Revised 05.19.16

LEGAL SEPARATION WITH MINOR CHILDREN

(For Petitioner Only)

(When Parties <u>DO NOT AGREE</u> to all terms of the Separation)

PINAL COUNTY

NON-CONVENANT MARRIAGE

TO FILE FOR LEGAL SEPARATION WITH 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 WITH MINOR CHILDREN

This packet contains general information and instructions about filing a legal separation petition and other court papers when there are minor children. 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.pinalcountyaz.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.

General Issues If Children Are Involved In Your Case:

- Legal custody (decision-making authority over major matters concerning the children).
- Parenting time (what time each parent will spend with the children).
- Child support.

Additional Issues If Your Case Involves A Divorce:

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

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

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

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

Preparing For The Trial

When preparing for the trial, it is critical that you read the judge's minute entries carefully. The minute entries typically contain the Judge's requirements for the trial. These requirements may include: (1) Submitting a ***pretrial statement*** that describes the issues in the case and lists your witnesses and exhibits; and (2) Giving copies of your ***exhibits*** to the Clerk and to the other party before the trial.

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

What Happens During The Trial?

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

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

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

Documents may be evidence at the trial, but you must follow the proper procedure. Before the trial (usually 5 days before), you must give documents that you want to use to the Clerk of the Court to be "marked" with an exhibit number. However, marking an exhibit does not mean it is evidence. Rather, during the trial, you must "offer" the exhibit by asking the judge to admit it into evidence. The judge then decides whether to admit the evidence. The judge will consider only evidence that is ***admitted***.

Proper Court Behavior

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

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

For Additional Information

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

PETITION AND PAPERS FOR
"*LEGAL SEPARATION WITH 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 children with each other OR the wife is pregnant by the husband or **will** be pregnant by the husband before the Legal Separation is over, (if you have no children together, see the Legal Separation without 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

How to Fill Out *"Petition for Legal Separation with 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: [x] 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 WITH CHILDREN:

A. Use this form **ONLY** if you are getting a legal separation and there are children under the age of 18 years involved who are common to you and your spouse, and you have a non-covenant marriage. Arizona laws regarding "covenant" marriages went into effect August 21, 1998. See ARS §25-901. If you have a covenant marriage, you and your spouse were asked to sign an affidavit that included a statement similar to this: "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 regarding covenant marriages and we promise to love, honor and care for one another as husband and wife for the rest of our lives." (This paperwork will **not** work if you have a covenant marriage. If you have questions about whether you have a "covenant" marriage, look at your marriage license and/or see a lawyer for help). Make sure your form is titled ***"Petition for Legal Separation with 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 the attorney bar number if you are represented by an attorney. Then check the box to say whether you are represented 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 the line for "DO" Case Number blank. When you file your papers, you will receive a case number.

STATEMENTS MADE TO THE COURT, UNDER OATH:

1. **INFORMATION ABOUT ME, THE PETITIONER.** Fill in your name, address (**if not protected**), date of birth, occupation and length of time in Arizona.

2. **INFORMATION ABOUT MY SPOUSE, THE RESPONDENT.** Fill in your spouse's name, address, (if you know it) date of birth, occupation and length of time in Arizona.

3. **INFORMATION ABOUT MY MARRIAGE.** Fill in the date that you were married, along with the city and state. 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 in Florence. If you were married in another county, go to the Clerk of the Superior Court at the county seat in the county where you were married. Then check the box to tell the court you do not have a "covenant" marriage. If you have a "covenant marriage," see a lawyer for help. If you do not know whether you have a covenant marriage or not, review your marriage license and/or see 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 with Children."*** Before you file for Legal Separation, this **MUST** be true. **IF IT IS NOT TRUE, YOU CANNOT FILE FOR LEGAL SEPARATION** in Arizona until it becomes true.

5. **DOMESTIC VIOLENCE.** This tells the court if domestic violence was in the marriage, which affects a request for joint legal decision-making, (if you intend to ask for joint legal decision-making). If you are not sure what domestic violence means, see the "Domestic Violence" section on the first page of these instructions. Check the box that applies to your situation.

6. **CHILDREN COMMON TO THE PARTIES WHO ARE LESS THAN 18 YEARS OF AGE.** If there are no children under the age of 18 born to, or adopted by you and your spouse, you should use the ***"Petition for Legal Separation without Children"*** Packet. Otherwise, check the second box and provide the name, birth date and current home address including city, state, and zip code for each child born to, or adopted by you and your spouse.

7. **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.

INFORMATION ABOUT PROPERTY AND DEBT:

The information you give in paragraphs 8a through 9b 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 inheritance, all property acquired during the marriage up until the time when the Respondent is served with the Petition for Legal Separation is generally 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 up until the time the Respondent is served with the Petition for Legal Separation, no matter who spent the money. If you have questions, or have a lot of community property or debt, you should speak with an attorney **BEFORE** filing your Petition and other papers.

8.A. **COMMUNITY PROPERTY. PROPERTY ACQUIRED DURING THE MARRIAGE:** If you and your spouse do not have any property from the marriage, check the first box. If you and your spouse 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 not to. 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 what 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**. Use the brand name, model and serial numbers, 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 home, to give the home to your spouse, or to sell the 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 this description. A cemetery plot is considered real property.

b. **Household furniture.** This includes sofas, beds, tables, and so forth. Be specific.

c. **Household furnishings.** This includes things in the house other than furniture, for example: dishes, small appliances, rugs, and so forth. Be specific.

d. **Other.** List things that you want or you want your spouse to have that has not already been listed.

e. **Pension/retirement fund/profit sharing/stock plans/401K.** You and your spouse each generally have an interest of up to 50% (one-half) of 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 (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 that requires professional assistance to prepare.** The Self-Service Center and the court **do not** have Qualified Domestic Relations Order forms.

f. **Motor vehicles.** List the Vehicle Identification Number (VIN), the year and make of the car (Ford, Honda) and the model (Mustang, Lumina).

8.b. **SEPARATE PROPERTY: PROPERTY ACQUIRED BEFORE MARRIAGE.** If **you did not** have 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 brought property into the marriage or acquired property after the Respondent was served with the Petition for Legal Separation, 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. 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. You can use the brand name and model and serial numbers where applicable.

9.a **COMMUNITY DEBTS: DEBTS INCURRED DURING THE MARRIAGE.** If you and your spouse **do not** owe money on any debts from the marriage, check the first box and go on. If you and your spouse owe money on any debts from the marriage, 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. Generally, the court will attempt to make a fair division of the debts. If you get property that has debt on it, you will probably also be given the debt. Ordering one person to pay all the debt 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 since the separation and before filing for legal separation, you may want the court to order that each of you pay for any new debt after the date you separated. You can make this request on page 6 of your Petition under "H. Community Debts:"

9.b. **SEPARATE DEBTS: DEBTS INCURRED PRIOR TO MARRIAGE.** If you and your spouse did not owe money on any debts before you were married, check the first box and GO ON. If you owed money on debts before you were married, check the second box. If your spouse owed money on debts before you were married, check the third box. If either you or your spouse owes money on any debts you or your spouse brought into the marriage, describe the debts, and tell the court which debts you should pay and which debts your spouse should pay.

10. **TAX RETURNS:** Decide what you want to do about any income tax refund. Check the box that applies to you. If you have questions about which box you can check, you should see a lawyer, an accountant, and/or contact the Internal Revenue Service (IRS).

11. **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. 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 11. 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 11 to see if spousal maintenance/support applies to you or your spouse. Check as many boxes as apply to your situation. Spousal maintenance/support is paid separately from child support and is **not** a substitute for, nor a supplement to, child support.

12. **OTHER STATEMENTS TO THE COURT:** You are telling the court that you believe the following statements are true. If the statements are not true, see a lawyer for help:

- Your marriage is irretrievably broken. This means that your marriage is over and you **do not** believe you can get back with your spouse.

