

LEGAL SEPARATION WITH MINOR CHILDREN

4

THE COURT ORDER

Part 4: To get the Order for Legal Separation

(Forms and Instruction Packet)

LEGAL SEPARATION WITH MINOR CHILDREN

PART 4: THE DECREE / COURT ORDER

CHECKLIST

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

- ✓ You or the other party filed a ***"Petition for Legal Separation-With Minor Children"***, **AND**
- ✓ You and the other party have minor children with each other, **AND**
- ✓ You have completed the court papers concerning where the children will live, parenting time for each parent, who will have legal authority to make decisions concerning the children, and child support, **AND**
- ✓ You have paid the filing fee, **AND**
- ✓ You have attended the Parent Information Program and have filed your certificate of attendance with the Clerk of the Court, **AND**
- ✓ You are ready to complete the court papers about the Legal Separation Decree, **AND**
- ✓ You are either going to a default hearing, or you are filing a Motion without a hearing, or you are going to a Legal Separation trial.

READ ME: Consulting a lawyer before filing documents with the Court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

Legal separation with minor children

Part 4: The Court Order

This packet contains court forms and instructions to file a legal separation with minor children. Items in **bold** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File Number	Title	# pages
1	DRLSC8k	Checklist: You may use these forms if . . .	1
2	DRLSC8t	Table of Contents (this page)	1
3	DRLSC81i	Instructions: How to complete the forms for Decree for legal separation with minor children	9
4	DRCVG12h	Parenting Plan Information	2
5	DRSM12h	How to complete a Spousal Maintenance Worksheet	1
6	DRLSC81p	Procedures: How to get your Decree of legal separation signed by the Judge	2
7	DRD68p	Instructions and Procedures for a Default Decree by Motion, without a Hearing	3
8	DRLSC81f	Decree of Legal Separation for a Non-covenant Marriage with Minor Children	15
9	DRCVG11f	Parenting Plan	10
10	DRD68f	Motion and Affidavit for Default Decree without Hearing	6

*You will need to use the FREE online Child Support Calculator to produce the Child Support Worksheet that must accompany this Decree or Agreement.

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. 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: How to complete the forms for Decree for legal separation with minor children

Use these instructions only with the Decree of Legal Separation with Minor Children. If there are no minor children, by birth or adoption, common to you and the other party, use the forms for a decree without children.

What the Decree means to you. The Decree is the final Court Order that legally separates you and the other party. You are not divorced and cannot marry someone else (until you are divorced). The Decree, once the Judge or Commissioner has signed it, is important because it determines the rights and responsibilities of both you and the other party. If either party does not do what the Decree tells him or her to do, then the other party may ask the Court for help. Once it has been signed by the Judge or Commissioner, your rights and responsibilities are affected forever.

Failure to do what the Decree tells you to do could get you into trouble with the Court. This does not mean that the Court will police whether you are following the Decree. It does mean you or the other party can request a Contempt Order or an Order to Enforce parts of the Decree if you or the other party fail to do what the Decree tells you to do.

Getting a Legal Separation Decree. Before you and the other party become legally separated, a Judge or Commissioner must sign a Decree of Legal Separation. The Decree tells you who gets the property, who pays the debts, who gets parenting time and legal decision-making of the minor child(ren), who pays child support, spousal maintenance, if any, and so forth.

Legal Separation by Default. If you are seeking a Default Decree, you must repeat as closely as possible what you requested in your Petition for Legal Separation. You cannot mark something different in the Decree than what you asked for in the Petition. If you try to request something other than what is requested in the original Petition, the Judge or Commissioner will not sign the Decree. If you want to change your requests to the Court, you must file an amended Petition. It is a good idea to have your Petition handy as you follow the instructions to fill out your Decree.

The Decree. Fill out the Decree before you go to your hearing or before you give it to the Judge or Commissioner to sign. Do not fill in the Judge's or Commissioner's signature and date. If the Judge or Commissioner disagrees with anything you have written, he or she will change it before signing the Decree.

