

LEGAL SEPARATION WITHOUT MINOR CHILDREN For Petitioner Only

(When Parties AGREE to all terms of the Divorce)



PINAL COUNTY NON-COVENANT MARRIAGE

TO FILE FOR LEGAL SEPARATION WITHOUT CHILDREN

STEP 1

(Please complete step one before proceeding to the next step)

**INSTRUCTIONS AND FORMS
Provided as a Public Service by
AMANDA STANFORD
Clerk of the Superior Court**

LEGAL SEPARATION WITHOUT MINOR CHILDREN

This packet contains general information and instructions about filing a legal separation petition for a non-covenant marriage and other court papers when there are **NO** minor children common to the parties. Be sure this packet contains the following documents:

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***NO COPIES REQUIRED. File original only. Do not serve on other party.**

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 Early Resolution Conference, Mediation, a Parenting Conference, 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.

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.pinalcountyz.gov/Departments/Judicial Branch](http://www.pinalcountyz.gov/Departments/Judicial%20Branch)) and if necessary, consult a lawyer.

**PETITION AND PAPERS FOR
“LEGAL SEPARATION WITHOUT CHILDREN”**

CHECKLIST

USE THE FORMS AND INSTRUCTIONS in this packet only if the following factors apply to your situation:

- ✓ You want to file a petition for legal separation. **Warning: If the other party does not want a Legal Separation, the Court will not enter a Legal Separation,**

AND

- ✓ You are **not** ready to file for divorce.

AND

- ✓ You and your spouse have **no minor** children with each other AND the wife is **not** pregnant by the husband or **will not** be pregnant by the husband before the Legal Separation is over, (if you have children together, see the Legal Separation with Children packet)

AND

- ✓ Either you or your spouse live in Arizona, or one of you is a member of the armed forces and is stationed in Arizona,

AND

- ✓ Either you or both of you desire to live separate and apart or you believe that the marriage is irretrievably broken (you and your spouse cannot make the marriage work),

AND

- ✓ You or your spouse has tried to resolve your problems through Conciliation Court, or there is no point in trying to resolve your problems because the marriage is irretrievably broken.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing.

INSTRUCTIONS

“Petition for Legal Separation without Children”

DOMESTIC VIOLENCE: Domestic violence can be part of any marriage. Domestic violence includes physical violence such as hitting, slapping, pushing or kicking **or** threats of physical violence directed against you and/or your children **and/or** verbal abuse used to control you and/or your children.

Court documents request your address and phone number. If you are a victim of domestic violence, and you do **not** want your address to be known to protect yourself or your children from further violence, you **must file** a ***“Petition for an Order of Protection”*** and ask that your address **not** be disclosed on court papers. With that Order, you do not need to put your address and phone number on your legal separation papers. Just write "protected" in the space on the form where you are asked for this information. You must tell the Clerk of the Court your address and phone number as soon as possible so the court can get in touch with you. The court will keep your address protected.

(ALL FORMS: TYPE OR PRINT IN BLACK INK)

FAMILY COURT COVER SHEET

- The Family Court Cover Sheet is **REQUIRED** to be completed and filed in Pinal County.
- Write in the information requested about the petitioner, respondent and any children under the age of 18.
- **DO NOT INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION.**
- **Case Type: Mark only one box that matches the legal procedure for which you are filing the documents in this packet: Legal Separation.**
- **Interpreter: Check “yes” or “no” to indicate whether an interpreter is needed. If “yes,” write in what language(s).**
- **No additional copies needed. Do NOT serve this document on the other party.**

SENSITIVE DATA SHEET

- **Write in the information requested about petitioner, respondent, and any children under the age of 18.**
- **DO NOT INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION.**
- **No additional copies needed. Do NOT serve this document on the other party.**

SUMMONS AND PRELIMINARY INJUNCTION: Fill in the following information: Your name; street address (**if not protected**); city, state and zip code; telephone number; ATLAS number; name of Petitioner (your name); name of Respondent (your spouse's name). You will have an ATLAS number **ONLY** if you receive or have received AFDC or other public benefits for your minor child(ren) that are common to you and your spouse. If you are represented by an attorney, write in the attorney's bar number. Tell the court whether you represent yourself or are represented by an attorney. **DO NOT** fill out the rest of the form except on Page 2 of the Preliminary Injunction; fill out the description of other party. The Clerk of Court will complete it later.

PETITION FOR LEGAL SEPARATION WITHOUT CHILDREN:

- A.** Use this form **ONLY** if you are getting a legal separation and there are no children under the age of 18, common to you and your spouse, whether by birth or adoption, **AND** you do **not** have a “covenant” marriage. Make sure your form is titled ***“PETITION FOR LEGAL SEPARATION WITHOUT CHILDREN.”***
- B.** In the top left corner of the first page, fill out the following: your name (if you are the person filling out the petition and filing the petition with the court); your address (if not protected); your city, state and

zip code; your telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security; Attorney Bar Number, if represented by a lawyer; then check the box to say whether you are representing yourself or not.

- C. Fill in your name in the space that says "Name of Petitioner." Remember, you will be the PETITIONER through the whole case. (This includes any emergency petitions, temporary petitions, and post-legal separation decree petitions.) In the space that says "Name of Respondent", fill in the name of your spouse. Your spouse will be the RESPONDENT for the rest of this case. (This includes any emergency petitions, temporary petitions, and post-legal separation decree petitions.)
- D. Leave line blank for "DO" Case Number. When you file your papers, you will receive a case number from the Clerk of the Court.

GENERAL INFORMATION:

1. **INFORMATION ABOUT YOU, THE PETITIONER.** Fill in the Petitioner's name, address (if not protected), date of birth, social security number, occupation, and length of time in Arizona.
2. **INFORMATION ABOUT YOUR SPOUSE, THE RESPONDENT.** Fill in the Respondent's name, address, (if you know it) date of birth, social security number, occupation, and length of time in Arizona.
3. **INFORMATION ABOUT YOUR MARRIAGE.** Fill in the date you were married, and the city and state where you were married. If you do not know this information, and you were married in Pinal County, you may get a copy of your marriage license from the Clerk of the Superior Court at 31 North Pinal Street in Florence. If you were married in another county in Arizona, go to the Clerk of the Superior Court in the county seat where you were married to get this information. To use these forms, your marriage cannot be a "covenant" marriage. One way to tell whether you have a covenant marriage is to find out whether you signed a document with language similar to this on it: "We solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for as long as they both live. We have chosen each other carefully. We understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling. We declare that our marriage will be bound by Arizona law on covenant marriages and we promise to love, honor and care for one another as husband and wife for the rest of our lives." Check the box to say that your marriage was **not** a "covenant" marriage. If your marriage was a "covenant" marriage, or if you have questions about whether you have a "covenant" marriage, contact a lawyer for help.
4. **90-DAY REQUIREMENT.** This tells the court that you **OR** your spouse have lived in Arizona, or been stationed in Arizona while in the Armed Forces, for at least 90 (ninety) days prior to the day you filed the "*Petition for Legal Separation without Children.*" Before you file for a legal separation, this **MUST** be true. **IF IT IS NOT TRUE, YOU CANNOT FILE FOR LEGAL SEPARATION.**

INFORMATION ABOUT PROPERTY AND DEBT:

READ ME!!!!!! The information you give in paragraphs 5 and 6 tells the court about your property and debts, and how you think your property and debts should be divided. Community property is generally any property you and your spouse purchased during your marriage or paid for during the marriage, no matter WHO uses the property or WHO paid the money. Unless property was a gift or an inheritance, or acquired after the Petition for Dissolution was served on the Respondent, generally all property acquired during the marriage is community property, and both you and your spouse are entitled to roughly an equal share of this property. Community debts or bills are generally any debt you and your spouse acquired during your marriage, no matter WHO spent the money. Separate property and/or separate debt is generally any property you had, or brought into the marriage. HOWEVER, there are exceptions to these statements. For example, some property acquired during the marriage is still considered separate property. For example, if

you were involved in an automobile accident, and received damages for pain and/or suffering or will receive damages for pain and suffering, the money you received, or will receive, for pain and suffering is your separate property. If you have questions, or have a lot of community property or debt, you should speak with an attorney BEFORE filing your Petition or other papers.

