may be evidence at the trial, but you must follow the proper procedure. Before the trial (usually 5 days before), you must give documents that you want to use to the Clerk of the Court to

be “marked” with an exhibit number. However, marking an exhibit does not mean it is evidence. Rather, during the trial, you must “offer” the exhibit by asking the judge to admit it into evidence. The judge then decides whether to admit the evidence. The judge will consider only evidence that is ***admitted***.

Proper Court Behavior

Although family cases are often emotional, it is important that everyone act in an orderly and respectful way in court. Here are some “Do’s and Don’ts:”

- Do dress appropriately. Don’t wear hats, sunglasses, tank tops, shorts, or flip-flops.
- Do wait your turn to speak. Don’t interrupt while someone else is talking.
- Do treat others with respect. Don’t curse, make faces, or engage in confrontational behavior.
- Do be honest and candid with the judge.
- Do make sure that friends and family who accompany you sit quietly. They are not allowed to speak unless called as a witness, and then only when they are testifying.

For Additional Information

This guide presents very basic information. For additional information, read the applicable statutes and rules, visit the Pinal County Superior Court website (www.pinalcountyaz.gov/Departments/Judicial Branch) and if necessary, consult a lawyer.

PROCEDURES

How to File a Response with the Court for Dissolution of a Non-Covenant Marriage (Divorce) – With Minor Children

STEP 1: Complete the forms – TYPE OR PRINT IN BLACK INK

DO NOT INCLUDE your address if you are filing a “Request for Protected Address”

STEP 2: Make 2 Copies of the documents after you have filled them out

STEP 3: SEPARATE YOUR DOCUMENTS INTO THREE (3) SETS:

SET 1. Originals for Clerk of Court: SET 2. Copies for Spouse: SET 3. Copies for You:

- | | | |
|------------------------|------------------------|------------------------|
| • “Response” | • “Response” | • “Response” |
| • “Parenting Plan” | • “Parenting Plan” | • “Parenting Plan” |
| • “Parent’s Worksheet” | • “Parent’s Worksheet” | • “Parent’s Worksheet” |

STEP 4: FILE THE PAPERS WITH THE CLERK OF THE SUPERIOR COURT:

Go to the Clerk of Court filing counters at one of our locations. **You should go to the Court at least two hours before it closes.**

Visit our website for office locations or feel free to give us a call.

Contact Information for all Offices

Toll Free: 888.431.1311 • Local: 520.509.3555 or 311 • Fax: 520.866.5320

www.coscpinalcountyaz.gov/office.html

FEES: There is a filing fee for filing this Response and there may be other charges associated with this case. Inquire with the Clerk’s office regarding the filing fee amount or go online to www.coscpinalcountyaz.gov/fees.html for a list of current fees.

If you cannot pay these fees, you may request the fee(s) to be deferred or waived. The Clerk of the Superior Court has the necessary forms to ask for a deferral or waiver. To obtain a “Deferral for Fees Application” go online www.coscpinalcountyaz.gov/forms.html.

NOTE: With the Application for Deferral, there is a \$27 fee and you must provide proof of income (copy of your last 2 most recent paystubs).

PAPERS: Hand all three (3) sets of your court papers to the Deputy Clerk along with the filing fee. Cash, VISA/MasterCard debit or credit cards, money order, or

personal in-state check **made payable to the “Clerk of Superior Court”** are acceptable forms of payment.

MAKE SURE YOU GET THE FOLLOWING BACK FROM THE CLERK:

- Your Set of Copies – Conformed stamped
- Your Spouse's Set of Copies – Conformed stamped

STEP 5: Keep one copy for yourself, and mail or hand-deliver the other copy to the other person (or the person’s attorney, if he/she is represented by an attorney. If the person is represented by an attorney, the attorney’s name and address will be on the Petition in the upper left-hand corner.)

STEP 6: **WHAT WILL HAPPEN NEXT:** You will receive notice to attend either a hearing or a conference.