Instructions for filling out the Decree. (The section number in front of each paragraph below corresponds with the section number on the Decree. For example: Read Section 1-3d below. Turn to Sections 1-3d on the Decree. Each section below will help you fill out each section of the Decree.)

Type or print clearly in black ink only.

Section: Instruction:

- (A) Write in your name, current address, city, state, zip code, and the telephone number. If you have an ATLAS number, write in the number. Then check the box to show whether you are representing yourself, or if you are an attorney representing Petitioner / Party A or Respondent / Party B.
- (B) Write in the Name of the Petitioner / Party A, the Name of the Respondent / Party B, and your case number in the space provided.
- (C) Court Findings Section:
 - 1-3. This section tells you that before the judicial officer (judge or commissioner) signs the Decree, he/she will have determined that the Court has the legal power to make the orders in your case. It also says that either you or the other party lives in Arizona, and that the parties are unable to get back together and save their marriage. The judge or commissioner must also determine that both you and the other party want a legal separation. If one of you does not want a legal separation, the judicial officer can dismiss your case or turn it into a divorce case.
 - 4. Write in the name(s) and birthdate(s) of the child(ren) effected by the Legal Separation Decree.
 - 5.A-D. These statements recite facts based upon the information the parties provided in the Petition and Response.
 - 5.E. Community and Separate Property and Debt. Mark the first box only if you and the other party did not get any property together while you were married and do not owe money to anyone for property or services you got while you were married. Otherwise, choose the box that tells the Court that the parties have or have not agreed to a division, but the property and debt is divided pursuant to the Court dividing the property and debt.
 - 5.F. Pregnancy and Paternity. Mark the first box if Party A is not pregnant. Mark the second box if Party A is pregnant and then mark whether Party B is the Parent. Mark the third box if Party B is not pregnant. Mark the fourth box if Party B is pregnant and Party A is the

parent. Mark the last box if the parties had any minor children together that were born before the marriage. Then list the name and date of birth for those children.

- 5.G. Spousal Maintenance/Support (Alimony). Mark “Party A” or “Party B” box if you have requested spousal maintenance/support (alimony) for that Party in the Petition or Response for Legal Separation, or the parties have agreed, or if the Judge or Commissioner has ordered that one party will pay the other party spousal maintenance/ support.
- 5.H. Parent Information Program. Mark the boxes to show the Court whether you and the other party have attended the Parent Information Program Class. (If you have attended the class, make sure your “Certificate of Completion” was filed with the Court.)
- 5.I. Child Support Guidelines.
- 5.J. Primary Residence. Mark one box only. If primary residence of the child(ren) was contested (you and the other party did not agree about primary residence), or if you and the other party have agreed to joint legal decision-making and parenting time, or if the Judge/Commissioner will order a different arrangement. You must write the reasons in the space provided. See the “Planning for Parenting Time: Arizona’s Guide for Parents Living Apart” booklet for help. The *Guide* is available for purchase at all Superior Court Law Library Resource Center locations or may be viewed online and downloaded for free from the state courts’ web page.
- 5.K. Legal Decision-Making. This involves the person(s) responsible for the legal parental duty of making decisions about health, education, religion and general welfare of the child(ren).
- If you and the other party agree about who should have the decision-making duty, mark the box you agree upon.
 - If you and the other party disagree on the decision-making arrangement, leave the boxes blank, and let the Judge/Commissioner fill in this part.
- 5.L. Parenting Time: Supervised or No Parenting Time. Mark the box only if you asked for supervised or no parenting time by the other party in your Petition or the parties have agreed to this. You must have a very good reason for such a request, and you must write the reasons in the space provided.
- Write in the name of a person you would like to supervise the child-parent visit.
 - If you would like the Judge/Commissioner to restrict parenting time as stated in the petition or response, write in your request on the lines provided.