5.a. COMMUNITY PROPERTY: If you and your spouse **do not** have any property from the marriage, check the first box. If you and your spouse **do** have property together, check the second box. If you checked the second box, you must tell the Court what property should go to you and what property should go to your spouse. Generally, the Court will divide the property 50-50 as of the time the Respondent was served with the Petition for Legal Separation, unless there are good reasons why this should not happen. It is unlikely that the Court will give most, or all, of the property to either spouse, so put some thought into what you think would be a fair division before answering this question. Usually, if you and your spouse cannot decide which spouse should receive which property, the Court will order that the property be sold and any money received divided between you and your spouse.

First, list the property that you want the court to award to you, the Petitioner, and list the property that you want the court to award to your spouse, the Respondent. Put a check in the box that matches the property you want to go to which person. **You should describe the property thoroughly for identification purposes and state its value when asked.** You can use the brand name, model and serial number where applicable.

TYPES OF PROPERTY:

- a) **Real Property (property (land) or home).** Check who you want to get the property. You can ask the court to give you the property (land/home), to give the property (land/home) to your spouse, or to sell the property (land/home) and divide the proceeds. You should write the complete address of the property under "Real Estate 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 the legal description for your property. A cemetery plot is considered real property.
- b) **Household furniture.** This includes sofas, beds, tables, and so forth.
- c) **Household furnishings.** This includes things in the house **other than furniture**, for example: dishes, small appliances, rugs, and so forth.
- d) **Other.** List things that you want, or you want your spouse to have, that have not been listed.
- e) **Pension/retirement fund/profit sharing/stock plans/401K.** You and your spouse each generally have a right to a one-half interest in the other spouse's plan, based upon the length of your marriage. The longer the marriage, the greater your financial interest in your spouse's plan. (Your interest, usually, includes **up to** 50 percent of the benefits/plan if you have been married the whole time the plan has existed.) Check this box if you want to divide your interest in a retirement or profit sharing/retirement/401K plan. If you check this box, you must see an attorney about a document called a Qualified Domestic Relations Order or QDRO. A QDRO is a very specialized legal document that requires professional assistance to prepare.
- f) **Motor vehicles.** List the Vehicle Identification Number (VIN), the year and make of the car (Ford, Honda) and the model (Mustang, Lumina). Then state its estimated value.

5.b. SEPARATE PROPERTY: If **you did not** have property, or bring any property into the marriage, check the first box. If **your spouse did not** have or bring any property into the marriage, check the next box. If you or your spouse **did** have property and brought property into the marriage or if you or your spouse have separate property, check the third and/or fourth box. If you checked the third

and/or fourth box, you must tell the court what property you brought into the marriage and what property your spouse brought into the marriage or what property is separate property. List the property that you want the court to award to you, the Petitioner, and list the property that you want the court to award to your spouse, the Respondent. Put a check in the box that matches the property you want to go to which person. You should describe the property thoroughly for identification purposes and state its value. You can use the brand name, model and serial numbers when applicable.

- 6.a. COMMUNITY DEBTS:** If you and your spouse **do not** owe money on any debts from the marriage or **do not** owe community debt, check the first box and go directly to paragraph 7. If you and your spouse **do** owe money on any debts from the marriage or any community debt, check the second box. If you check the second box, tell the court which debts you should pay and which debts your spouse should pay. The court will attempt to make a fair division of the debts. If you get property that has a debt on it, you will probably also be given the debt. Ordering one person to pay all the debt(s) is unusual. Think about what is a fair division of the debts before answering this question. Provide enough information to accurately identify each debt.

If you and your spouse have been separated and have acquired new debts on your own before filing for legal separation, you may want the court to order that each of you personally pay for any new debt(s) incurred after the date you separated. You can make this request on the last page of your Petition under letter D "Community Debts."

- 6.b. SEPARATE DEBTS:** If you and your spouse do not owe money on any debts incurred prior to the marriage, and do not have separate debt, check the first box and go directly to number 7. If you owe money on debts incurred prior to the marriage, or have separate debt, check the second box. If your spouse owes money on debts incurred prior to the time you were married, or has separate debt, check the third box. If either you or your spouse owes money on any debts you or your spouse brought into the marriage, or have separate debt, describe the debts, and tell the court which debts you should pay and which debts your spouse should pay.

INFORMATION ABOUT TAX RETURNS:

- 7. Tax Returns:** Decide what you want to do about any income tax refund. Check the box if you want income taxes to be paid as stated. If you have questions, you should see a lawyer, an accountant, and/or contact the Internal Revenue Service (IRS).

INFORMATION ABOUT SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

- 8. Spousal Maintenance/Support (Alimony):** This is the term used to describe money paid from one spouse to the other spouse as part of a legal separation settlement. You may know the term as alimony or spousal maintenance. Spousal Maintenance/Support is designed as a safety net for a spouse who cannot provide for his/her needs or who meets other requirements listed on the Petition under paragraph 8. The idea behind spousal maintenance/support is that accomplishments during your marriage, including increases in earning potential and living standards, are shared, and earned, by **BOTH** parties to a marriage. Look at paragraph 8 to see if spousal maintenance/support applies to you or your spouse. If spousal maintenance/support applies, check the box that **most** applies to you. If none of the boxes apply, or you **do not want** spousal maintenance/support, go to paragraph 9. Check all the boxes that apply to your situation. **Spousal maintenance/support is paid separately from child support and is NOT a substitute for child support.**

INFORMATION ABOUT PREGNANCY:

- 9. Pregnancy:** If the wife **IS NOT** pregnant at this time, check the first box and go on. If the wife **IS** pregnant, check the second box. Fill out the date the baby is due, and fill in any information regarding the parents of the unborn child. **WARNING.** If the Petitioner and the Respondent are the parents of the unborn child, **STOP.** You must file a "**Petition for Legal Separation with Children.**"

10. **Desire to Live Separate and Apart:** Your marriage must be irretrievably broken (over) or you and/or your spouse must desire to live separate and apart. If this is **not** a true statement, you cannot file for Legal Separation.
11. **Other Statements to the Court:** You are telling the court that you believe the following statements are true:
- Written Agreement. Check this box only if you and your spouse have a written agreement regarding spousal maintenance and division of property/debt that **both you and your spouse signed BEFORE** you filed the Petition for Legal Separation. If you have only discussed these issues and do not have a written agreement, do **NOT** check this box.
 - The conciliation requirements **do not** apply or have been met. This means that you **do not** think marriage counseling through the court will help you get back with your spouse.

REQUESTS TO THE COURT: This section requests that the court grant you and your spouse a Legal Separation and tells the court other requests you are making:

- A. **Legal Separation.** This is your request to legally separate your non-covenant marriage.
- B. **SPOUSAL MAINTENANCE/SUPPORT.** This tells the court that you or your spouse should pay money to the other spouse on a monthly basis to help with living expenses. Check the first box if **YOU** (the Petitioner) will be paying spousal maintenance/support. Check the second box if **YOUR SPOUSE** (the Respondent) will be, or should be, paying spousal maintenance/support. If you or your spouse should not pay spousal maintenance/support, **do not** check either box, and GO ON. (**You can check a box only if you checked the corresponding box in the spousal maintenance/support section, paragraph 8.**) If you request spousal maintenance/support, choose what you believe to be a reasonable monthly amount and tell the court how long the money should be paid. Base the amount of any request on the receiving party's need and the income of the party who will be paying this money. **Spousal maintenance/support is not a substitute for, nor a supplement to, court ordered child support.**
- C. **COMMUNITY PROPERTY.** This tells the court that your division of the property is fair, and that the court should divide the property as requested by you in your Petition.
- D. **COMMUNITY DEBT.** This tells the court that your division of the debt is fair, and that the court should divide the debts as requested by you in your Petition. **IF YOU HAVE BEEN SEPARATED FROM YOUR SPOUSE FOR ENOUGH TIME THAT YOU OR YOUR SPOUSE MAY HAVE ADDITIONAL DEBTS, WRITE THE DATE OF SEPARATION ON THE LINE PROVIDED IF YOU WANT EACH SPOUSE TO PAY THE DEBTS INCURRED AFTER YOU SEPARATED.**
- E. **SEPARATE PROPERTY.** This states that you will keep the property you owned before the marriage and/or after the Respondent was served with the Petition for Legal Separation and that your spouse will keep the property they owned before the marriage and/or after the Respondent was served with the Petition for Legal Separation.
- F. **OTHER ORDERS.** Tell the court anything else you may want ordered that has not been covered in your Petition.