- 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 or resolve your marital issues.

- This court has the power to decide child legal decision-making issues. Generally, this means that the children have lived in the State of Arizona for the past six (6) months, or if they are younger than six (6) months, since birth. **If this statement is not true, see a lawyer for help.**

13. **WRITTEN LEGAL DECISION-MAKING AGREEMENT.** Check this box **ONLY** if you and your spouse have a written agreement regarding legal decision-making, **parenting time** and child support that **both** of you 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.

REQUESTS TO THE COURT:

This section requests that the court grant you and your spouse your legal separation and tells the court other requests you are making:

A. **LEGAL SEPARATION.** This is your request to legally separate the parties. If you have questions about the advantages and/or disadvantages of filing for legal separation as compared to divorce, you should see a lawyer for help.

B. **CHILD LEGAL DECISION-MAKING AND PARENTING TIME:**

B.1. **SOLE LEGAL DECISION-MAKING:** If you want sole legal decision-making, check the box that applies, including the parenting time you are asking for. Tell the court whether you want legal decision-making of the children to go to you (the Petitioner) or your spouse (the Respondent).

PARENTING TIME: Check only one box. You can ask that the non-custodial parent (the parent having physical legal decision-making of the child less than 50% of the time) have one of the following types of parenting time (If you want to know more about legal decision-making and parenting time, read the Legal decision-making and Parenting Time booklet available at the Clerk's office).

Reasonable parenting time. This suggests an amount of parenting time appropriate to the age of the child(ren). The court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents (Conciliation Court has information regarding age related parenting plans).

Supervised parenting time to the non-custodial parent. You should request supervised parenting time if the non-custodial parent cannot adequately care for the child(ren) without another person present. You may request this if the non-custodial parent has a problem with drugs or alcohol; is violent or abusive; or does not have the parenting skills to care for the child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the child(ren).

No parenting time to the non-custodial parent. You should mark this option only if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the child(ren)'s physical and/or emotional health, or if there is a criminal court order stating no contact between the child and the non-custodial parent. You may use this as a last resort to protect the child.

OR

B.2. **JOINT LEGAL DECISION-MAKING:** If you are asking for joint legal decision-making, you must file before your court hearing a **"Joint Legal Decision-Making Agreement"** signed by both parents that the court must approve.

C. **CHILD SUPPORT:** Tell the court who you think should pay child support. The person who has Legal Decision-Making of the child(ren), or who has physical care of the child(ren) more than 50% of the time, is the person who should receive the support. The other spouse, often called the "non-custodial" parent, must pay the support. The income of the parties generally determines the amount of the support according to court guidelines (If you want to know more about child support, read the Child Support Payments in Arizona booklet available at the Clerk's office). You must check only one box.

D. **INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN:** Check only one box. Tell the court which parent should provide insurance for the child(ren). Whichever parent has the most affordable insurance plan available through work generally should pay for health insurance. Adjustments can be made to child support to reflect the costs of health insurance for the child(ren).

E. **TAX EXEMPTION:** Decide how you and your spouse will declare the tax dependency exemptions, for which child(ren), for which years. Federal Tax law also determines this for you. If you are not sure, see a lawyer and/or an accountant or for help.

F. **SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):** 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 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 a corresponding box in the spousal maintenance/support section in paragraph 11.)** 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 paying this money.

Spousal maintenance/support is not a substitute for, nor a supplement to, court ordered child support.

G. **COMMUNITY PROPERTY.** This tells the court that your division of the property is fair.

H. **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 long enough that you or your spouse may have additional debts, write down the date of your separation on the line provided if you want each spouse to pay their debts incurred after you separated.**

I. **SEPARATE PROPERTY and DEBTS.** This states that you will keep the property you owned before the marriage and that your spouse will keep the property they owned before the marriage. It also says that you will pay your separate debts and your spouse will pay their separate debts.

J. **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.

AFFIDAVIT OF MINOR CHILDREN: You must complete this document. Fill in the information completely and to the best of your knowledge.

ORDER and NOTICE REGARDING THE PARENT INFORMATION PROGRAM: This is an important document. You and the other parent must attend and complete a class in the Parent Information Program. This is a very exciting and wonderful class. It was designed to help you. The purpose of the Parent Information Program is to give parents information about the impacts that legal separation, the changes in the family unit and court involvement have on minor children involved in a legal separation, paternity, or Legal Decision-Making case. This Notice applies to **all** parents who file an action for dissolution of marriage or legal separation, or any paternity proceeding, in which a party has requested that the court determine Legal Decision-Making, parenting time or support, and to all other domestic relations cases if ordered by the court. **Make sure you read this order and notice and serve the other party with it.**

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 from the following courthouse locations:

Pinal County Justice Complex
971 N. Jason Lopez Circle Bldg. A
Florence AZ 85132
(520) 866-5300

Apache Junction Office
575 N. Idaho Rd. Suite 109
Apache Junction, AZ 85119
(520) 866-5300

Casa Grande Office
820 E. Cottonwood Lane Bldg. B
Casa Grande, AZ 85122
(520) 866-5300

Mammoth Office
(Temporarily Closed)

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
- Court Order & Notice for Parent Education Class
- Child Support Worksheet
- Affidavit Regarding Minor Children
- Parenting Plan
- Preliminary Injunction
- Petition for Legal Separation with Children

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

SET 1 - ORIGINALS FOR CLERK OF COURT:

- Summons
- Notice Regarding Creditors
- Notice of Right to Convert Health Insurance
- Court Order & Notice for Parent Education Class
- Child Support Worksheet
- Parenting Plan
- Affidavit Regarding Minor Children
- Preliminary Injunction
- Sensitive Data Sheet
- Family Court Cover Sheet
- Petition for Legal Separation with Children

SET 2 - COPIES FOR SPOUSE:

- Summons
- Notice Regarding Creditors
- Notice of Right to Convert Health Insurance
- Court Order & Notice for Parent Education Class
- Child Support Worksheet
- Affidavit Regarding Minor Children
- Parenting Plan
- Preliminary Injunction
- Petition for Legal Separation with Children

SET 3 – COPIES FOR YOU:

- Summons
- Notice Regarding Creditors
- Notice of Right to Convert Health Insurance
- Court Order & Notice for Parent Education Class
- Child Support Worksheet
- Affidavit Regarding Minor Children
- Parenting Plan
- Preliminary Injunction
- Petition for Legal Separation with Children

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

GO TO: **GO TO THE OFFICE OF THE CLERK OF THE SUPERIOR COURT TO FILE YOUR PAPERS:** The Clerk's Office is open from 8am-5pm, Monday-Friday. **You should arrive at the Clerk's Office at least two hours before it closes**.

You may file your court papers at the following locations:

Pinal County Justice Complex
971 N. Jason Lopez Circle Bldg. A
Florence AZ 85132
(520) 866-5300

Apache Junction Office
575 N. Idaho Rd. Suite 109
Apache Junction, AZ 85119
(520) 866-5300

Casa Grande Office
820 E. Cottonwood Lane Bldg. B
Casa Grande, AZ 85122
(520) 866-5300

Mammoth Office
(Temporarily Closed)

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 www.coscpinalcountyaz.gov/fees.html for a list of current fees. Payment may be made by Cash, Money Order, Visa or MasterCard debit or credit.

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 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

_____
Name of Respondent **HONORABLE:** _____

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

_____
Name of Petitioner

CASE NUMBER: DO2

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.

ARIZONA SUPERIOR COURT, PINAL COUNTY

ORDER TO PARENT EDUCATION CLASS

THIS IS AN OFFICIAL ORDER. IF YOU DISOBEY THIS ORDER, THE COURT MAY FIND YOU IN CONTEMPT.