- Also, mark the box that shows who you think should pay for the supervisor.
- Reasons: Write the reasons you checked the “No Parenting Time” box and explain why the choice is in the best interest of the child(ren).

5.M. Domestic Violence. If the parties requested joint legal decision-making, parenting time or primary residence of the minor child(ren), check the box to say whether there has been no domestic violence, or if domestic violence has occurred it has not been significant. Then explain why joint legal decision-making, parenting time and primary residence is in the best interest of the minor child(ren) even though domestic violence has occurred.

5.N. Drug/Alcohol Conviction: This information is needed by the Court to properly award legal decision-making, parenting time and primary residence. Mark the boxes that are true.

(D) Court Orders Section

1. Legally Separated. This section legally separates you and the other party.
2. Enforcement of Temporary Orders. If the Court ordered temporary payment of child support, spousal maintenance/support (alimony), debt division, or other temporary orders, fill in the dates of all the temporary orders. This section allows you to enforce nonpayment of those debts.
3. Pregnancy and Paternity. If a Party is pregnant and the other Party is the Parent, write in the expected date of birth for the unborn child.
 - a. Children: On the lines provided, write in the name(s) and birthdate(s) of the minor child(ren), either natural or adopted, common to the marriage, and
 - b. Paternity: Below that, write in the name and date of birth of any minor child born to the Party A and Party B before the marriage.
 - c. Birth Certificate:
 1. Mark the proper box for Party A or Party B, and then write that party's Full name as it appears on his/her Social Security Card, or other government-issued official document.
 2. Write the current name(s) of any other minor children on the line provided. Then in the next column, write the new name as you prefer it be changed.

4. Primary Residence (physical custody), Parenting Time, and Legal Decision-Making. The selections you mark should be the same as what you asked for in your Petition for Legal Separation, unless you and the other party have signed a Parenting Plan and you are attaching it to the Decree or you and the other party have agreed to file a Consent Decree.
- a. Primary Residence: 1) Place a mark in the box to indicate whether Party A's, Party B's, or no home is designated as the Child's primary residence. Then write in the name of the child who will live in the primary residence.
 - b. Parenting Time. Place a mark in the box to indicate the type of Parenting Time decided by the Judge/Commissioner. If a party is not awarded any parenting time, place a mark in the box showing whether Party A or Party B is not awarded that Parenting Time. Finally, if Supervised Parenting Time is chosen, mark the box to show which party is assigned payment of the cost of Supervised Parenting Time, and the name of the supervisor, if known. If applicable, write in any Parenting Time restrictions assigned by the Judge/Commissioner.
 - c. Authority for Legal Decision-Making (Legal Custody). The legal decision-making authority box you mark should be the same as what you asked for in your Petition for Legal Separation, unless you and the other party have signed a Joint Agreement and you are attaching it to the Decree or you have had a trial and the Judge/Commissioner has ordered something different than what is in your Petition.
 - For sole Legal decision-making, mark who is to have it, Party A or Party B. If both parties agree to a Parenting Plan, both must complete the Plan and sign it. If only one party agrees to the Parenting Plan and you have a default hearing, you still must complete the Parenting Plan and tell the Court what you think should be the parenting time arrangement.
 - For joint Legal Decision-making, mark the second box - do not mark box 1 above. Remember, you must attach a copy of the Parenting Plan as Exhibit B signed by both parents, which the judicial officer must approve if you want Joint Legal Decision-making. The Agreement will be included as part of the Court Order ending your marriage.
5. Child Support, including insurance coverage:
- a. Mark the first box to indicate that child support Order will be attached to the final legal separation decree. Then, mark who is to pay the child support and how much to the other party based on the request in the Petition for Legal Separation, or on the party's agreement. Otherwise, leave the space blank and the judicial officer will fill in the amount.