OATH OR AFFIRMATION AND VERIFICATION OF PETITIONER: Sign this form in front of a Clerk of the Superior Court or a notary public. By doing so, you are telling the Court that everything contained in the Petition is true, under penalty of perjury.

NOTICE OF RIGHT TO CONVERT HEALTH INSURANCE: This is an important document that explains what to do about health care coverage for yourself and your minor child(ren). Read it carefully, and

be sure a copy is served on your spouse, along with the other legal separation papers.

NOTICE REGARDING CREDITORS: This is an important document that tells you and your spouse that you are responsible for community debts to creditors even though the court order or decree says that only one of you (either you or your spouse) are responsible. This notice must be served on your spouse. In addition, read this notice to find out how to obtain information from your creditors about account balances.

OTHER IMPORTANT PAPERS IN THIS PACKET:

Also attached is the packet for ***Service of Court Papers***. All of the instructions and forms are included.

CHANGE OF ADDRESS: It is very important for you (Petitioner and Respondent) to keep the court informed of your most current address. This means that if the address information on this form is incorrect or if you change addresses, you must contact the Clerk of the Court and give them your new or current address. Change of Address forms can be obtained online or from one of our locations.

www.coscpinalcountyaz.gov/forms.html

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

PROCEDURES

How to File Legal Separation Papers with the Court

STEP 1: ONCE YOU HAVE FILLED OUT THE DOCUMENTS AND YOU HAVE SIGNED THEM IN FRONT OF A NOTARY PUBLIC, YOU NEED TO MAKE COPIES:

Make 2 copies of the following documents after you have filled out the forms and had your signature notarized:

- Summons
- Notice Regarding Creditors
- Notice of Right to Convert Health Insurance
- Preliminary Injunction
- Petition for Legal Separation without Children

STEP 2: SEPARATE YOUR DOCUMENTS INTO THREE (3) SETS:

<p><u>SET 1 - ORIGINALS FOR CLERK OF COURT:</u></p> <ul style="list-style-type: none">• Summons• Notice Regarding Creditors• Notice of Right to Convert Health Insurance• Preliminary Injunction• Sensitive Data Sheet• Family Court Cover Sheet• Petition for Legal Separation without Children	<p><u>SET 2 - COPIES FOR SPOUSE:</u></p> <ul style="list-style-type: none">• Summons• Notice Regarding Creditors• Notice of Right to Convert Health Insurance• Preliminary Injunction• Petition for Legal Separation without Children
	<p><u>SET 3 – COPIES FOR YOU:</u></p> <ul style="list-style-type: none">• Summons• Notice Regarding Creditors• Notice of Right to Convert Health Insurance• Preliminary Injunction• Petition for Legal Separation without Children

STEP 3: FILE THE PAPERS WITH THE CLERK OF THE SUPERIOR COURT:

You should arrive at the Clerk’s Office at least two hours before it closes. You may file your court papers at one of our locations.

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 Petition 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 <http://www.coscpinalcountyaz.gov/fees.html> for a list of current fees. Payment may be made by cash, money order, MasterCard, Visa, Discover and American Express.

If you cannot pay these fees, you may request the fee(s) be deferred or waived. The Clerk of the Superior Court has the necessary forms to ask for a deferral or waiver.

NOTE: With the Application for Deferral, there is a \$26 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. The clerk will file stamp and retain the originals and conform stamp your copies.

MAKE SURE YOU GET BACK THE FOLLOWING FROM THE CLERK:

- Your Original "**Summons**"
- Your Set of Copies - Conformed
- Your Spouse's Set of Copies - Conformed

STEP 4: **SERVE THE PAPERS ON THE OTHER PARTY:**
You must now serve the other party (Respondent) with a set of conformed copies. Follow the instructions in the attached packet regarding **Service of Court Papers**.

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: DO2
 Name of Petitioner

SUMMONS

_____ HONORABLE: _____
 Name of Respondent

WARNING: This is an official document from the court that affects your rights. Read this carefully. If you do not understand it, contact a lawyer for help.

FROM THE STATE OF ARIZONA TO _____
 Name of Respondent

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this **“Summons.”**
2. If you do **not** want a judgment or order taken against you without your input, you must file an **“Answer”** or a **“Response”** in writing with the court, and pay the filing fee. If you do **not** file an **“Answer”** or **“Response”** the other party may be given the relief requested in his/her Petition or Complaint. To file your **“Answer”** or **“Response”** take, or send, the **“Answer”** or **“Response”** to the Office of the Clerk of the Superior Court, 971 Jason Lopez Circle Bldg A , Florence, Arizona 85132 or PO Box 2730, Florence, Arizona 85132-2730; or any satellite office. Mail a copy of your **“Response”** or **“Answer”** to the other party at the address listed on the top of this Summons.
3. If this **“Summons”** and the other court papers were served on you by a registered process server or the Sheriff, **within** the State of Arizona, your **“Response”** or **“Answer”** must be filed within **TWENTY (20) CALENDAR DAYS** from the date you were served, **not counting the day you were served**. If this **“Summons”** and the other papers were served on you by a registered process server or the Sheriff **outside** the State of Arizona, your Response must be filed within **THIRTY (30) CALENDAR DAYS** from the date you were served, **not counting the day you were served**. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty **(30)** days after the date of the first publication.

4. You can get a copy of the court papers filed in this case from the Petitioner at the address at the top of this paper, or from the Clerk of the Superior Court at the address listed in Paragraph 2 above.
5. If this is an action for dissolution (divorce), legal separation or annulment, either or both spouses may file a Petition for Conciliation for the purpose of determining whether there is any mutual interest in preserving the marriage or for Mediation to attempt to settle disputes concerning Legal Decision-Making and parenting time issues regarding minor children.
6. Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least five (5) days before your scheduled court date.

GIVEN UNDER MY HAND AND SEAL OF THE COURT

_____ **Date**

**Amanda Stanford
Clerk of the Superior Court**

By _____

Deputy Clerk

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: DO2

NOTICE REGARDING CREDITORS

 Name of Respondent

HONORABLE: _____

ARIZONA LAW REQUIRES all actions for **DIVORCE** or **LEGAL SEPARATION** to include this **NOTICE** and for the person filing for Divorce or Legal Separation to **SERVE** this **NOTICE** on the other party. (ARS 25-318(F)).

YOU AND YOUR SPOUSE ARE RESPONSIBLE FOR COMMUNITY DEBTS. The court usually requires/orders one spouse or the other to pay certain community debts in, or through, the Decree of Dissolution or Legal Separation. A court order that does this is binding on the spouses **only, not the creditors**. You and your spouse are legally responsible for these community debts whether you are married, divorced, or legally separated. These debts are matters of contract between **both of you** and your creditors (such as banks, credit unions, credit card companies, utility companies, medical providers and retailers). On request, the court may impose a lien against the separate property of a spouse to secure payment of certain community debts.

CONTACT CREDITORS: You may want to contact your creditors to discuss the debts and the effects of your divorce/legal separation on your debts. To assist you in identifying your creditors, you may obtain a copy of your spouse's credit report by making a written request to the court for an order requiring a credit reporting agency to release the report to you. The credit report will help you identify accounts, account numbers and account balances. In addition, within thirty (**30**) days after receipt of a request from a spouse who is party to a divorce or legal separation, which includes the court and cause number of the action, creditors are required, by law, to provide information as to the balance and account status of any debts for which you or your spouse may be liable to the creditor.

WARNING: If you do not understand this notice, you should contact an attorney for advice about your legal rights and obligations.

The following page contains a sample form you *may* choose to mail to creditors to get information about debts owed by you or your spouse. It is not a required form.

REQUEST FOR ACCOUNT INFORMATION FROM CREDITORS

You may use this form to request information about debt owed by you or your spouse.
If so, send to the creditor. **DO NOT FILE THIS PAGE WITH THE COURT.**

DATE: _____

CREDITOR'S NAME: _____

CREDITOR'S ADDRESS: _____

Regarding: Superior Court of Arizona in Pinal County

Case Name: _____

Case Number: _____

Pursuant to Arizona State Law (ARS 25-318), this letter requests the balance and account status of any debt for which the following individuals may be liable to you. (Arizona law requires that you provide this information within thirty (30) days of receipt of this letter.)