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**

CASE NUMBER: S1100

Name of Petitioner

(Leave Blank)

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

Name of Respondent

HONORABLE: _____

(Leave Blank)

GENERAL INFORMATION

Information about my spouse, the Petitioner:

Name: _____

Address: _____

Date of Birth: _____ Job Title: _____

How long the Petitioner has lived in Arizona: _____

Information about me, the Respondent:

Name: _____

Address: _____

Date of Birth: _____ Job Title: _____

How long I have lived in Arizona: _____

Information about my marriage:

Date of Marriage: _____

Location of Marriage: _____

THIS IS A RESPONSE TO A PETITION FOR A FINAL “DECREE OF DISSOLUTION OF MARRIAGE WITH MINOR CHILDREN.”

This Court has jurisdiction over the parties under the law, and the provisions of this Response 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.

***These statements (1-3) must be true and the boxes must be checked for your case to proceed using this paperwork.**

1. *90 Day Requirement

At the time this action is filed, the Petitioner and/or the Respondent has lived in Arizona for more than 90 days, or had been stationed in Arizona while a member of the United States Armed Forces for more than 90 days.

2. *Conciliation Court

You may request a free meeting with yourself, the other party and a counselor to determine if divorce is the right decision for you. You do not need the other party’s consent to request this meeting. Please contact Family Services of Conciliation Court at 520 866 7349 for more information.

We have tried to resolve our problems through Conciliation Services OR going to Conciliation Services would not work.

3. *Irretrievably Broken

The marriage is irretrievably broken and there is no hope of reconciliation.

4. Covenant Marriage

The marriage is **NOT** a covenant marriage.

The marriage is a covenant marriage. (See Arizona Revised Statutes 25-901 and following).

5. Pregnancy

Neither spouse is pregnant.

Wife is pregnant and the other party **is** the natural father of the child.

Wife is pregnant and the other party **is not** the natural father of the child.

6. Paternity

INSTRUCTIONS: If **any** of your children were born **BEFORE** your marriage, check the box and list the name(s) and date of birth(s) of those children. If all of your children were born during the marriage, skip this question and continue to #7.

Husband is the natural father of the following children born to the parties **BEFORE** the marriage:

Name(s)	Date of Birth(s)
_____	_____
_____	_____
_____	_____
_____	_____

7. Domestic Violence

INSTRUCTIONS: Domestic violence may affect a request for legal decision-making. Check the relevant box below.

- Domestic violence has not occurred during this marriage.
- Significant domestic violence occurred during this marriage.
- Domestic violence has occurred during this marriage. Even though domestic violence has occurred, it was not significant or committed by both parties and joint legal decision-making is in the best interest of the minor child(ren) because:

8. Substance Abuse

INSTRUCTIONS: Substance abuse may affect a request for legal decision-making. Check the relevant boxes below.

- Neither party has abused drugs or alcohol or has been convicted of a drug offense or drug violation within the twelve months before the Petition was filed.
- Petitioner has abused drugs or alcohol or has been convicted of a drug offense or drug violation within the twelve months before the Petition was filed.
- Respondent has abused drugs or alcohol or has been convicted of a drug offense or drug violation within the twelve months before the Petition was filed.

9. Minor Children

INSTRUCTIONS: List **all** children under the age of 18 that are common to you and the other party. Here, it does not matter whether they were born before or during the marriage. List all addresses where the child(ren) have lived within the past six months. Use and attach additional pages if necessary.

Child's Name: _____ **Birth Date:** _____

Addresses for the last 6 months:

Address: _____ Length of time at address _____

Address: _____ Length of time at address _____

Child's Name: _____ **Birth Date:** _____

Addresses for the last 6 months:

Address: _____ Length of time at address _____

Address: _____ Length of time at address _____

Child's Name: _____ **Birth Date:** _____

Addresses for the last 6 months:

Address: _____ Length of time at address _____

Address: _____ Length of time at address _____

Child's Name: _____ **Birth Date:** _____

Addresses for the last 6 months:

Address: _____ Length of time at address _____

Address: _____ Length of time at address _____

10. Spousal Maintenance: Money paid from one spouse to the other spouse after the divorce, also known as alimony.

INSTRUCTIONS: Check this box if you do not want either spouse to receive spousal maintenance.

Neither party is entitled to spousal maintenance

INSTRUCTIONS: If you want the other party to pay you spousal maintenance, check the box that says “Respondent”. If you want to pay the other party spousal maintenance, check the box that says “Petitioner”.

Petitioner OR **Respondent** is entitled to spousal maintenance because s/he

INSTRUCTIONS: you must also check at least one of the following four boxes explaining why spousal maintenance is appropriate.