CASE NUMBER DO

Pursuant to A.R.S. '25-352, **IT IS ORDERED** you must attend and complete a parent education course within the following time limits:

1. **Petitioner:** You must complete the course within 45 days from the filing of the petition.

2. **Respondent*:*** You must complete the course within 45 days of being served with or accepting service of the petition. The *Respondent* must complete the course whether or not a response to the action is filed.

3. **Paternity Proceeding:** If paternity has been established, you must complete the class as described above. If paternity has not been established, you are welcome to complete the class at your earliest convenience. However, you are not required to complete the class until paternity has been established by the court.

4. **Compliance:** A.R.S. '25-353. Failure to comply - if a party fails to complete the educational program as ordered pursuant to section 25-352, the court may deny relief in favor of that party, hold that party in contempt of court or impose any other sanction reasonable under the circumstances. The court will be notified if you fail to complete the class. ***Exceptions: If you have completed the class within less than 1 year or the court excuses a party's participation.***

5. **Class Fee:** Each party shall pay the $40.00 fee to, or obtain a valid fee deferral from, the Clerk of the Superior Court (see attached *Notice* for fee payment instructions).

6. **Disability:** If, due to a disability, you need special accommodations for your attendance such as auxiliary aids, or materials in alternative formats, please contact Family Services of the Conciliation Court as soon as you receive this notice.

7. **Information:** Additional information about Parent Education is available at www.pinalcountyaz.gov/FSCC.

8. **Registration:** You may register for the course online at **www.pinalcountyaz.gov/PE**, or by phone at 520-866-7349.

Karl C. Eppich

Honorable Karl C. Eppich,
Presiding Judge, Family Court

Date

PARENT EDUCATION CLASS NOTICE

You have been ordered to attend a Parent Education Class. The Parent Education Class is taught by counselors from Family Services of Conciliation Court. You are required to complete the entire class to receive a copy of the *Notice of Completion and Certificate* that will be filed with the court. If you fail to comply, the Court may deny relief, hold you in contempt of court, or impose any other sanction reasonable under the circumstances. **(A.R.S. 25-352)**

The court will be notified if you fail to attend the class.

THIS IS A 3 STEP PROCESS.

1. **PAY** FOR THE CLASS WITH CLERK OF SUPERIOR COURT
2. **REGISTER** FOR THE CLASS WITH FAMILY SERVICES OF CONCILIATION COURT
3. **ATTEND** the 4 HOUR CLASS IN FLORENCE WITH PROOF OF PAYMENT

1. Use one of the following methods to pay for the Class: The cost is $40.00 per person.

- **ONLINE:** Make payment to via website**:** https://client.pointandpay.net/recurring/PinalCountySuperiorCourtAZ

- **PHONE:** Call 800.487.4567.

- **MAIL:** Mail personal checks, cashier's check or money order for $40.00 payable to Clerk of the Superior Court at the following address:

  Clerk of the Superior Court
  Parent Education Course
  P.O. Box 2730
  Florence, AZ 85132-2730

  Write your court case number and "***Parent Education Class"*** on the cashier's check, money order or personal check. IMPORTANT: You MUST enclose a self-addressed stamped envelope so the clerk's office will mail your receipt to you.

- **IN PERSON:** Pay by personal check, cashier's check, money order, cash or credit card at any clerk's office listed below.

  Clerk of the Superior Court Offices:
  Florence - 971 Jason Lopez Cir., Building A, Tel: 520.866.5300
  Apache Junction - 575 N. Idaho, Ste. 109 Tel: 520.866.5300
  Casa Grande - 820 E. Cottonwood Ln., # B Tel: 520.866.5300
  For information about obtaining a *fee deferral*, contact any clerk's office.

2. Register for the Class with Family Services of Conciliation Court: Sign up online at **www.pinalcountyaz.gov/PE,** or by phone at 520-866-7349.

3. Attend the Class: Bring **photo I.D. and proof of payment** or fee deferral to the class. Please arrive 15 minutes early.

Justice Complex (Highway 79)
Pinal County Superior Courthouse
971 Jason Lopez Cir., Bldg. A
Florence, AZ 85132

****No children are allowed in class****

If you reside outside of Pinal County, you are still required to complete a parent education class (A.R.S. 25-352). Please visit the website for information: www.pinalcountyaz.gov/FSCC

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

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

♦Simple ♦Quick ♦Accurate

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

http://www.azcourts.gov/familylaw

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

Calculate Support for Parent's Worksheet

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

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

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

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

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

- Child Support Order
- Post Paternity Establishment of Child Support Order
- Paternity Judgment Child Support Order

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

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

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: DO _____

PARENTING PLAN FOR:

☐ **JOINT LEGAL DECISION-MAKING**

OR

☐ **SOLE LEGAL DECISION-MAKING**

☐ **TO PETITIONER**

☐ **TO RESPONDENT**

_____
Name of Respondent

HONORABLE: _____

GENERAL INFORMATION

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

Name	**Birth Date**

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

☐ **SOLE LEGAL DECISION-MAKING**

Sole legal decision-making should be granted to

☐ **Petitioner** or

☐ **Respondent**

☐ **JOINT LEGAL DECISION-MAKING**

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

☐ Optional: If the parents do not agree, ***select one***

☐ the final decision will be with Petitioner

☐ the final decision will be with Respondent

☐ the decision will be addressed as follows:

_____

_____

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

☐ Optional: If the parents do not agree, ***select one***

☐ the final decision will be with Petitioner

☐ the final decision will be with Respondent

☐ the decision will be addressed as follows:

_____

_____

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

☐ Optional: If the parents do not agree, ***select one***

☐ the final decision will be with Petitioner

☐ the final decision will be with Respondent

☐ the decision will be addressed as follows:

_____

_____

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

☐ Optional: If the parents do not agree, ***select one***

☐ the final decision will be with Petitioner

☐ the final decision will be with Respondent

☐ the decision will be addressed as follows:

_____

_____

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

1. Regular Parenting Time:

_____

_____

_____

_____

_____

_____

_____

2. **Summer Months:**

_____

_____

_____

_____

3. **School Breaks Longer Than 4 Days:**

_____

_____

_____

_____

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

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

☐ **Explain your request:**

_____

_____

_____

_____

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

_____

_____

_____

_____

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

Event	**Even Years**		**Odd Years**	
New Year's Eve	☐ Petitioner	☐ Respondent	☐ Petitioner	☐ Respondent
New Year's Day	☐ Petitioner	☐ Respondent	☐ Petitioner	☐ Respondent
Easter	☐ Petitioner	☐ Respondent	☐ Petitioner	☐ Respondent
4th of July	☐ Petitioner	☐ Respondent	☐ Petitioner	☐ Respondent
Halloween	☐ Petitioner	☐ Respondent	☐ Petitioner	☐ Respondent
Veteran's Day	☐ Petitioner	☐ Respondent	☐ Petitioner	☐ Respondent
Thanksgiving	☐ Petitioner	☐ Respondent	☐ Petitioner	☐ Respondent
Christmas Eve	☐ Petitioner	☐ Respondent	☐ Petitioner	☐ Respondent
Christmas Day	☐ Petitioner	☐ Respondent	☐ Petitioner	☐ Respondent

Child(ren)'s Birthday	☐Petitioner	☐Respondent	☐Petitioner	☐Respondent
Mother's Day	☐Petitioner	☐Respondent	☐Petitioner	☐Respondent
Father's Day	☐Petitioner	☐Respondent	☐Petitioner	☐Respondent
Petitioner's Birthday	☐Petitioner	☐Respondent	☐Petitioner	☐Respondent
Respondent's Birthday	☐Petitioner	☐Respondent	☐Petitioner	☐Respondent

_____

_____

_____

_____

7. Telephone Contact with Children

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

☐ Explain your request:

_____

_____

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

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

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

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

☐ **SUPERVISED PARENTING TIME**

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

_____

_____

_____

_____

Name of the agency or person who will supervise:

_____

☐ **NO PARENTING TIME BETWEEN CHILD(REN) AND**

☐ **PETITIONER**

OR

☐ **RESPONDENT**

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

_____

_____

_____

_____

D. Medical and Dental Arrangements

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

E. Other Arrangements

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

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

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

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

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

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

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

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

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

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

Obtain Written Consent or Court Order Before Moving: Notice required by ARS 25-408 shall be made by certified mail, return receipt requested, or pursuant to the Arizona rules of family law procedure. The court shall sanction a parent who, without good cause, does not comply with the notification requirements

of this law. The court may impose a sanction that will affect the legal decision-making or parenting time only in accordance with the child's best interests.