INFORMATION ABOUT DEBTORS/SPOUSES:

Your Name: _____

Your Address: _____

Your Phone Number: _____

Your Spouse's Name: _____

Your Spouse's Address: _____

INFORMATION ABOUT THE ACCOUNT:

Account Number(s): _____

If you have any questions or if I can be of further assistance, please feel free to contact me.

Sincerely,

Your Name: _____

Your Signature: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

CASE NUMBER: DO2

Name of Petitioner

**NOTICE OF YOUR RIGHTS ABOUT HEALTH
INSURANCE COVERAGE WHEN A PETITION
FOR DISSOLUTION (DIVORCE) IS FILED
(A.R.S. 20-1377 AND 20-1408)**

Name of Respondent

HONORABLE: _____

**WARNING: THIS IS AN IMPORTANT LEGAL NOTICE. YOUR RIGHTS TO HEALTH INSURANCE COVERAGE
COULD BE AFFECTED AFTER YOUR DIVORCE IS FINAL. READ THIS NOTICE CAREFULLY. IF YOU DO NOT
UNDERSTAND THIS NOTICE, YOU SHOULD CALL AN ATTORNEY FOR ADVICE ABOUT YOUR LEGAL RIGHTS
AND OBLIGATIONS.**

IMPORTANT INFORMATION IF YOU ARE ON YOUR SPOUSE'S INSURANCE PLAN: When a Petition for Dissolution of Marriage (papers for a divorce decree) is filed, you and/or your children may continue to be covered under your spouse's health insurance policy. Arizona law allows the dependent spouse and/or children to continue to be covered, but you must take some steps to protect your rights.

WHAT INSURANCE COVERAGE APPLIES TO YOU, AND HOW TO GET IT: If you are covered by your spouse's health insurance, and you want to continue to be covered after the divorce is final, you **must** contact the insurance company as soon as possible, and you **must** start to pay the monthly insurance premium within 31 days of the date the insurance would otherwise stop.

If you decide you want to be covered, the insurer can choose whether to continue coverage under the current policy, or to change the policy to your name. If the policy is changed to your name, it is called a "converted"; policy. If the policy is converted by the insurer, the insurer must provide you the same or the most similar level of coverage available, unless you ask for a lower level of coverage.

WHAT COVERAGE APPLIES TO YOUR CHILDREN: If you choose to continue coverage as a dependent spouse, you can also choose to continue coverage for your dependent children if you are responsible for their care or support.

PREEXISTING CONDITIONS OR EXCLUSIONS FROM INSURANCE COVERAGE: Whether the insurance is continued or converted, the insurance must be provided to you without proof of insurability and without exclusions for coverage other than what was previously excluded before the insurance was continued or converted.

LIMITS ON RIGHTS TO INSURANCE COVERAGE FOR YOU AND YOUR CHILDREN: You may **not** be entitled to continued or converted coverage if you are eligible for Medicare or for coverage by other similar types of insurance which together with the continued coverage would make you over-insured. However, dependent children of a person who is eligible for Medicare may be covered by a continuance or a conversion. If you have questions about coverage, check with the insurer and/or the spouse's employer.

WARNING TO THE SPOUSE FILING THE PETITION FOR DISSOLUTION (DIVORCE): This Notice must be served on your spouse together with the Petition for Dissolution, the Summons, and the Preliminary Injunction.

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: DO2
 Name of Petitioner

PRELIMINARY INJUNCTION

_____ HONORABLE: _____
 Name of Respondent

WARNING: This is an official Order from the court. It affects your rights. Read this Order immediately and carefully. If you do not understand it, contact a lawyer for help.

Your spouse has filed a ***“Petition for Dissolution”*** (Divorce) or ***“Petition for Annulment”*** or ***“Petition for Legal Separation”*** with the court. This Order is made at the direction of the Presiding Judge of the Superior Court of Arizona in Pinal County. This Order has the same force and effect as any order signed by the judge. You and your spouse **must** obey this Order. This Order may be enforced by any remedy available under the law, including an ***“Order of Contempt of Court.”*** To help you understand this Order, we have provided this explanation. Read the explanation and then read the statute itself. **If you have any questions, you should contact a lawyer for help.**

EXPLANATION: (What does this Order mean to you?)

1. **ACTIONS FORBIDDEN BY THIS ORDER:** From the time the ***“Petition for Dissolution”*** (Divorce) or ***“Petition for Annulment”*** or ***“Petition for Legal Separation”*** is filed with the court, until the judge signs the Decree, or until further order of the court, both the Petitioner and the Respondent **shall not** do any of the following things:
 - ✓ You may **not** hide earnings or community property from your spouse, **AND**
 - ✓ You may **not** take out a loan on the community property, **AND**
 - ✓ You may **not** sell the community property or give it away to someone, **UNLESS** you have the written permission of your spouse or written permission from the court. The law allows for situations in which you may need to transfer joint or community property as part of the everyday running of a business, or if the sale of community property is necessary to meet necessities of life, such as food, shelter, or clothing, or court fees and attorney fees associated with this action. If this applies to you, you should see a lawyer for help, **AND**
 - ✓ Do **not** harass or bother your spouse or the children, **AND**
 - ✓ Do **not** physically abuse or threaten your spouse or the children, **AND**
 - ✓ Do **not** take the minor children, common to your marriage, out of the State of Arizona for any reasons, without a written agreement between you and your spouse or a Court Order, **before** you take the minor children out of the State.

- ✓ Do **not** remove, or cause to be removed, the other party or the minor children of the parties from any existing insurance coverage, including medical, hospital, dental, automobile and disability insurance. Both parties shall maintain all insurance coverage in full force and effect.

STATUTORY REQUIREMENTS: Arizona Law, A.R.S. 25-315(A) provides:

- 1(a). **RESTRICTIONS ON PROPERTY OF THE MARRIAGE:** That both parties are enjoined from transferring, encumbering, concealing, selling, or otherwise disposing of any of the joint, common or community property of the parties, **except** if related to the usual course of business, the necessities of life, or court fees and reasonable attorney fees associated with an action filed under this article, without the written consent of the parties or the permission of the court.
- 1(b). **REQUIREMENTS OF BEHAVIOR:** That both parties are enjoined from molesting, harassing, disturbing the peace, or committing an assault or battery on, the person of the other party or any natural or adopted child of the parties.
- 1(c). **RESTRICTIONS ABOUT YOUR MINOR CHILDREN:** That both parties are enjoined from removing any natural or adopted minor child(ren) of the parties, then residing in Arizona, from the jurisdiction of the court without the prior written consent of the parties or the permission of the court.
- 1(d). **RESTRICTIONS ABOUT INSURANCE:** That both parties are enjoined from removing, or causing to be removed, the other party or the minor children of the parties from any existing insurance coverage, including medical, hospital, dental, automobile and disability insurance. Both parties shall maintain all insurance coverage in full force and effect.
2. **EFFECTIVE DATE OF THIS ORDER:** This Order is effective against the person who filed for divorce, annulment, or legal separation (the Petitioner) when the Petition was filed with the court. It is effective against the other party (the Respondent) when it is served on the other party, or on actual notice of the Order, whichever is sooner. This Order shall remain in effect until further order of the court, or the entry of a Decree of Dissolution, Annulment, or Legal Separation.
3. **ORDER TO PETITIONER:** You **must** serve a copy of this Order upon the Respondent, along with a copy of the Petition for Dissolution, Annulment or Legal Separation, the Summons, and other required court papers.
4. **WARNING:** This is an official Court Order. If you disobey this Order, the court may find you in contempt of court. You may also be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed by disobeying this Order.
5. **LAW ENFORCEMENT:** You or your spouse may file a certified copy of this Order with your local law enforcement agency. You may obtain a certified copy from the Clerk of the Court that issues this Order. If any changes are made to this Order and you have filed a certified copy of this Order with your local law enforcement agency, you **must** notify them of the changes.
6. **DESCRIPTION OF THE PARTIES:**

Petitioner:

Name: _____
 Height: _____
 Date of Birth: _____

Gender: Male Female
 Weight: _____

Respondent:

Name: _____
 Height: _____
 Date of Birth: _____

Gender: Male Female
 Weight: _____

GIVEN UNDER MY HAND AND SEAL OF THE COURT

_____ Date

Amanda Stanford
Clerk of the Superior Court

By _____
 Deputy Clerk

Name of Person Filing: _____
 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: _____
 Name of Petitioner

**SENSITIVE DATA SHEET
 (CONFIDENTIAL RECORD)**

_____ HONORABLE: _____
 Name of Respondent

Fill out. File with Clerk of Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to A.R.F.L.P. 43(G)(1).