Lacks sufficient property, including given to him or her as part of this divorce, to provide for his or her reasonable needs.

Is unable to be self-sufficient through appropriate employment or is the custodian of a child whose age or condition is such that the custodian should not be required to seek employment outside the home or lacks earning ability in the labor market adequate to be self-sufficient.

Contributed to the educational opportunities of the other spouse.

Had a marriage of long duration and is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient.

11. Child Support Deviation

INSTRUCTIONS: Within this packet you will find a child support calculator form for the Parent’s Worksheet. You must fill out the child support calculator entry form online; there are instructions in this packet. **Fill this section out ONLY if you want a different amount of child support than is given on the child support calculator.**

- First, fill in the amount the child support calculator gives.
- Second, give reasons why the amount of child support should be different.
- Third, fill in the amount of child support that should be ordered.

The amount of child support based on the Parent’s Worksheet for Child Support is \$_____, however, this amount is inappropriate or unjust and not in the best interest of the child(ren) because

The amount of child support should be \$_____.

REQUESTS THE COURT TO ORDER

1. Dissolution

The marriage of the parties is dissolved and the parties are restored to the legal status of single persons.

OR

Deny the Petition and refuse to dissolve the marriage due to my answers in:

Number 1 about residing in Arizona for 90 days prior to the Petition

being filed.

Number 3 about the marriage being irretrievably broken.

Number 4 about covenant marriage.

OR

Dissolve the marriage and return each party to the legal status of a single person but refuse to decide child legal decision-making matters due to lack of jurisdiction because the child(ren) had not lived in Arizona at least 6 months when the Petition was filed.

2. Parenting Time Plan

There is a parenting time plan filed with this Response which addresses parenting time and legal decision-making.

3. Name Change *Optional*

INSTRUCTIONS: Check this box only if you want to use your maiden or former name. If you check the box, also check the box next to whoever is changing his or her name, either Petitioner or Respondent. In the first blank, write out the complete married name, including the middle name. In the second blank, write out the complete maiden name/former name.

The name of Petitioner **OR** Respondent whose complete married name is:

_____ is restored to: (List the complete legal name or maiden name as before the marriage)

Children's Names *Optional*

INSTRUCTIONS: If you are requesting to change your child(ren)'s last name(s), list each child's current legal name and the new name you are requesting.

The names of one or more of the minor children shall be changed as follows:

Current Legal Name

New Name

4. Financial Information Exchanges

INSTRUCTIONS: Under Arizona law it is REQUIRED that parties with minor children exchange financial information every 24 months.

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

5. Child Support

Neither party shall pay child support until further Order of the court.

There **is an Order** for Child Support dated _____ (date) from _____.

To my knowledge **there is no child support order** for the minor child(ren) and the court should order child support in this case along with legal decision making (custody), and parenting time.

INSTRUCTIONS: Tell the court who should pay child support by checking either Petitioner or Respondent. On the space provided, enter the amount calculated on the Parent’s Worksheet for Child Support OR the amount previously requested. Choose whether you want the child support payments to begin the month after the Decree is signed by a judge or on a previous date.

Petitioner **OR** Respondent shall pay child support to the other party in the amount of \$_____ per month, beginning

the month following the date the Decree is signed by the judge

OR

_____(date)

until further Order of the court. Child Support is based on the information in the Parent’s Worksheet for Child Support calculated pursuant to the Arizona Child Support Guidelines attached hereto and incorporated by reference. All child support payments shall be made by wage assignment (if applicable) through the Support Payment Clearinghouse (P.O. Box 52107, Phoenix, AZ 85072-2107), and must include the statutory fee by the Income Withholding Order or the Order of Assignment.

Past Support

There is a request for past support. There is not a request for past support.

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.

6. Medical, Dental, and Vision Insurance for Minor Children

INSTRUCTIONS: Tell the court who should be paying for medical, dental, and vision insurance for the children.

Petitioner is responsible for providing insurance:

Medical Dental Vision

Respondent is responsible for providing insurance:

Medical Dental Vision

The child(ren) are on AHCCCS. Both parents are responsible for providing medical insurance for the minor children as soon as it becomes accessible and available at a reasonable cost, as neither parent currently has the ability to obtain such insurance.

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.