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

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

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

SIGNATURE OF ONE OR BOTH PARENTS

Signature of Petitioner: _____ Date: _____

Signature of Respondent: _____ Date: _____

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

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

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

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

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

The parent or custodian must provide notice by first class mail, return receipt requested, by electronic means to an electronic mail address that the recipient provided to the parent or custodian for notification purposes or by another form of communication accepted by the court.
I/We have read, understand, and agree to abide by the requirements of A.R.S. §25-403.05(B) concerning notification of other parent or custodian if someone convicted of dangerous crime against children may have access to the child.

Signature of Petitioner: _____ **Date:** _____

Signature of Respondent: _____ **Date:** _____

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

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

☐ Domestic Violence has **not** occurred between the parties, **OR**
☐ Domestic Violence **has** occurred but it has not been "significant" or has been committed by both parties.*** Complete Section 3 below.**

2. **DUI or DRUG CONVICTIONS:**

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

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

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

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

_____
_____
_____
_____
_____
_____
_____
_____

4. **REVIEW:** The parents agree to review the terms of the / this agreement and make any necessary or desired changes every _____ months from the date of this document.

5. **CRITERIA.** Our joint Legal Decision-Making agreement meets the criteria required by Arizona law A.R.S. §25-403.02, as listed below:

   a. The best interest of the minor children are served;
   b. Each parent's rights and responsibilities for personal care of the minor children and for decisions in education, health care and religious training are designated in this Plan;
   c. A schedule of the physical residence of the minor children,, including holidays and school vacations is included in the Plan;
   d. The Plan includes a procedure for periodic review;
   e. The Plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved;
   f. A procedure for communicating with each other about the child, including methods and frequency.

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

Signature of Petitioner: _____ Date: _____

Signature of Respondent: _____ Date: _____

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

AFFIDAVIT REGARDING MINOR CHILDREN

_____
Name of Respondent

HONORABLE: _____

NOTICE: This *"Affidavit Regarding Minor Children"* is required for all legal decision-making cases. You must fill out this Affidavit completely, and provide accurate information. Use additional paper if necessary. You must give copies of this Affidavit and all other required documents to the other party, and to the judge.

1. **CHILDREN OF THE PARTIES WHO ARE UNDER 18 YEARS OLD.** The following child(ren) are under age 18 and were born to, or adopted by, me and the other party:

Name: _____ Name: _____
Birth Date: _____ Age: _____ Birth Date: _____ Age: _____
Name: _____ Name: _____
Birth Date: _____ Age: _____ Birth Date: _____ Age: _____

2. **INFORMATION REGARDING WHERE THE CHILDREN UNDER 18 YEARS OLD HAVE LIVED FOR THE LAST 5 YEARS:** (Attach additional pages if necessary)

Child's Name: _____ Dates: From _____ To _____
Address: _____ Lived with _____
City, State: _____ Relationship to Child: _____

Child's Name: _____ Dates: From _____ To _____
Address: _____ Lived with _____
City, State: _____ Relationship to Child: _____

Child's Name: _____ Dates: From _____ To _____
Address: _____ Lived with _____
City, State: _____ Relationship to Child: _____

Child's Name: _____ Dates: From _____ To _____
Address: _____ Lived with _____
City, State: _____ Relationship to Child: _____

3. COURT CASES IN WHICH I HAVE BEEN A PARTY/WITNESS THAT INVOLVED THE LEGAL DECISION-MAKING PARENTING TIME OF THE CHILD(REN): (Check one box)

☐ I have or ☐ I have not been a party/witness in court in this state or in any other state that involved the legal decision-making parenting time of the child(ren) named above. (If so, explain on separate paper. If not, go on.)

Name of each child: _____
Name of Court: _____ Court Location: _____
Court Case Number: _____ Current Status: _____
How the child is involved: _____
Summary of any Court Order: _____

4. INFORMATION REGARDING PENDING COURT CASES RELATED TO THE LEGAL DECISION-MAKING OF THE CHILD(REN): (Check one box)

☐ I do have or ☐ I do not have information about a legal decision-making parenting time court case relating to any of the children named above that is pending in this state or in any other state. (If so, explain. If not, go on.)

Name of each child: _____
Name of Court: _____ Court Location: _____
Court Case Number: _____ Current Status: _____
How the child is involved: _____
Summary of any Court Order: _____

5. LEGAL DECISION-MAKING OR PARENTING TIME CLAIMS OF ANY PERSON: (Check one box)

☐ I do know or ☐ I do not know a person other than the Petitioner or the Respondent who has physical legal decision-making or who claims legal decision-making or parenting time rights to any of the children named in this Affidavit.
(If so, explain below. If not, go on.)

Name of each child: _____
Name of person with the claim: _____
Address of person with the claim: _____
Nature of the claim: _____

OATH OR AFFIRMATION AND VERIFICATION:

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

_____ _____
Date **Signature**

State of Arizona)
)
County of _____)

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

by _____
(Name of Signer)

_____ _____
(Affix notary seal here) **Notary Public** (Notary's Signature)

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

_____

Name of Respondent **HONORABLE:** _____

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: _____ Gender: ☐ Male ☐ Female
Height: _____ Weight: _____
Date of Birth: _____

Respondent:
Name: _____ Gender: ☐ Male ☐ Female
Height: _____ Weight: _____
Date of Birth: _____

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

_____
Name of Petitioner

CASE NUMBER: _____

SENSITIVE DATA SHEET
(CONFIDENTIAL RECORD)

_____
Name of Respondent

HONORABLE: _____

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	☐ Male or ☐ Female	☐ Male or ☐ 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 **DO 2** _____ ATLAS NUMBER(S) _____	Judge _____

PETITIONER'S NAME AND ADDRESS	**RESPONDENT'S NAME AND ADDRESS**
Name: Address: City/State/Zip: Phone Number: Email Address: DOB:	Name: Address: City/State/Zip: Phone Number: Email Address: DOB:
PETITIONER'S ATTORNEY Name/State Bar #: Address: City/State/Zip: Phone Number:	**EMERGENCY ORDER SOUGHT** ☐ Order of Protection ☐ Temporary Order ☐ Other _____ (Specify)
Do you or the other party need an interpreter? ☐ Yes ☐ No If yes, what language: _____	FEES: ☐ PAID ☐ NOT PAID - REASON ☐ Political Subdivision/Government Agency ☐ Deferred ☐ Waived

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)

I receive or have received public assistance which may include AFDC, TANF, or AHCCS for my child(ren) or me.

☐ Yes ☐ No

I have a case with the Division of Child Support Enforcement.

☐ Yes ☐ No

If yes, list the case number(s)

_____

Do you currently have ANY other Pinal County Superior Court cases?

☐ Yes ☐ No

If yes, list the case number(s)

_____

Have you ever had ANY other Pinal County Superior Court cases?