A.	Personal Information:	Petitioner	Respondent
	Name	_____	_____
	Gender	<input type="checkbox"/> Male or <input type="checkbox"/> Female	<input type="checkbox"/> Male or <input type="checkbox"/> Female
	Date of Birth (Month/Day/Year)	_____	_____
	Social Security Number	_____	_____
	Driver's License Number	_____	_____

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

Mailing Address	_____	_____
City, State, Zip Code	_____	_____
Contact Phone	_____	_____
Email Address	_____	_____
Current Employer Name	_____	_____
Employer Address	_____	_____
Employer City, State, Zip Code	_____	_____
Employer Telephone Number	_____	_____
Employer Fax Number	_____	_____

B. Child(ren) Information:			
Child Name	Gender	Child Social Security Number	Child Date of Birth
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Clerk of Court Issued: _____

***For Court Use Only. NOT Public Record. Do NOT Provide A Copy Of This Document To The Other Party.**

Arizona Superior Court, Pinal County Family Court Cover Sheet

CASE NUMBER <u>DO 2</u> ATLAS NUMBER(S) _____	Judge _____
--	-------------

<p style="text-align: center;">PETITIONER'S NAME AND ADDRESS</p> Name: _____ Address: _____ City/State/Zip: _____ Phone Number: _____ Email Address: _____ DOB: _____	<p style="text-align: center;">RESPONDENT'S NAME AND ADDRESS</p> Name: _____ Address: _____ City/State/Zip: _____ Phone Number: _____ Email Address: _____ DOB: _____
<p style="text-align: center;">PETITIONER'S ATTORNEY</p> Name/State Bar #: _____ Address: _____ City/State/Zip: _____ Phone Number: _____	<p style="text-align: center;">EMERGENCY ORDER SOUGHT</p> <input type="checkbox"/> Order of Protection <input type="checkbox"/> Temporary Order <input type="checkbox"/> Other _____ (Specify)
<p>Do you or the other party need an interpreter?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> If yes, what language: _____	<p>FEEES: <input type="checkbox"/> PAID <input type="checkbox"/> NOT PAID - REASON</p> <p style="margin-left: 40px;"> <input type="checkbox"/> Political Subdivision/Government Agency <input type="checkbox"/> Deferred <input type="checkbox"/> Waived </p>

ACTION REQUESTED: Check Only One Box

DISSOLUTION (Divorce)

- With Children
- Without Children

- Legal Separation
- Paternity/Maternity
- Annulment
- Legal Decision-Making
- Order of Protection
- Foreign Judgment
- Domesticated Decree
- Foreign Judgment for Legal Decision-Making
- Establish Support
- Habeas Corpus
- Visitation
- Emergency Order of Protection
- Other _____
(Specify)

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: DO2

PETITION FOR LEGAL SEPARATION WITHOUT
 CHILDREN [624]

 Name of Respondent

HONORABLE: _____

STATEMENTS TO THE COURT, UNDER OATH

1. **INFORMATION ABOUT ME, THE PETITIONER**
 Name: _____
 Address: _____
 Date of Birth: _____
 Job Title: _____
 Starting with today, number of months/years in a row you, the Petitioner, have lived in Arizona. _____

2. **INFORMATION ABOUT MY SPOUSE, THE RESPONDENT**
 Name: _____
 Address: _____
 Date of Birth: _____
 Job Title: _____
 Starting with today, number of months/years in a row the Respondent has lived in Arizona. _____

3. **INFORMATION ABOUT MY MARRIAGE**
 Date of Marriage: _____
 City and state or country where we were married: _____
 We **do not** have a covenant marriage. **(WARNING: You cannot use this paperwork if have a covenant marriage.** If you have questions about whether you have a covenant marriage or not, review your marriage license, and/or ask a lawyer for help.)

4. **90 DAY REQUIREMENT**
 I or my spouse have lived, or have been stationed while a member of the Armed Forces, in Arizona for at least 90 days before I filed this action. **(WARNING: If this statement is not true, you cannot file for a Legal Separation until it becomes true.)**

5.a. COMMUNITY PROPERTY: (Check one box)

- My spouse and I **did not** acquire any community property during the marriage, OR
- My spouse and I **did** acquire community property during our marriage, and we should divide it as follows:

<input type="checkbox"/> Real estate located at:	Petitioner	Respondent	Value
	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Legal Description: _____			

<input type="checkbox"/> Real estate located at:	Petitioner	Respondent	Value
	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Legal Description: _____			

<input type="checkbox"/> Household furniture and appliances:	Petitioner	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"/> Household furnishings:	Petitioner	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"/> Other items:	Petitioner	Respondent	Value
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

<input type="checkbox"/> Pension/Retirement fund/profit sharing/stock plan/401K:	Petitioner	Respondent	Value
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

<input type="checkbox"/> Motor vehicles:	Petitioner	Respondent	Value
Make _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Model _____			
VIN _____			
Lien Holder _____			

<input type="checkbox"/>	Make _____	Petitioner	Respondent	Value
	Model _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	VIN _____			
	Lien Holder _____			

5.b. SEPARATE PROPERTY. (Check all boxes that apply.)

- I **do not** have any property, or separate property, that I brought into the marriage.
- My spouse, the Respondent, **does not** have any property, or separate property, that they brought into the marriage.
- I **do** have property, or separate property, that I brought into the marriage. I want this property awarded to me as described below.
- My spouse, the Respondent, **does have** property, or separate property, that they brought into the marriage. I want this property awarded to my spouse as described below.

Separate Property: (List the property and the value of the property, and check the box to tell the court who should get the property.)

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

6.a. COMMUNITY DEBTS: (check one box)

- My spouse and I **did not** incur any community debts during the marriage, **OR**
- My spouse and I **did** incur community debts during the marriage and we should divide the responsibility for these debts as follows:

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	<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"/>	\$ _____

6.b. SEPARATE DEBTS. (Check all boxes that apply.)

- My spouse and I **do not** have any debt, or separate debt, that were incurred prior to the marriage,
- I **do** have debt, or separate debt that I incurred prior to the marriage, that should be paid by me as described below.
- My spouse **does** have debt, or separate debt that he/she incurred prior to the marriage, that should be paid by my spouse as described below.

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

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

After the judge or commissioner signs the Order of Legal Separation, the parties will pay federal and state taxes as follows, (subject to IRS Rules and Regulations): For previous years (the years the parties were married, not including the year the Order was signed), the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will pay, and hold the other

harmless from, half of all additional income taxes and other costs, if any, and each will share equally in any refunds. For the calendar year (the year that the Order is signed) and all future calendar years, each party will file separate federal and state income tax returns. Each party will give the other party all necessary documentation to do so.

8. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY) (Check the box that applies to you):

- Neither party is entitled to spousal maintenance/support (alimony), OR
- Petitioner **OR** Respondent is entitled to spousal maintenance/support because: (Check one or more of the box(es) below that apply. At least one reason must apply to get spousal maintenance/ support.)
 - Person lacks sufficient property to provide for their 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; and,
 - Person contributed to the educational opportunities of the other spouse or has a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself/herself.

9. PREGNANCY

- Wife is **not** pregnant, OR
- Wife is pregnant
The baby is due on _____ (date), (and, check one box below):
 - The Petitioner and Respondent **are** the parents of the child, OR
 - Petitioner is **not** the parent of the child, OR
 - Respondent is **not** the parent of the child.

10. DESIRE TO LIVE SEPARATE AND APART. My marriage is irretrievably broken (my marriage is over) or I and/or my spouse desire to live separate and apart. (This must be a true statement or you cannot file for a Petition for Legal Separation.)

WARNING. If wife is pregnant and the Petitioner and the Respondent are the parents of the child, STOP. YOU MUST FILE THE PAPERS FOR LEGAL SEPARATION WITH CHILDREN.

11. OTHER STATEMENTS TO THE COURT UNDER OATH: To file for Legal Separation, of non-covenant marriage, you must be able to tell the court that the following statements are true. If the statements are not true, you cannot file for Legal Separation until the statements are true. Check the box in front of each statement if the statement is true.