7. Uncovered Medical, Dental, and Vision Expenses

INSTRUCTIONS: Tell the court who will pay for medically necessary (as defined by Internal Revenue Service Publication 502) uncovered medical, dental, and vision expenses such as co-pays. You can request that each party pays a percentage of any uncovered medical expenses or that you each pay in proportion to your respective incomes.

All reasonable uncovered and/or uninsured medical, dental, vision care, prescription and other health care charges for the minor child(ren), including co-payments shall be allocated as follows:

Petitioner and Respondent are ordered to pay in proportion to their respective incomes according to the child support calculator.

OR

Petitioner is ordered to pay _____%

Respondent is ordered to pay _____%

8. Tax Exemptions

INSTRUCTIONS: The child support calculator provides guidelines regarding who should claim the child(ren) as tax exemptions each year. If you wish to deviate from these guidelines check the "other" box and write in what you are requesting.

The parents shall claim the child(ren) as income tax dependency exemptions on federal and state tax returns as follows:

Petitioner OR Respondent will claim the children every year.

Petitioner OR Respondent will claim the children every odd year.

Petitioner OR Respondent will claim the children every even year.

Other: _____

The parent required to pay child support is only entitled to claim the child(ren) as an income tax dependency exemption if that parent has paid all of the child support due and owing for the year.

9. Spousal Maintenance

INSTRUCTIONS: Earlier in the Response you told the court whether or not one of the parties should receive spousal maintenance from the other party. Here, you tell the court how much per month and for how long that spouse should receive spousal maintenance or if neither party should pay spousal maintenance to the other party.

Neither party to pay spousal maintenance to the other party.

OR

Petitioner shall receive spousal maintenance from Respondent in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased.

OR

Petitioner shall receive spousal maintenance from Respondent in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased or for _____ months.

OR

Respondent shall receive spousal maintenance from Petitioner in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased.

OR

Respondent shall receive spousal maintenance from Petitioner in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased or for _____ months.

INSTRUCTIONS: Do you want either the other party or yourself to be able to modify spousal maintenance in the future? If so, check the first box. If not, check the second box.

Spousal maintenance shall be modified in accordance with Arizona law.

Spousal maintenance shall NOT be modifiable for any reason.

10. Debt

INSTRUCTIONS: You must identify all of your debt as either community debt or separate debt. **Community debts** are debts that you or the other party incurred during the marriage. **Separate debts** are debts that you or the other party incurred before the marriage.

- a. **Community Debt:** Community debts are debts incurred by either party during the marriage. You should see a lawyer about how to divide secured and unsecured debts. Community debts shall be divided as follows:

INSTRUCTIONS: Check this box if you do not have any community debt.

My spouse and I do not have any community debts.

INSTRUCTIONS: Check this box if you have community debt. List all community debts, the total owed, and the amount OR percentage to be paid by each party. If you need more space attach an additional sheet of paper and check the box "The list continues on attached page."

My spouse and I have community debts which shall be divided as follows:

Creditor Name	Amount Owed	Amount or Percent to be paid by Petitioner	Amount or Percent to be paid by Respondent
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

The list continues on attached page.

Petitioner is ordered to pay all debts unknown to Respondent.

Respondent is ordered to pay all debts unknown to Petitioner.

Each party is ordered to pay his or her debts incurred since (date)_____.

Any debts or obligations incurred by either party before the date of separation, 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.

b. Separate Debt Separate debts are debts incurred before the marriage. Check ONLY one of the three boxes. If you check the last box, list your separate debts, the total owed, and the amount or percentage to be paid by each party. Separate debts shall be divided as follows:

- Neither my spouse nor I have any separate debt.
- My spouse and/or I have separate debts and Petitioner must pay his/her separate debt and Respondent must pay his/her separate debt.
- My spouse and/or I have separate debts and they shall be divided as follows:

Creditor Name	Amount Owed	Amount or Percent to be paid by Petitioner	Amount or Percent to be paid by Respondent
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

11. Property

IMPORTANT: If there is a piece of property with a debt attached such as a car with a loan, you must list the property under “Property” and the debt under “Debt”.