☐ Yes ☐ No

If yes, list the case number(s)

_____

PETITIONER'S DECLARATION OF INFORMATION FOR CONCILIATION COURT

The wife is pregnant: ☐ Yes ☐ No

The respondent is being served by publication: ☐ Yes ☐ No

Please enter the number of children under the age of 18 of either or both parties who are in Legal Decision-Making of either or both parties: _____

NAMES OF MINOR CHILDREN & DATE OF BIRTH:	**NAMES OF MINOR CHILDREN & DATE OF BIRTH:**

There is an agreement as to the parenting arrangements of the minor children: ☐ Yes ☐ No

To the best of my knowledge, all information is true and correct.

_____

Attorney / Pro Per Signature ***(If no attorney, your signature is required)***

NOTICE

Effective September 8, 1992 and pursuant to Superior Court (Pinal County), Administrative Order No. 92-15, the Superior Court requires that a "Cover Sheet", which categorizes the cause of action, accompany any new action filed with the Superior Court in Pinal County. **PLEASE DO NOT INCLUDE THIS FORM WITH CASES THAT HAVE ALREADY BEEN FILED.** This form can only be processed **at the time of filing** New Complaints and Petitions.

Revised 6/22/09

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 WITH CHILDREN [624]

_____
Name of Respondent

HONORABLE: _____

STATEMENTS MADE 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 this statement if you have a covenant marriage**. If you have questions about whether you have a covenant marriage, review your marriage license, and/or see 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. **DOMESTIC VIOLENCE:** (Check the box that is ***true*** if you intend to ask for joint Legal Decision-Making): Domestic violence ☐ has not occurred during this marriage or ☐ Domestic violence has occurred.

6. **CHILDREN OF THE PARTIES WHO ARE LESS THAN 18 YEARS OLD** (check one box)**:**

☐ There are **no** children under the age of 18 either born to, or adopted by, the parties.
NOTE: IF YOU CHECKED THIS BOX, STOP. YOU SHOULD BE USING THE PACKET TO GET A LEGAL SEPARATION WITHOUT CHILDREN.

☐ The following child(ren) is/are under age 18 and were born to or adopted by my spouse and me (Attach extra pages if necessary):

Child's Name:_____
Birth Date:_____
Address:_____
Length of Time at Address:_____

Child's Name:_____
Birth Date: _____
Address:_____
Length of Time at Address:_____

Child's Name: _____
Birth Date:_____
Address: _____
Length of Time at Address:_____

Child's Name: _____
Birth Date:_____
Address:_____
Length of Time at Address:_____

7. **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.

8.a. **COMMUNITY PROPERTY: (check one box)**

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

	Petitioner	Respondent	Value
☐ **Real estate located at:** _____	☐	☐	$_____

Legal Description: _____
_____
_____

	Petitioner	Respondent	Value
☐ **Real estate located at:** _____	☐	☐	**$**_____

Legal Description: _____
_____
_____

☐ **Household furniture and appliances:**

	Petitioner	Respondent	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

☐ **Household furnishings:**

	Petitioner	Respondent	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

☐ **Other items:**

	Petitioner	Respondent	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

☐ **Pension/retirement fund/profit sharing/stock plan/401K:**

	Petitioner	Respondent	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

☐ **Motor vehicles:**

	Petitioner	Respondent	Value
Make _____ Model _____ VIN _____ Lien Holder _____	☐	☐	$_____

	Petitioner	Respondent	Value
Make _____ Model _____ VIN _____ Lien Holder _____	☐	☐	$_____

8.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
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

9.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

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

9.b. SEPARATE DEBTS: (Check all boxes that apply.)

☐ My spouse and I do **not** have any debts that were incurred prior to the marriage or separate debt;

☐ I have separate debt or debt that I incurred prior to the marriage that should be paid by me as described below;

☐ My spouse has separate debt or debt that he or she incurred prior to the marriage that should be paid by my spouse as described below.

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

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

☐ After the judge or commissioner signs the Order of Legal Separation, we will, subject to IRS Rules and Regulations, pay federal and state taxes as follows: For previous years (the years we 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,1/2 of all additional income taxes if any and other costs 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, subject to IRS Rules and Regulations, file separate federal and state income tax returns. Each party will give the other party all necessary documentation to do so.

11. 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) that apply. At least one reason must apply to get spousal maintenance/ support.)

☐ Person lacks sufficient property to provide for his/her reasonable needs;
☐ Person is unable to support himself/herself through appropriate employment;
☐ Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
☐ Person lacks earning ability in the labor market adequate to support himself/herself; and,
☐ Person contributed to the educational opportunities of the other spouse or had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself/herself.

12. OTHER STATEMENTS TO THE COURT UNDER OATH: To file for Legal Separation, of a 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 attempted to resolve our problems by using Conciliation Services, our going to Conciliation Services to try to resolve our problems would not work.
☐ TRUE This court has jurisdiction to decide child legal decision-making matters under Arizona law.

13. WRITTEN LEGAL DECISION-MAKING AGREEMENT: (Check the boxes that apply, if they apply)

☐ My spouse and I have a written agreement signed by both of us about the Legal Decision-Making, parenting time, and child support for our child(ren). I have attached a copy of the written agreement.

☐ My spouse and I **do not** have a written agreement or there is a dispute regarding Legal Decision-Making and we need to go to mediation to resolve this issue before the Order is submitted; as per Local Rule 4.2.

REQUESTS TO THE COURT:

A. LEGAL SEPARATION:
☐ An Order of Legal Separation.

B. CHILD LEGAL DECISION-MAKING AND PARENTING TIME: Award Legal Decision-Making and parenting time of the children under the age of 18 years and common to the parties, whether by birth or adoption, as follows: (Check either the sole Legal Decision-Making box or the joint Legal Decision-Making box. If you check the sole Legal Decision-Making box, check only one box related to parenting time.)

B.1. ☐ **SOLE LEGAL DECISION-MAKING** of the minor child(ren) awarded to ☐ Petitioner OR ☐ Respondent, subject to parenting time as follows:

☐ **Reasonable Parenting Time** rights to the parent not having Legal Decision-Making, as will be described in the Parenting Plan attached to the Order for Legal Separation.

☐ **Supervised Parenting Time** between the children and the ☐ Petitioner OR ☐ Respondent is in the best interest of the children because: (Explain the reasons for need for supervised parenting time. Use extra paper if necessary.)_____

_____

Name of the agency/person who will supervise:_____

Requested restrictions on parenting time: (explain here)

_____

_____

The cost of supervised parent/child access will be paid by ☐ the parent being supervised; ☐ the parent having Legal Decision-Making; ☐ shared equally by the parties.

☐ **No Parenting Time** rights to the parent not having Legal Decision-Making, is in the best interest(s) of the child(ren) because: (Explain the reasons for no parenting time. Use extra paper if necessary):

_____

OR

B.2. ☐ **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 signed by the parties, if the court agrees with the Joint Legal Decision-Making Agreement. (Remember, you must submit a Parenting Plan in writing before the Court will consider joint Legal Decision-Making; as per A.R.S. 25-403 (F).)

C. **CHILD SUPPORT:** Order that child support will be paid by ☐Petitioner, OR ☐ Respondent in a reasonable amount as determined by the court under the Arizona Child Support Guidelines. Support payments will begin on the first day of the first month following the entry of the Legal Separation decree. These payments, and a fee for handling, will be paid through the Clerk of the Court/Clearinghouse and collected by automatic wage assignment.

D. **INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN:** Order that ☐ Petitioner, OR ☐ Respondent will pay for the health, medical, and dental insurance coverage for the child(ren), under the age of 18 years, common to the parties. Petitioner and Respondent will pay for all reasonable unreimbursed medical, dental, and health-related expenses incurred for the child(ren) in proportion to their respective incomes.