- TRUE My spouse and I have a written agreement signed by both of us about the maintenance of a spouse, and division of property/debt, and I have attached a copy of the written agreement.
- TRUE My spouse and I have attempted to resolve our problem using Conciliation Services, our going to Conciliation Services to try to resolve our problems would not work.

REQUESTS TO THE COURT:

A. LEGAL SEPARATION:

- An Order of Legal Separation

SERVICE OF COURT PAPERS FAMILY COURT CASES ONLY

(When Parties AGREE to all terms of the Separation)



PINAL COUNTY

**HOW TO SERVE NOTICE AS
REQUIRED OR PERMITTED BY LAW**

STEP 2

(Please complete step two before proceeding to the next step)

INSTRUCTIONS AND FORMS

Provided as a Public Service by

AMANDA STANFORD

Clerk of the Superior Court

HOW TO SERVE COURT PAPERS ON THE OTHER PARTIES

TABLE OF CONTENTS

This packet contains general information, court forms, instructions and procedures for **servicing** court papers, delivering court papers as permitted or required by law. Use **only** the forms that apply to the method of service you have chosen. Do **NOT** copy or file information, instruction or procedures pages with the Court.

Order	Title	# of Pages
1	Table of Contents (this page)	1
2	Family Court Acceptance of Service	3
3	How to Serve the Other Party by Certified Mail	1
4	Affidavit Supporting Service by Certified Mail	2

You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

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: DO2
FAMILY COURT
 ACCEPTANCE OF SERVICE
 A.R.F.L.P. RULE 40

 Name of Respondent HONORABLE: _____

Check the box to indicate each document you received. Do **not** check the box unless you received the document listed beside it. If your case is not one of the types listed, list the type of case and the documents you received from the other party under "Other Type Case" on the next page.

1. BY SIGNING THIS DOCUMENT, I STATE UNDER OATH OR AFFIRMATION THAT I HAVE RECEIVED AND ACCEPTED THE LEGAL PAPERS INDICATED (CHECKED) BELOW

**DIVORCE (OR ANNULMENT)
 WITH CHILDREN**

- Petition
- Summons
- Preliminary Injunction
- Health Insurance Notice
- Parent Info. Program Notice
- Notice to Creditors
- Affidavit Regarding Minor Children
- Parenting Plan
- Child Support Worksheet

**LEGAL SEPARATION
 WITH CHILDREN**

- Petition
- Summons
- Preliminary Injunction
- Health Insurance Notice
- Parent Info. Program Notice
- Notice to Creditors
- Affidavit Regarding Minor Children
- Parenting Plan
- Child Support Worksheet

TEMPORARY ORDERS

- Motion for Temporary Order
- Order to Appear
- Temporary Orders
- Affidavit of Financial Info.
- Child Support Worksheet
- Parenting Plan

**DIVORCE (OR ANNULMENT)
 WITHOUT CHILDREN**

- Petition
- Summons
- Preliminary Injunction
- Health Insurance Notice
- Notice to Creditors

**LEGAL SEPARATION
 WITHOUT CHILDREN**

- Petition
- Summons
- Preliminary Injunction
- Health Insurance Notice
- Notice to Creditors

PATERNITY (TO ESTABLISH)

- Petition
- Summons
- Parent Info. Program Notice
- Affidavit Regarding Minor Children
- Parenting Plan
- Child Support Worksheet

CHILD LEGAL DECISION-MAKING, PARENTING TIME, SUPPORT

(to establish when paternity already *legally* established)

- Petition
- Summons
- Parent Info. Program Notice
- Affidavit Regarding Minor Children
- Parenting Plan
- Child Support Worksheet

ENFORCEMENT

- Petition
- Order to Appear

MODIFY CHILD SUPPORT 15% OR MORE

("Simplified Mod")

- Petition to Modify
- Parents Worksheet for Child Support
- Blank Request for Hearing

MODIFY CHILD SUPPORT ("Standard Mod")

- Petition to Modify Child Support – Std. Process
- Affidavit of Financial Information
- Order to Appear

STOP ORDER OF ASSIGNMENT/ INCOME WITHHOLDING ORDER

- Petition to Stop Order of Assignment
- Blank Request for Hearing

CHILD SUPPORT

(to establish when paternity already *legally* established)

- Petition
- Order to Appear
- Child Support Worksheet

MODIFY SPOUSAL MAINTENANCE OR SPOUSAL

AND CHILD SUPPORT ("Standard Mod")

- Petition to Modify Support Order
- Order to Appear
- Affidavit of Financial Information

MODIFY CHILD LEGAL DECISION-MAKING &/OR PARENTING TIME AND SUPPORT

- Petition to Modify
- Parents' Worksheet for Child Support
- Notice of Filing for Modification of Legal decision-making
- Affidavit Regarding Minor Children

MODIFY (Change) ORDER OF ASSIGNMENT/ INCOME WITHHOLDING ORDER

- Petition to Modify Order of Assignment
- Blank Request for Hearing

LIST OTHER CASE TYPE HERE: (Example: "Annulment") _____
(Below, list name of each document you received: Example: "Petition for Annulment", "Summons", etc.)

- 2. ACCEPT AND WAIVE FORMAL SERVICE.** I waive formal service of process by a process server or sheriff. I understand accepting these papers is the same as if I were personally served under Arizona Law [A.R.F.L.P. Rule 40 (F)]
- 3. RESPONSE DEADLINE.** I am aware that accepting service of these court papers and signing this paper does not affect my right or obligation to file a written Response or Answer to this action if I do not agree with any relief asked for in the Petition. I understand I must Respond or Answer within **20** days from the day I signed the original of this Acceptance of Service if I accepted service in Arizona, or **30** days if I received the papers somewhere other than in Arizona.
- 4. DEFAULT JUDGMENT, ORDER OR DECREE.** I understand that if I do not appear and defend in this action in court, within the time allowed by law, that I may lose my right to be heard in this case. I understand that failure to Respond or Answer could result in the court giving the other party any and all things requested in his or her legal papers, through a Default Judgment, Order or Decree.

5. RESTORE NAME. (ONLY in Divorce, Legal Separation or Annulment Cases.)

My complete married name is: (Complete ONLY if you want to change your name)

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

BY SIGNING BELOW, I swear or affirm that I have read and understand the contents of this document and that I have received and accepted the legal documents indicated above.

Date

Signature

State of Arizona)

)

County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20 _____

(Day)

(Month)

(Year)

by _____

(Name of Signer)

(Affix notary seal here)

Notary Public (Notary's Signature)

PROCEDURES

How to Serve Court Papers by Certified Mail

USE THIS PROCEDURE ONLY after you have filed your papers with the court.

STEP 1: **GO TO THE POST OFFICE** and tell the clerk you would like to mail the other party a letter as follows:

- Certified Mail, and
- Deliver to Addressee Only, and
- Restricted Delivery, and
- Return Receipt Requested, and
- Pay the postage.

STEP 2: **WAIT** for green receipt to be returned with the other party's signature. When you get the green receipt, note the date the other party received and signed for the papers.

STEP 3: **PAPERS FOR THE COURT**

- **COMPLETE:** Original of ***"Affidavit of Service by Certified Mail."*** Fill in **ALL** information requested on the form before proceeding. Be sure you fill in the date the other party received the papers. If you are unsure of the date, use the date you received the return receipt card. If you fail to list a date, the court may not process your papers and your case may be delayed.
- **ATTACH:** You must attach the original green receipt to the Affidavit to prove how you served the other party.
- **COPY:** Make yourself a copy of the ***"Affidavit of Service by Certified Mail"*** and a copy of the green receipt to keep for your files.

STEP 4: **FILE PAPERS WITH THE COURT.** File the Original ***"Affidavit of Service by Certified Mail"*** and the original green receipt with the Clerk of the Court.

STEP 5: **COUNT.** Note the date the other party was served the papers and start counting the days the other party has to file a Response or Answer. (When counting the days, start counting with the day **after** the other party signed the green receipt.)