INSTRUCTIONS: You must identify all of your property as either community property or separate property. **Community property** is property that you acquired during the marriage, but was not gifted to either you or the other party and that was not inherited. **Separate property** is property that you

acquired before the marriage, property that was gifted to either you or the other party, or that was inherited.

a. Community Property: Community Property is property that was acquired during the marriage, which was not gifted to one party or inherited. Community Property shall be divided as follows:

- My spouse and I did not acquire any community property during the marriage.

OR

- My spouse and I acquired community property during the marriage and it should be divided as follows: *Include vehicles on this list.*

Description of Property	Awarded to Petitioner	Awarded to Respondent	Value
	<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"/>	\$
	<input type="checkbox"/>	<input type="checkbox"/>	\$
	<input type="checkbox"/>	<input type="checkbox"/>	\$
	<input type="checkbox"/>	<input type="checkbox"/>	\$
	<input type="checkbox"/>	<input type="checkbox"/>	\$

The list continues on attached page.

b. Separate Property: Separate property is property acquired before the marriage, property that was gifted to one party, or that was inherited. Separate Property to be divided as follows:

- My spouse and I do not have separate property.
- My spouse and/or I have separate property and Petitioner shall be awarded his/her separate property and Respondent shall be awarded his/her separate property.
- My spouse and/or I have separate property, which shall be divided as follows:

Description of Property	Awarded to Petitioner	Awarded to Respondent	Value
	<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"/>	\$
	<input type="checkbox"/>	<input type="checkbox"/>	\$
	<input type="checkbox"/>	<input type="checkbox"/>	\$

c. **Real Property:** Real property is the house and land you own. You can ask the court to give you the home, to give the home to the other party, or to sell the home and divide any loss or proceeds. Write the complete address of the property under “real property located at”. Most property has a legal description such as “LOT 77, PINE TREE ACRES, according to Book 111 of Maps” which appears on your deed papers. You should use this description. A cemetery plot is considered real property.

My spouse and I do not have real property.

My spouse and I have real property located at: _____
valued at approximately \$_____. The legal description of the property is (this information is needed prior to an order being entered regarding real property):

 The real property shall be sold and any loss or proceeds divided with Petitioner being awarded _____% and Respondent being awarded _____%.

The real property shall be awarded to Petitioner.

The real property shall be awarded to Respondent.

The party being awarded the real property will refinance the real property solely in his or her name on or before _____(insert date). If unsuccessful, the real property will be

INSTRUCTIONS: Complete only if there is a second property.

My spouse and I do not have real property.

My spouse and I have real property located at: _____
valued at approximately \$_____. The legal description of the property is (this information is needed prior to an order being entered regarding real property):

 The real property shall be sold and any loss or proceeds divided with Petitioner being awarded _____% and Respondent being awarded _____%.

The real property shall be awarded to Petitioner.

The real property shall be awarded to Respondent.

The party being awarded the real property will refinance the real property solely in his or her name on or before _____(insert date). If unsuccessful, the real property will be

d. Retirement:

WARNING: You should see a lawyer about your retirement accounts. 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. It is recommended that you consult with a lawyer to help you prepare these documents.

INSTRUCTIONS: A retirement account is considered property. Any part of the retirement that grew during the marriage is community property. Any part of the retirement that existed before the marriage, is separate property. You do not need to list the retirement under “Property” if you list it here.

IMPORTANT: If you want to divide the retirement account(s) you must see an attorney about a document called a Qualified Domestic Relations Order (QDRO) or a Court Order Acceptable for Processing (COAP). A QDRO or a COAP is a very specialized legal document. It is recommended that you seek professional assistance to prepare the QDRO or COAP. Do not have this done until a judge signs your Decree.

- Neither party has a retirement account.
- Each party **waives and gives** up his/her interest in any and all retirement benefits, pension plans, or other deferred compensation of the other party.
- Divide retirement accounts as follows:

12. Taxes

INSTRUCTIONS: This question is asking how you and the other party have filed taxes during the time you were married.

- a.** For **previous** calendar years, pursuant to IRS rules and regulations, the parties have filed or will file:

INSTRUCTIONS: If you and the other party ever filed jointly, check this box and list the tax years you filed jointly.

Joint federal and state income tax returns for (years)_____and hold each other harmless from half of all income taxes and costs, if any, and each party will share equally in tax refunds, if any.

INSTRUCTIONS: If you and the other party ever filed separately, check this box and list the tax years you filed separately.