E. **TAX EXEMPTION:** The parties will claim the children as income tax dependency exemptions on federal and state income tax returns as follows:

Parent entitled to claim	Name of child	Current tax year	Later tax years
☐Petitioner ☐ Respondent			
☐Petitioner ☐ Respondent			
☐Petitioner ☐ Respondent			
☐Petitioner ☐ Respondent			

F. **SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):**
☐Order spousal maintenance/support to be paid by ☐Petitioner, or ☐ Respondent through the Clerk of the Court/Clearinghouse in the amount of $_____ per month, plus the statutory fee, beginning with the first day of the month **after** the Judicial Officer signs the Order of Legal Separation and continuing until the person receiving spousal maintenance/support is remarried or deceased, or for a period of _____months.

G. **COMMUNITY PROPERTY:**
Make a fair division of all community property as requested in this petition.

H. **COMMUNITY DEBTS:**
Order each party to pay community debts as requested in the Petition, and to pay any other community debts unknown to the other party. Order each party to pay and hold the other party harmless from debts incurred by them since the parties' separation on (date)_____ or from the date the Respondent was served with the Petition for Legal Separation.

I. **SEPARATE PROPERTY and DEBT:** Award each party their separate property and make each party pay their own separate debt.

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

_____

_____

_____

_____

OATH OR AFFIRMATION AND VERIFICATION

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

_____ _____

Date **Signature**

State of Arizona)
)
County of _____)

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

by _____
(Name of Signer)

_____ _____

(Affix notary seal here) **Notary Public** (Notary's Signature)

Revised 02.25.16

SERVICE
OF COURT PAPERS
FAMILY COURT CASES ONLY

(When Parties <u>DO NOT AGREE</u> 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

SERVICE OF COURT PAPERS

CHECKLIST

"Service" means giving legally required notice to other parties that you have filed papers that may result in a court order that may affect them. The court papers can ONLY be delivered in a manner permitted by law, and proof of proper delivery must be filed with the court.

You may use the forms and instructions in this packet if . . .

- ✓ You have filed a Petition, Complaint, or other document in the Superior Court in a Civil or Family Court case and you are required to *serve notice* on other parties of what you have filed with the court,

AND

- ✓ You understand that your case cannot proceed until you have provided proof to the court that notice has been given in a manner permitted by law,

AND

- ✓ You understand that you may **NOT** hand-deliver the papers to the other party unless he or she (and no one else) will sign a ***"Family Court Acceptance of Service***" form in front of a Notary and return the form for you to file with the Court.

NOTE: If you know you are going to have the papers served by the Sheriff's Department or by a private process server in Pinal County and you do not need information about other methods of service, both the Sheriff and private process servers will have their own forms and you will not need this packet.

NOTE: If you are required to serve notice on a person outside the United States, you may need to see a lawyer or research international law to determine what methods of service are permitted in your situation.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results.

HOW TO SERVE COURT PAPERS ON THE OTHER PARTIES

TABLE OF CONTENTS

This packet contains general information, court forms, instructions and procedures for ***serving*** 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
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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.

INSTRUCTIONS

Serving the Other Party

1. **SERVING THE OTHER PARTY:**
   - After you have filed your court papers with the Clerk of the Court, you must **serve** the papers on the other party.
   - **Service** means giving legal notice to the other party (or parties) that you have filed court papers. You must provide proof of service to the court.
   - This packet explains the steps you need to take to serve the other party and what forms you must use.
   - By completing the steps for service, you tell the court that the other party has received a copy of the court papers. After the other party is served, the other party will be given a time limit to file a Response or Answer. The Response or Answer is the other party's written statement to your request. The Response or Answer tells you, and the court, what the other party wants.

2. **METHODS OF SERVICE:**
   Read the choices below to make sure that you are using the correct method of service. Select the method of service that works best for you. *(If the other party lives outside of the United States, you should see a lawyer to find out which method of service will work best for you.)*

   A. **Service by Acceptance.** This method requires you to give, or mail the court papers to the other party and include a ***"Family Court Acceptance of Service"*** form. The other party must sign the ***"Family Court Acceptance of Service"*** form in front of a Notary Public and return it to you. The other party cannot sign the ***"Family Court Acceptance of Service"*** until after you have filed the court papers with the court. The other party's signature on the ***"Family Court Acceptance of Service"*** does not mean that he/she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server.

   Service is complete at the time the other party signs the ***"Family Court Acceptance of Service."*** If you choose this method of service, use the ***"Family Court Acceptance of Service"*** form.

   WARNING: Do **not** use this method of service if you are the victim of domestic violence, or believe the other party will hurt you, take your money, or take your children. If you believe the other party will become violent or uncooperative when you ask him/her to accept service, use one of the methods of service described below.

   B. **Service by Registered Process Server**. This method requires you to hire, and pay, a registered process server to serve the other party with court papers. A process server is a person who will give the papers to the other party at home, work, or other location. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under "Process Server" in the Yellow Pages to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. If you decide to use this method, and the other party lives outside of Arizona, you would need to find a registered process server in the state where the other party lives.

   C. **Service by Sheriff.** This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office. The Sheriff's Office will give the Court a Sworn Affidavit of Service stating that the person was served.

NOTE: Pinal County Sheriff's Deputy can only serve parties that are located within Pinal County. If the other party lives outside Pinal County, you will need to contact the Sheriff's Office in that county for information regarding service.

D. Service by Certified Mail. This method of service allows you to give notice by a special type of mail. You can send the court papers by giving the post office copies of the court papers in an envelope, postage prepaid, to be sent to the other party by any form of mail requiring a signed and returned receipt. This is often called **Certified Mail, Restricted Delivery** by the post office. This means that the other party must sign for the papers.

If the other party signs a receipt (green receipt) for the papers, the green receipt will be returned to you in the mail. You must then file an affidavit with the court stating (1) that the court papers were sent to the other party, (2) that the papers were received by the other party, as evidenced by the original green receipt you attach to the affidavit; and (3) the date the party received the documents. A copy of the affidavit you will need is provided in the packet.

E. Other Methods of Service. There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

3. WHEN YOU CANNOT FIND THE OTHER PARTY:

Before you begin service by Publication, you must first complete the ***"Declaration of Due Diligence and Request for Alternate Means of Service (Publication)"*** for the Judge to grant service by Publication.

If the Judge approves service by Publication the ***"Order for Alternate Means of Service"*** will be signed and a copy of the Order mailed to you, at that time you can continue with Publication.

A. Service by Publication. You may use this method only if you do not know where the other party lives, or cannot find the other party. Service by publication is your "last resort." It is used **only** if you do not have a current address for the other party and have tried, unsuccessfully, to find the other party. Use a paper of general circulation and that are familiar with the requirements and regularly publishes legal notices.

Tips for Finding the Other party: Before the Court will accept ***"Service by Publication,"*** you must have made every reasonable effort to find the Respondent and to give actual notice of this case by personal service of the required documents. You will be required to state, under penalty of perjury, the steps you have taken to try to locate the Respondent and if the Court is not satisfied that you have taken all reasonable steps, your case may be delayed until the Court is satisfied all such steps have been taken.

Examples of steps you MUST take: verify the Respondent is not at any last known address(es), talk to Respondent's friends, family members, employer, co-workers, former co-workers or employer(s), or anyone else you think may have a current address. Search telephone directories, the Internet, voter registration records, obituaries, and even the morgue. You may also have to consider hiring a private detective or a company that charges a fee to do computer searches to help you track down the other party. If you know the other party's date of birth and/or Social Security Number, this method may work for you.

Service by Publication can be expensive and may delay your court case. You would need to contact the newspaper to determine the cost of publication. Application for Deferral is only applicable to Pinal County newspapers. If you need to publish in another County or State, the Deferral of Fees is not applicable.

1. **Publication must been done in the county were the case originated:**

   This method requires that a copy of the ***"Summons"*** be published in a newspaper of general circulation in Pinal County once a week for four consecutive weeks.

   If the other party's last known address was also in Pinal County then the publication above will suffice for service to the other party.