DO NOT BRING CHILDREN TO COURT



ATTACH THE ORIGINAL MAIL RETURN RECEIPT HERE

CONSENT DECREE FOR LEGAL SEPARATION WITHOUT CHILDREN

(When Parties AGREE to all terms of the Separation)



PINAL COUNTY NON-COVENANT MARRIAGE

To Get A Legal Separation Order/Consent Decree

STEP 3

(Please complete step three before proceeding to the next step)

INSTRUCTIONS AND FORMS
Provided as a Public Service by
AMANDA STANFORD
Clerk of the Superior Court

CONSENT DECREE FOR LEGAL SEPARATION FOR A NON-COVENANT MARRIAGE WITHOUT CHILDREN

This packet contains court forms and instructions to get a decree of legal separation for a non-covenant marriage without children. The documents should appear in order as follows.

Order	Title	# of Pages
1	Table of Contents (this page)	1
2	What the Decree Means & Utilizing a Consent Decree	1
3	Procedures: How to file a Consent Decree	1
4	Consent Decree of Dissolution	14

For Spousal Support, you will need to file an Income Withholding for Support along with the above form. You may find the Income Withholding for Support form on our website at:

<http://www.coscpinalcountyaz.gov/assets/income-withholding-order.pdf>

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.

CRITERIA FOR UTILIZING A CONSENT DECREE

- You or your spouse filed a petition for Legal Separation **AND**,
- You do not have a "covenant" marriage **AND**,
- You and your spouse agree to all terms of the legal separation such as division of property and debt, whether there will be spousal maintenance (alimony) and if so, how much, **AND**,
- You and your spouse will provide your notarized signatures on the "Consent Decree" to indicate your agreement on all terms; **AND**,

DO NOT USE THESE FORMS IF:

You disagree on any terms of the legal separation.

INSTRUCTIONS FOR SUBMITTING A CONSENT DECREE

1. The Consent Decree may be submitted **61** days from the date of service upon the Respondent.
2. Fill out the Consent Decree in black ink. Please make sure to fill out the Consent Decree in full.
3. Once the Consent Decree has been filled out in full, both the Petitioner and Respondent will need to sign and date the Consent Decree in front of a Notary Public.
4. After the Consent Decree has been notarized you will need to make two (2) copies.
5. You will need to obtain two (2) appropriate sized self-addressed stamped envelopes. One envelope will need to be addressed to the Petitioner and the additional envelope will need to be addressed to the Respondent.
6. When submitting the Consent Decree to the Superior Court, you will then bring the original Consent Decree, two copies and two self-addressed stamped envelopes.
7. The Consent Decree will then be sent to the Judges office for approval. If approved you will receive your final Consent Decree in the Mail.

PROCEDURES

How to File a Consent Decree with the Court for Legal Separation of a Non-Covenant Marriage without Minor Children

IMPORTANT: The Consent Decree must be submitted **61** days from the date of service upon the Respondent.

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

Both the Petitioner and Respondent will need to sign and date the Consent Decree in front of a Notary Public.

STEP 2: Make 2 Copies of the document after they have been filled out and signed by a Notary Public.

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

You will need to obtain two (2) appropriate sized self-addressed stamped envelopes. One envelope will need to be addressed to the Petitioner and the additional envelope will need to be addressed to the Respondent.

STEP 4: **SUBMIT THE PAPERS WITH THE CLERK OF THE SUPERIOR COURT:**

In Person:

Go to the Clerk of Court filing counters at one of our locations. **You should go to the Court at least two (2) 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

By Mail: Clerk of the Superior Court
P.O. Box 2730
Florence, AZ 85132

STEP 5: The Consent Decree will then be sent to the Judges office for approval. If approved you will receive your final Consent Decree in the Mail.

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: _____

CONSENT DECREE OF

Name of Respondent

- DISSOLUTION OF MARRIAGE (DIVORCE)**
 LEGAL SEPARATION
 With Minor Children **Without Minor Children**
in a Non-Covenant Marriage

HONORABLE: _____

THE COURT FINDS:

1. This case has come before this court for a final Decree of Dissolution of Marriage or 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; the provisions of this Decree are fair and reasonable under the circumstances and in the best interests of the minor child(ren) as to legal decision-making, parenting time and support, and the division of property and debt is fair and equitable.

THE COURT FURTHER FINDS THAT:

3. **ARIZONA RESIDENCY.** The requirements of A.R.S. §25-312 for dissolution of marriage, or A.R.S. § 25-313 for legal separation have been met: At the time this action was filed, the Petitioner or the Respondent was domiciled in Arizona or was stationed in Arizona while a member of the United States Armed Forces. If this is an action for dissolution of marriage (divorce), the Petitioner or the Respondent was domiciled or stationed in Arizona for more than 90 days.
4. **CONCILIATION COURT.** The provisions relating to the Conciliation Court either do not apply or have been met.
5. **IRRETRIEVABLY BROKEN OR SEPARATE AND APART.** The marriage is irretrievably broken or the parties desire to live separate and apart.
6. **COVENANT MARRIAGE.** This is a non-covenant marriage.

7. **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.

8. **PROTECTIVE ORDERS.** Following is the effect, if any, of this Consent Decree on any existing protective orders:

9. **COMMUNITY PROPERTY AND DEBT.** (Select One)

- 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.

10. **PREGNANCY OR PATERNITY.** (Select one.)

- Wife is not pregnant, **OR**
 Wife is pregnant, and the husband **IS OR** **IS NOT** the father of the child.

11. **SPOUSAL MAINTENANCE/SUPPORT.** (Select one.)

- A party is entitled to an award of Spousal Maintenance/Support for the reason that
 Petitioner, **OR** Respondent

Lacks enough property, including property given to him or her as part of this divorce or legal separation, to provide for his or her reasonable needs, and is unable to support himself or herself through an appropriate job, or he or she is providing the primary care to 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 himself or herself, 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 himself or herself, OR

- Neither party is entitled to an award of Spousal Maintenance/Support.

If spousal maintenance is to be awarded, the parties further agree: (Select One)

- Spousal maintenance award shall be modifiable in accordance with Arizona law, **OR**
 The parties acknowledge that the circumstances of their futures are unknown, but each desires that this maintenance award, so awarded by their agreement, not be modifiable in the future for any reason. Therefore, it is at this time ordered that this spousal maintenance award shall NOT be modifiable for any reason.

12. **PARENT INFORMATION PROGRAM.**

- DOES NOT APPLY. THERE ARE NO MINOR CHILDREN IN THIS MARRIAGE.** (If no children, check the box and go to "13")

- a. Petitioner has attended the Parent Information Program class as evidenced by the "Certificate of Completion" in the court file. **OR**

Petitioner has not attended the Parent Information Program. In accord with A.R.S § 25-353, the Court may deny any request to enforce or modify the provisions of this decree which address legal decision-making or parenting time until Petitioner has completed the class.

- b. Respondent has attended the Parent Information Program class as evidenced by the "Certificate of Completion" in the court file. **OR**
- Respondent has not attended the Parent Information Program. In accord with A.R.S § 25-353, the Court may deny any request to enforce or modify the provisions of this decree which address legal decision-making or parenting time until Respondent has completed the class.

13. CHILD SUPPORT. (Select any that apply.)

DOES NOT APPLY. THERE ARE NO MINOR CHILDREN IN THIS MARRIAGE.

- a. Child support has been determined in accordance with the Arizona Child Support Guidelines. **OR**
- b. Application of the Arizona Child Support Guidelines in this case is inappropriate or unjust. The Court has considered the best interests of the minor child(ren) in determining that a deviation is appropriate and makes the following findings:

The child support amount before deviation is: \$ _____

The child support amount after deviation is: \$ _____

The Court finds the guidelines amount is inappropriate or unjust because:

- Attached written agreement incorporated **AND**
- All parties have signed the agreement free of duress and coercion.
- Other:

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

- d. Ability to Pay. The Court finds that the person responsible for paying child support has the ability to pay child support:

In the amount entered on Line 34 of the Worksheet of \$ _____ **OR**

In an adjusted amount calculated using the self-support reserve on the Parent's Worksheet for Child Support Amount of \$ _____

14. LEGAL DECISION-MAKING OF MINOR CHILD(REN). (Select any that apply.)

DOES NOT APPLY. THERE ARE NO MINOR CHILDREN IN THIS MARRIAGE.

- a. **Joint Legal Decision-Making.** If joint Legal Decision-Making is awarded the court makes the following findings:

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

Domestic Violence.

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

- b. **Supervised or No Parenting Time.** (Check and complete only if supervised parenting time or no parenting time is ordered.)