- Separate federal and state income tax returns for (years)_____.
- Other: _____
- This calendar year and continuing thereafter, each party will file separate federal and state

income tax returns.

Each party shall give the other party all necessary documentation to file all tax returns, unless that information is protected.

Other information and request(s) regarding taxes:

13. Other Requests

INSTRUCTIONS: Use this space to ask the court for anything that you want the court to do but have not yet asked.

OATH OR AFFIRMATION AND VERIFICATION

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

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

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>S1100DO2</u> PARENTING PLAN FOR: <input type="checkbox"/> JOINT LEGAL DECISION-MAKING OR <input type="checkbox"/> SOLE LEGAL DECISION-MAKING <input type="checkbox"/> TO PETITIONER <input type="checkbox"/> TO RESPONDENT
_____ Name of Respondent	HONORABLE: _____

GENERAL INFORMATION

A. MINOR CHILDREN This Plan concerns the following children common to the parents:

Name	Birth Date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

B. LEGAL DECISION-MAKING: *Select One.* If you select sole legal decision-making, you have the option of also selecting restrictions on the parenting time of the other parent.

SOLE LEGAL DECISION-MAKING

Sole legal decision-making should be granted to

- Petitioner** or
- Respondent**

JOINT LEGAL DECISION-MAKING

Both parents will make major **educational** decisions together.

- Optional: If the parents do not agree, ***select one***
 - the final decision will be with Petitioner
 - the final decision will be with Respondent
 - the decision will be addressed as follows:
-
-

Both parents will make major **religious** decisions together.

- Optional: If the parents do not agree, ***select one***
 - the final decision will be with Petitioner
 - the final decision will be with Respondent
 - the decision will be addressed as follows:
-
-

Both parents will make major **medical** decisions together.

- Optional: If the parents do not agree, ***select one***
 - the final decision will be with Petitioner
 - the final decision will be with Respondent
 - the decision will be addressed as follows:
-
-

Both parents will make major **personal care** decisions together.

- Optional: If the parents do not agree, ***select one***
 - the final decision will be with Petitioner
 - the final decision will be with Respondent
 - the decision will be addressed as follows:
-
-

C. PARENTING TIME Write your detailed parenting plan below. Include specific times, locations, and details regarding transportation. You will have the opportunity to request supervised parenting time or no parenting time, later in this document.

1. Regular Parenting Time:

2. Summer Months:

3. School Breaks Longer Than 4 Days:

4. Three Day Weekends:(for example, Labor Day, Columbus Day, Martin Luther King, Jr. Day, Presidents' Day and Memorial Day)

The parents agree that whichever of them has the child(ren) for the weekend occurring nearer in time to the holiday will spend time with the child(ren) for the holiday, OR

Explain your request:

5. Transportation: Write your procedure for exchanges of the child(ren) including location and responsibility for transportation.

6. Holiday, Birthday and Special Occasion Schedule Use the table below or the blank space to write your schedule.

Event	Even Years		Odd Years	
New Year's Eve	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
New Year's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Easter	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
4 th of July	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Halloween	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Veteran's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Thanksgiving	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Christmas Eve	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Christmas Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Child(ren)'s Birthday	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Mother's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Father's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Petitioner's Birthday	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Respondent's Birthday	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent

7. Telephone Contact with Children

Each parent may have telephone contact with the child(ren) during the child(ren)'s normal waking hours, OR

Explain your request:

8. Travel with Child(ren) *(all of the following are optional)*

Each parent is entitled to _____ consecutive days of vacation time per year with the child(ren). Each parent will give the other parent ____ days notice prior to the vacation.

Should either parent travel out of the area with the minor child(ren), each parent will keep the other parent informed of travel plans, address(es), and telephone numbers at which that parent and the minor child(ren) can be reached.

Neither parent shall travel with the minor child(ren) outside of Arizona for longer than _____ days without the prior written consent of the other parent or order of the court.

SUPERVISED PARENTING TIME

Supervised parenting time is in the best interest of the minor child(ren) because:

Name of the agency or person who will supervise:

NO PARENTING TIME BETWEEN CHILD(REN) AND

PETITIONER

OR

RESPONDENT

No parenting time is in the best interest of the minor child(ren) because:

D. Medical and Dental Arrangements

Both parents have the right to authorize emergency medical treatment, if needed, and the right to consult with physicians and other medical practitioners. Both parents agree to advise the other parent with physicians and other medical practitioners. Both parents agree to advise the other parent immediately of any emergency medical/dental care sought for the minor children, to cooperate on health matters concerning the children and to keep one another reasonably informed. Both parents agree to keep each other informed as to names, addresses and telephone numbers of all medical/dental care providers.