2. **How to publish service if the other party's last known address is in Arizona, but not in the county in which your case in pending:**

   i. You must publish in the county in which your case is pending and you must publish in a newspaper in the county of the last known residence of the person to be served.

   ii. To publish in another county (not Pinal County) you will need to contact a newspaper in that county.

   iii. After you have contacted the newspaper and inquired about publication, mail or deliver the payment (or certified copy of the Order of Deferral) and ***"Letter to Newspaper"*** provided in this packet, along with copies of the ***"Summons"*** or documents you filed with the Court, to the newspaper for publication.

   iv. Wait for the newspaper to send you the original document called ***"Affidavit of Service"*** in five weeks.

3. **Complete Your Paperwork.** Fill out the ***"Affidavit Supporting Publication"*** provided in this packet. The ***"Affidavit Supporting Publication"*** is a statement affirming or swearing under oath that you have done everything possible to try to find the other party. File the original ***"Affidavit Supporting Publication"*** with the Clerk of the Superior Court.

   You must also file the original ***"Affidavit of Service"*** that you received from the newspaper(s), verifying and stating the dates of publication.

WHEN IS A WRITTEN RESPONSE TO THE COURT PAPERS DUE?

- **LOOK AT THE TIMETABLE BELOW.** If the **last day** for the other party to respond falls on a Saturday, Sunday, or legal holiday, you **do not** count that day. The last day you count to determine if you can file the default papers, must be a day when this court is open for business.

- **INCLUDE WEEKENDS AND HOLIDAYS.** In counting the days, include weekends and holidays until you reach the number of days in the Timetable below. If the other party files a written Response or Answer with the court, you **CANNOT FILE BY DEFAULT.**

DEFAULT TIMETABLE

SERVICE BY	COUNT	EVENT
• ***"Acceptance of Service"*** (in Arizona)	20 Days	after other party signs ***"Acceptance of Service***"
• Process Server (in Arizona)	20 Days	after other party receives papers from process server
• Sheriff (in Arizona)	20 Days	after other party receives papers from sheriff
• ***"Acceptance of Service"*** (out of State)	30 Days	after other party signs ***"Acceptance of Service"***
• Registered mail (out of State)	30 Days	after other party signs green card
• Process Server (out of State)	30 Days	after other party receives papers from process server
• Sheriff (out of State)	30 Days	after other party receives papers from sheriff
• Publication	60 Days	after the 1st day of publication

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

CHILD SUPPORT
(to establish when paternity already *legally* established)
☐ Petition
☐ Order to Appear
☐ 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 SPOUSAL MAINTENANCE *OR* SPOUSAL *AND* CHILD SUPPORT ("Standard Mod")
☐ Petition to Modify Support Order
☐ Order to Appear
☐ Affidavit of Financial Information

MODIFY CHILD SUPPORT ("Standard Mod")
☐ Petition to Modify Child Support – Std. Process
☐ Affidavit of Financial Information
☐ Order to Appear

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

STOP ORDER OF ASSIGNMENT/ INCOME WITHHOLDING ORDER
☐ Petition to Stop Order of Assignment
☐ Blank Request for Hearing

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

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

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

_____
Name of Respondent

HONORABLE: _____

1. I am familiar with the facts stated in this Affidavit, and I make this Affidavit to show that I have served the court papers on the other party by certified mail, postage prepaid, return receipt requested, pursuant to Arizona Rules of Civil Procedure, Rule 4.2(c).

Person served (name of other party): _____

Address where other party was served: _____

_____

Date of receipt by the other party: _____ ***Date of return of receipt to sender:*** _____

2. The following documents were sent to the other party by certified mail **(List all of the documents sent to the other party):**

_____

_____

These court papers were received by the other party as shown by the ***original RETURN*** receipt that is attached to this Affidavit.

_____ _____
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)

ATTACH THE ORIGINAL MAIL RETURN RECEIPT HERE

INSTRUCTIONS

How to Serve Court Papers by Registered Process Server

STEP 1: **FIND.** You must hire a Registered Process Server. You may locate process servers in the commercial section of the phone book under "Process Server," or online by using the search term "Arizona Process Servers" or similar, or at the web site of the Arizona Process Server's Association at **http://arizonaprocessservers.org/**.

NOTICE: There are fees for service of court papers.

- May offer greater flexibility in serving papers "after-hours" or on short notice.
- Are paid directly by you, not through the court.
- If you qualify, Process Server Fees may be deferred or waived within Pinal County only.
- Out of County Process Server Fees may not be deferred or waived by the court.

STEP 2: **GO.** Go to the Registered Process Server's office. **TAKE** with you the following items**:**

- Copy of ***"Summons"*** (if your case has a summons).
- Other party's set of copies of the court papers.
- A picture or a written physical description of the other party.
- A written description of the automobile that the other party drives.
- The address where the other party can be served.
- The amount you need to pay for this service. (You can call ahead of time to ask the Process Server what type of payment they require.)

STEP 3: **WAIT.** The Process Server will mail you a copy of the ***"Affidavit of Service"*** after he/she serves the other party with the papers. **IMPORTANT:** If the Process Server does not file an ***"Affidavit of Service"*** with the Clerk of the Court, you must get the ***"Affidavit of Service"*** from the Process Server and file it.

STEP 4: **COUNT.** Look at the ***"Affidavit of Service"*** to find out the date the other party was served with the court papers and start counting the days for the other party to file a Response or Answer. When counting the days, start counting with the day **after** the other party was served the papers. Look at the ***"Affidavit of Service"*** to find out the date the other party was served with the court papers and start counting the days for the other party to file a Response or Answer. When counting the days, start counting with the day **after** the other party was served the papers.

DO NOT BRING CHILDREN TO COURT.

PROCEDURES

How to Serve Court Papers by Sheriff

STEP 1: **GO.** Contact the Sheriff's Office in the county where the other party lives. Bring your court papers with you, **or** send a copy of the court papers to the Sheriff's Office if the other party does **not** live in the same county as you do. The Pinal County Sheriff's Office is located at:

Pinal County Sheriff's Office
971 Jason Lopez Circle, Bldg C
Florence, AZ 85132
1-800-420-8689

NOTICE: There are fees for service of court papers.

STEP 2: **WRITE.** If you are asking that the papers be served by a Sheriff's Department *other than* Pinal County's, fill out the attached sheet for identifying the other party and provide:

- Other party's set of copies of the court papers.
- A picture or written physical description of the other party.
- A written description of the automobile the other party drives.
- The address where other party can be served.
- ***"Certified Order Waiving/Deferring Fees,"*** or a $200.00 deposit fee - cash/money order.

STEP 3: **WAIT.** The Sheriff may mail you a copy of the ***"Affidavit of Service"*** after the other party is served with the papers, **or** the Sheriff may file these papers instead of sending them back to you.

STEP 4: **COUNT.** Read the ***"Affidavit of Service"*** to find out the date the other party was served with the court 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 was served with the court papers.)

DO NOT BRING CHILDREN TO COURT.

(YOUR NAME)

(ADDRESS)

(CITY/STATE/ZIP)

(TELEPHONE NUMBER)

(DATE)

County Sheriff

(COUNTY NAME)

(ADDRESS)

COURT CASE NO.

(CITY/STATE/ZIP)

REGARDING: (NAME OF PERSON TO BE SERVED)

I enclose a copy of the following documents: (LIST ALL DOCUMENTS YOU WANT TO BE SERVED)

Please serve these papers on the other party. His or her current address and physical description are:

(OTHER PARTY'S NAME)

(HOME ADDRESS)

(WORK ADDRESS)

(HOME CITY/STATE/ZIP)

(WORK CITY, STATE, ADDRESS)

SEX	RACE	BIRTH	HGT.	WGT.	EYES	HAIR	SSN

Please return a notarized ***"Affidavit of Service"*** to my address at your earliest convenience. The court requires that each document served be named in the ***"Affidavit of Service."***

☐ I also enclose a deposit of $200. I understand there is a $16.00 service fee, a travel fee of $2.40 per mile (one way), for each attempt at service, and a $8.00 notary fee. I understand that the difference between my deposit and the fees accrued for service will be billed, or returned, to me. **OR**,

☐ I also enclose a certified copy of the ***"Order for Waiver/Deferral of Fees for Service of Process."***

Thank you for your cooperation in this matter.