- Supervised Parenting Time** between the children and Petitioner **OR** Respondent, is in the best interests of the minor child(ren), for the following reasons: (Explain the reasons) _____

OR

- No Parenting Time** by Petitioner **OR** Respondent, is in the best interests of the minor child(ren), for the following reasons: (Explain). _____

THE COURT ORDERS:

1. LEGAL SEPARATION OR DISSOLUTION OF MARRIAGE (“Divorce”).

THE PARTIES ARE LEGALLY SEPARATED.

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

NAMES:

The name of the Wife **OR** The Husband, whose complete married name is:

--	--	--

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

--	--	--

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 up to the amount due and owing as of the date of this Decree, with the highest legal interest allowed by law, for the total amount of \$ _____

3. CHILD LEGAL DECISION-MAKING, PARENTING TIME, AND CHILD SUPPORT.

- DOES NOT APPLY. THERE ARE NO MINOR CHILDREN IN THIS MARRIAGE and THE WIFE IS NOT PREGNANT.** (Skip to "4")

a. PREGNANCY.

- A child who is common to the parties is expected to be born _____ (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. **OR**
- The orders below as to Legal Decision-Making, parenting time, support, and medical insurance/expenses do not include this child; the court reserves jurisdiction to address these issues regarding this child when the child is born.

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

Name(s) Of Minor Child(ren)

Date(s) of Birth(s) (Month/Day/Yr)

_____	_____
_____	_____
_____	_____

c. CHILD LEGAL DECISION-MAKING. (Select one)

- i. **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, named below or otherwise approved by the court.

Name of supervisor:

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**

- ii. **JOINT LEGAL DECISION-MAKING.** Petitioner and Respondent agree to act as joint custodians of the minor 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.**"

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 Amount attached hereto and incorporated by reference. All child support payments shall be made by wage assignment (if applicable) through the Support Payment 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, DENTAL, VISION CARE FOR MINOR CHILDREN.
(1) INSURANCE.

- Petitioner** is responsible for providing: Medical Dental Vision Care Insurance
 Respondent is responsible for providing: Medical Dental Vision Care Insurance

Medical, dental, and vision care insurance, payments and expenses are based on the information in the Parent's Worksheet for Child Support attached 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.

(2) NON-COVERED EXPENSES.

Petitioner is ordered to pay _____% **AND**
 Respondent is ordered to pay _____%
of all reasonable uncovered and/or uninsured medical, dental, vision care, 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 to the other party the sum of \$_____ per month in 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 Support Payment Clearinghouse by 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.

c. In accordance with the parties' agreements,

- The spousal maintenance award **SHALL BE** modifiable in accordance with Arizona law, **OR**
- The spousal maintenance award **SHALL NOT** be modifiable for any reason.

5. PROPERTY, DEBTS AND TAX RETURNS. (Select any that apply.)

- 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. Each party is assigned his or her separate property and Petitioner must pay his/her separate debt, and Respondent must pay his/her separate debt.
- c. 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 financial institution 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.

Other orders and relief relating to property or debt, if any, are contained in "**Exhibit A**", which is attached and incorporated into this Decree.

- d. For previous calendar years, pursuant to IRS rules and regulations, the parties will file:
 - Joint federal and state income tax returns 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,
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. In cases in which child support or spousal maintenance are ordered, then until such time as those would end under the orders in this Consent Decree, the parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every 24 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) minor 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:

DOES NOT APPLY. THERE ARE NO MINOR CHILDREN IN THIS MARRIAGE.

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 minor child(ren) born during the marriage but not common to the marriage. These minor children include: (Use additional paper if necessary)

Name: _____

Birth Date: _____

Name: _____

Birth Date: _____

Child expected to be born this date: _____

9. QUALIFIED DOMESTIC RELATIONS ORDER. (QDRO)

A QDRO is not necessary;

A QDRO is submitted herewith, **OR**

A QDRO will be submitted to the court as soon as practicable or not later than _____

(DATE)

The court shall retain jurisdiction over the subject matter of the QDRO.

10. FINAL APPEALABLE ORDER. Pursuant to Rule 81, Arizona Rules of Family Law Procedure, this final judgment/decree is settled, approved and signed by the court and shall be entered by the clerk.

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

Date

Judicial Officer

CONSENT DECREE - ATTORNEY SIGNATURE(S) (if applicable)
If either party is represented by an attorney, the attorney(s) must also sign.

Petitioner's Attorney

Date

Respondent's Attorney

Date

If the Attorney General's Office (the "AG"), Division of Child Support Enforcement (DCSE) is involved in this case, a representative of that agency must approve the child support amount and sign below:

The approval of the AG's office as to child support provisions contained in this document is indicated by my signature below:

Signature of Attorney General / DCSE Representative

Date

EXHIBIT A: PROPERTY AND DEBTS (Refer to section “E” in instructions)

1. **DIVISION OF COMMUNITY PROPERTY:** (property acquired during the marriage)

- Award each party the personal property in his/her possession.
- Community property is awarded to each party as follows:

2. **LIST OF COMMUNITY PROPERTY:** (Be very specific in your description of the property.)

		AWARD TO	
Household Furniture and Appliances	(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"/>
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COMMUNITY PROPERTY: - continued (Be specific) **AWARD TO**
Petitioner Respondent

Cash, bonds of \$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>

Continued on attached page(s).

3. 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.)

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

OR

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

_____ **OR**

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:

4. DIVISION OF REAL PROPERTY: (Land and Buildings) Section A is for one piece of property. Section B is for another, separate property.

A. Real property located at (address)

The **legal description** of this property, **as quoted from the DEED to the property*** is:

*** If you do not provide a correct legal description, you may have to come back to court to amend the Decree to include the correct legal description.**

The real property ("A") described above is awarded as the sole and separate property of:

Petitioner or **Respondent** **OR**

Shall be sold and the proceeds divided as follows:

_____ %	or \$ _____	To Petitioner.
_____ %	or \$ _____	To Respondent.

B. Real property located at (address)

The *legal description* of this property, *as quoted from the DEED to the property* is:*

*** If you do not provide a correct legal description, you may have to come back to court to amend the Decree to include the correct legal description.**

The real property ("B") described above is awarded as the sole and separate property of:

- Petitioner** or **Respondent** OR
 Shall be sold and the proceeds divided as follows:

_____% or \$_____ **To Petitioner.**
_____% or \$_____ **To Respondent.**

Continues on attached page.

5. DIVISION OF COMMUNITY DEBT: (Debts incurred during the marriage) (You should see a lawyer about how to divide secured and unsecured debts.)

Community debts shall be divided as follows:

Creditor Name	Amount Owed	Amount to be paid by Petitioner	Amount to be paid by Respondent
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

Continued on attached page.

6. 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.

7. SEPARATE PROPERTY: (Property acquired before the marriage or by gift or bequest to one party.)

Property recognized as the separate property of the Petitioner or Respondent, is assigned below:

Description	Value	To Petitioner	To 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"/>

8. **SEPARATE DEBT:** (Debt acquired before the marriage.)

Debt recognized as the separate debt of the Petitioner or Respondent, is assigned below:

Creditor Name	Debt Amount	Petitioner Pays	Respondent Pays
_____	\$ _____	<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"/>

Continued on attached page.

By signing this Exhibit and subscribing and swearing to same (or affirming to same) before a Notary Public, both parties affirm that the information is true and correct, including the following:

1. **NON-COVENANT MARRIAGE.** We do not have a covenant marriage.
2. **RIGHT TO TRIAL IS WAIVED.** I understand that by signing this Consent Decree, I am waiving my right to a trial before a judge.
3. **NO DURESS OR COERCION. COMPLETE AGREEMENT.** I am not under any force, threats, duress, coercion, or undue influence from anyone, including the other party, to sign this Consent Decree. This Decree with attachments, if any that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in the Decree.
4. **LEGAL ADVICE.** I understand that even if I am representing myself without an attorney, I have the right to be represented by an attorney. I have the right to call an attorney and get legal advice before I sign this Consent Decree.
5. **IRRETRIEVABLY BROKEN MARRIAGE.** I agree that our marriage is irretrievably broken. There is no reasonable prospect of reconciliation *[or we desire to live separate and apart if this is a Legal Separation case]*.
6. **DIVISION OF PROPERTY.** The agreement about division of property and debts is fair and equitable.