E. Other Arrangements

Each parent will inform the other parent of any change of address and/or phone number in advance OR within _____ days of the change.

Both parents will promptly inform the other parent of any emergency or other important event that involves the minor children.

Both parents will consult and agree with the other parent regarding any extra activity that affects the minor children's access to the other parent.

Each parent will consider the other parent as care-provider for the minor children before making other arrangements.

Each parent will keep all communication regarding the minor child(ren) between the parents and will not use the minor child(ren) to convey information or to set up parenting time changes.

Each parent will encourage love and respect between the minor child(ren) and the other parent and neither parent shall do anything that may hurt the other parent's relationship with the minor children.

Both parents will exert their best efforts to work cooperatively in future plans consistent with the best interests of the minor children and to amicably resolve such disputes as may arise.

If either parent is unable to follow through with the time-sharing arrangements involving the minor child(ren), that parent will notify the other parent as soon as possible.

Both parents agree that if either parent moves out of the area and returns later, they will use the most recent "Parenting Plan/Access Agreement" in place before the move.

If the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, they will request mediation through the court or a private mediator of their choice.

Obtain Written Consent or Court Order Before Moving: Notice required by ARS 25-408 shall be made by certified mail, return receipt requested, or pursuant to the Arizona rules of family law procedure. The court shall sanction a parent who, without good cause, does not comply with the notification requirements of this law. The court may impose a sanction that will affect the legal decision-making or parenting time only in accordance with the child's best interests.

Parental Access to Records and Information Pursuant to Arizona law, unless otherwise provided by court order or law, on reasonable request both parents are entitled to have equal access to documents and other information concerning the minor child(ren)'s education and physical, mental, moral and emotional health including medical, school, police, court and other records. A person who does not comply with a reasonable request for these records shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to make the other parent obey this request. A parent who attempts to restrict the release of documents or information by the custodian of the records without prior court order is subject to legal sanctions.

Notice: Do not deviate from Parenting Plan until dispute is resolved. Both parents are advised that while a dispute is being resolved, neither parent shall deviate from this Parenting Plan or act in a way that is inconsistent with the terms of this agreement.

Once this plan has been made an order of the Court, if either parent disobeys the court order related to parenting time with the children, the other parent may submit court papers to request enforcement.

SIGNATURE OF ONE OR BOTH PARENTS

Signature of Petitioner: _____ Date: _____

Signature of Respondent: _____ Date: _____

IF YOU ARE REQUESTING SOLE LEGAL DECISION MAKING, THE FORM IS COMPLETE. DO NOT SIGN SECTION F OR G.

F. STATEMENT REGARDING CONTACT WITH SEX OFFENDERS AND PERSONS CONVICTED OF DANGEROUS CRIMES AGAINST CHILDREN.

According to A.R.S. §25-403.05, a child's parent or custodian must immediately notify the other parent or custodian if the person knows that a convicted or registered sex offender or someone who has been convicted of a dangerous crime against children may have access to the child.

According to A.R.S. §13-705 (P) (1), "Dangerous crime against children" means any of the following that is committed against a minor who is under fifteen years of age:

- (a) Second degree murder.
- (b) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibit on of a deadly weapon or dangerous instrument.
- (c) Sexual assault.
- (d) Molestation of a child.
- (e) Sexual conduct with a minor.
- (f) Commercial sexual exploitation of a minor.
- (g) Sexual exploitation of a minor.
- (h) Child abuse as prescribed in section 13-3623, subsection A, paragraph 1.
- (i) Kidnapping.
- (j) Sexual abuse.
- (k) Taking a child for the purpose of prostitution as prescribed in section 13-3212.
- (l) Child prostitution as prescribed in section 13-3212.
- (m) Involving or using minors in drug offenses.
- (n) Continuous sexual abuse of a child.
- (o) Attempted first-degree murder.
- (p) Sex trafficking.
- (q) Manufacturing methamphetamine under circumstances that causes physical injury to a minor.
- (r) Bestiality as prescribed in section 13-1411, subsection A, paragraph 2.
- (s) Luring a minor for sexual exploitation.
- (t) Aggravated luring a minor for sexual exploitation.
- (u) Unlawful age misrepresentation.