(YOUR SIGNATURE)

Enclosures

PROCEDURE

How to Serve the Court Papers by Publication

STEP 1: PUBLISH THE COURT PAPERS. As per A.R.S., Rules of Civil Procedure, Rule 4.2 (f).

A. How to serve the court papers by publication if you do not know if the other party lives in the county in which your case is pending (Pinal County) and/or the other party's last known address was not in Arizona.

1. If you are paying the costs to publish, use any paper of general circulation and that are familiar with the requirements and regularly publishes legal notices.

NOTICE: There are fees for service of court papers.

B. How to publish service if the other party's last known address is in Arizona and that address is not in the county in which your case is pending:

1. You must publish in the county in which your case is pending and you must publish in a newspaper in the county of the last known residence of the person to be served.

2. To publish in Pinal County follow the instructions in "A" above how to publish service of process if the other party lives in the same county in which your case is pending.

3. To publish in another county (not Pinal County) you will need to contact a newspaper company in that county.

C. How to publish service if the other party is known to live in another country:

1. You will have to contact an attorney to see if this method of service is appropriate for your situation.

STEP 2: WAIT. Wait for the newspaper to send you the original of the document called ***"Affidavit of Service"*** in about five weeks.

STEP 3: COMPLETE YOUR PAPERWORK.

A. Fill out the ***"Affidavit Supporting Publication,"*** where you will list everything you did to attempt to find the other party before resorting to publication.

NOTICE: If the Court is not satisfied that you have made *every reasonable effort* to locate the other party, you may be required to take additional steps adding delay and expense to your case, including being required to publish notice again.

B. ATTACH a copy of the published notice from the newspaper(s).

C. KEEP A COPY for your records of the ***"Affidavit Supporting Publication."***

STEP 4: FILE THE COURT PAPERS.

A. File the *original* ***"Affidavit Supporting Publication"*** and a copy of the publication(s),

AND;

B. File the *original* ***"Affidavit of Service"*** you received from the newspaper(s).

STEP 5: COUNT.

A. Find out the date the other party was served with the court papers. You can find this date by looking at the date of the first newspaper publication. Then count the days for the other party to file a Response or Answer. (When counting down the days, start counting with the day after the first day of publication.)

B. If the other party does not file a Response or Answer within the required time period, see a lawyer for help.

C. If the other party files a Response or Answer, see a lawyer for help.

DO NOT BRING CHILDREN TO COURT

Arizona Rules of Family Law Procedure, Rule 6.3(h)

_____
Print Name

_____
Your Address

_____
Date

_____
Name of Newspaper

_____
Address

To Whom It May Concern:

I need to publish notice in the newspaper about the following matter:
Court Case Number _____
Enclosed is a copy of the following documents stamped by the Clerk of Court (list all the documents here:)

1. _____
2. _____
3. _____
4. _____

Please publish a Notice in your newspaper about this court case once a week for four successive weeks. Also enclosed is (Check One Box):

☐ A check or money order in the amount of $_____ for the cost of the publication as requested.

☐ A certified copy of the Order from the court waiving the publication costs.

When you receive this letter, please call me at to tell me when the first publication will occur. When all four weeks of publication have been completed, please send to me the original and one copy of an Affidavit of Publication.

Thank you for your help in this matter.

Yours truly,

_____
Sign Your Name

Enclosures:
☐ Court documents **AND**
☐ Check or Money Order **OR**
☐ Certified copy of Court Order of Waiver/Deferral of Publication Fees

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

_____
Name of Respondent

CASE NUMBER: DO2

DECLARATION OF DUE DILIGENCE AND REQUEST FOR ALTERNATE MEANS OF SERVICE (PUBLICATION)

HONORABLE: _____

1. I make this Affidavit to tell the Court why service by publication is needed.

2. Pursuant to Arizona Rules of Civil Procedure, Rules 4.1(e) and 4.2(e), service by publication is the best way to notify the other party of this court case because the other party is:

☐ Avoiding Service of Process. I have mailed, postage prepaid, a copy of the following legal documents:

_____
_____
_____
_____

to the last known address of the other party on or before the first date of publication, **OR**

☐ The other party's residence is unknown. I have not mailed copies of the proceedings to the other party.

3. The residence and whereabouts of the other party is unknown to me, even though I have made a diligent search to find out. My search failed to reveal any information that might lead to knowledge about the other party's residence or whereabouts. This is what I did to try to find the other party. (Explain in detail here everything you did to try to find the other party.)

_____
_____
_____
_____
_____

4. To the best of my knowledge, information and belief, the other party is not in the military service of the United States.

5. I have read this statement and know of my own knowledge that the facts stated herein are true and correct.

_____ _____

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)

SUPERIOR COURT OF ARIZONA
PINAL COUNTY

_____
Name of Petitioner

CASE NUMBER: DO2_____

ORDER FOR ALTERNATE MEANS OF SERVICE (PUBLICATION)

_____
Name of Respondent

HONORABLE: _____

The Court having reviewed the ***"Declaration of Due Diligence and Request for Alternate Means of Service,"*** and good cause appearing,

IT IS HEREBY ORDERED granting *"Declaration of Due Diligence and Request for Alternate Means of Service."*

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

_____
JUDGE/COMMISSIONER OF THE SUPERIOR COURT

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

SUPERIOR COURT OF ARIZONA
PINAL COUNTY

_____
Name of Petitioner

_____
Name of Respondent

CASE NUMBER: DO2

AFFIDAVIT SUPPORTING PUBLICATION
A.R.C.P. 4.1, 4.2 - A.R.F.L.P. 41, 42

HONORABLE: _____

1. I make this Affidavit to tell the Court why service by publication was used and to show how service by publication was done.

2. Pursuant to Arizona Rules of Civil Procedure, Rules 4.1(e) and 4.2(e), service by publication is the best way to notify the other party of this court case because the other party is:

☐ Avoiding service of process. I have mailed, postage prepaid, a copy of the following legal documents:

_____
_____
_____
_____
to the last known address of the other party on or before the first date of publication, OR

☐ The other party's residence is unknown. I have not mailed copies of the proceedings to the other party.

3. The residence and whereabouts of the other party is unknown to me, even though I have made a diligent search to find out. My search failed to reveal any information that might lead to knowledge about the other party's residence or whereabouts. This is what I did to try to find the other party. (Explain in detail here everything you did to try to find the other party.)

_____
_____
_____
_____
_____

4. To the best of my knowledge, information and belief, the other party is not in the military service of the United States.

5. **The following documents were published in a newspaper in the county where my case is pending.** (List title/name of each document. Example: Petition, Summons)

The documents above were published on the following dates:

A. _____ B. _____ C. _____ D. _____

AND/OR

The following documents were published in a newspaper in the Arizona County of the other party's last known address, or in an adjoining county if no newspaper is published in that county, and neither is the county in which my case is pending.

The documents above were published on the following dates:

A. _____ B. _____ C. _____ D. _____

6. An Affidavit of Publication for each newspaper has been filed into court record.

7. I have read this statement and know of my own knowledge that the facts stated herein are true and correct.

_____ _____

Date **Signature**

State of Arizona)
)
County of _____)

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

by _____
(Name of Signer)

_____ _____

(Affix notary seal here) **Notary Public** (Notary's Signature)

INSTRUCTIONS: ATTACH the original of the Affidavit of Publication from the Newspaper(s) to this page.