The parent or custodian must provide notice by first class mail, return receipt requested, by electronic means to an electronic mail address that the recipient provided to the parent or custodian for notification purposes or by another form of communication accepted by the court.

I/We have read, understand, and agree to abide by the requirements of A.R.S. §25-403.05(B) concerning notification of other parent or custodian if someone convicted of dangerous crime against children may have access to the child.

Signature of Petitioner: _____

Date: _____

Signature of Respondent: _____

Date: _____

G. JOINT LEGAL DECISION-MAKING: If requested or agreed to by the parties, the following will apply, subject to approval by the Judge:

1. DOMESTIC VIOLENCE: Arizona Law (A.R.S. §25-403.03) states that joint Legal Decision-Making shall NOT be awarded if there has been “a history of significant domestic violence”.

Domestic Violence has **not** occurred between the parties, **OR**

Domestic Violence **has** occurred but it has not been “significant” or has been committed by both parties.* **Complete Section 3 below.**

2. DUI or DRUG CONVICTIONS:

Neither party has been convicted of driving under the influence or a drug offense within the past 12 months, **OR**

One of the parties **HAS** been convicted of driving under the influence or a drug offense within the past 12 months, but the parties feel Joint Legal Decision-Making is in the best interest of the children. * **Complete Section 3 below.**

3. * IF THERE HAS BEEN DOMESTIC VIOLENCE OR A DUI OR DRUG CONVICTION:

Explain why Joint Legal Decision-Making is still in the best interests of the children:

4. **REVIEW:** The parents agree to review the terms of the / this agreement and make any necessary or desired changes every _____ months from the date of this document.
5. **CRITERIA.** Our joint Legal Decision-Making agreement meets the criteria required by Arizona law A.R.S. §25-403.02, as listed below:
- a. The best interest of the minor children are served;
 - b. Each parent’s rights and responsibilities for personal care of the minor children and for decisions in education, health care and religious training are designated in this Plan;
 - c. A schedule of the physical residence of the minor children, including holidays and school vacations is included in the Plan;
 - d. The Plan includes a procedure for periodic review;
 - e. The Plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved;
 - f. A procedure for communicating with each other about the child, including methods and frequency.

SIGNATURE OF PARENT(S) REQUESTING JOINT LEGAL DECISION-MAKING

Signature of Petitioner: _____ Date: _____

Signature of Respondent: _____ Date: _____

***CHILD SUPPORT CALCULATOR for
Parent's Worksheet to determine Child Support Amount***



The Court Self Help website offers a Free Child Support Calculator and Fillable Forms.

Simple • Quick • Accurate

If you have a personal computer with Internet access,
you can access the Child Support Calculator at:

<http://www.azcourts.gov/familylaw>

You may also visit the Law Library at the
Pinal County Superior Court House for access and further assistance.

Calculate Support for Parent's Worksheet

Your computer must be connected to a printer. Begin by selecting which Child Support Calculator applies to you, 2005 or 2011, and then press the Tab button on your keyboard to move through the form, or click on each field with your mouse.

Enter the appropriate information in each blank field. Not every blank field needs to be completed in every case. If you are not sure whether you should complete a blank field, click on the question mark (?) next to the blank field. You will receive additional information in accordance with the [Arizona Child Support Guidelines](#).

When you have completed the Entry Form, click the "Print Worksheet" button to receive an estimate of the amount of child support the non- custodial parent may have to pay to the custodial parent for the support of their child(ren).

After clicking on "Print Worksheet" the form will automatically be filled in with the information from the Entry Form. Print the form and bring it with you at the time of filing your initial paperwork.

The Court Self Help website also offers the following fillable forms required to set up Child Support, select the "Forms" tab to make your selection:

- [Child Support Order](#)
- Post Paternity Establishment of [Child Support Order](#)
- Paternity Judgment [Child Support Order](#)

To have the Child Support amount automatically deducted from payroll, either of the below forms must be submitted:

- Income Withholding Order – May be completed by either party
- Current Employer Information – To be completed by the non-custodial parent/obligor/payer only