6. Spousal Maintenance (Alimony).

- a. Mark the first box if neither party is requesting spousal maintenance.
- b. Mark this box if the Court ordered that one party would pay the other party spousal maintenance. Then mark the date of the last payment (if known).

7.a. Property, Debts and Tax Returns. Mark the first two boxes, if each party will pay the debts that are unknown to the other party. By marking the third box, you are telling the Court you do not want to pay for debts made by the other party after you separated. Write the approximate date you separated on the line provided.

7.b. Mark this box if there is property and debts to be divided, even if you have already divided the property. You can give the Court this information on Exhibit A: Community Property and Debts that you must attach to the Decree if you mark this box. Instructions for Exhibit A are included at the end of this instruction.

7.c. This states that you and the other party get to keep property that you owned from the marriage or that was a gift to you during the marriage. You also can keep any personal items, clothing, and any other property you own that is not considered community property.

7.d. This means either party can record the Decree if there is a transfer of title to certain property, like a house. This section also requires each party to sign documents to transfer other property, like titles to cars, and so forth. If you have a quit claim deed that transfers property from one party to the other party, attach a copy of the deed to the Decree, and check this box.

7.e. Mark this box and tell the Court whether the parties will file joint or separate tax returns for previous years if taxes have not been paid and how the parties will pay taxes for the present year and in future years. According to the IRS, State law governs whether you are married, divorced, or legally separated. See a lawyer or accountant for advice if you are not sure which box to check or call the IRS at 1-800-829-4477 or visit their internet site for help.

8. Financial Information Exchanges: This shows that the parties must share/exchange financial information every 24 months. This information is important in determining amounts of child support or other related issues.

9. Minor Children to whom the Decree does not apply: Mark this box only if minor child(ren) was/were born during the marriage but is not common to the marriage. Mark which party should have no legal rights or obligations to this minor child. If you mark this box, list the name(s) of any such child(ren) with the date of his or her birth in the space provided. Also, mark if the Party A or B is pregnant with a child not common to the marriage and include the expected due date of the child.

1. Other Orders. Do not write in this space. The Judicial Officer will complete if applicable.

11. Final Appealable Order: This decree/order/judgment is a final order and may be appealed.

(E) Signatures Section

- Do not sign or date the Decree for the Judge or Commissioner, they will do that themselves.
- If there is a Default Decree, you, the Party A, must also promise to mail a copy of the Decree to the last known address of Party B, after the Judge or Commissioner has signed it.

(F) Exhibit A: Property and Debts. If you have questions about whether your property is community property or separate property, or whether a debt is community or separate debt, you should see a lawyer for help.

1. Division of Community Property. If you have community property, check this box.

2. List of Community Property. Describe the property. Then mark the box showing which party the property is being given to. Mark the box stating "award each party the personal property in his or her possession."

If you had to use a separate sheet to list more property, mark the box that states "continued on reverse side or see attached list." Be as specific as possible in describing your property. You must describe the property that should go to you, and then check that box. You must describe the property that should go to the other party, and then check that box. Never list an item and then check both the Party A box and Party B box.

3. Retirement Benefits. Decide what you want to do about these assets. Generally, each party is entitled to a 1/2 interest in the pension or retirement or deferred compensation benefits of the other party for the time the parties were married. This is very complicated, and very important to both parties. If you are entitled to any interest in your spouse's retirement assets, you may be required to file a Qualified Domestic Relations Order. This is a very important document. The Court and the Law Library Resource Center do not have this document. See a lawyer for help before you

divide any retirement benefits. Check the box that describes what you asked for in the Petition or what the parties have agreed to.

4. Real Property. Mark this box if you own a home or real estate together. It is very important that you write in the correct address and the legal description of each piece of property. Mark the box showing which party gets the property, or that the property is to be sold and the proceeds divided. If you used your own earnings to pay for property owned by the other party, see a lawyer for help.
5. Community Debt. Mark this box if the parties have community debt. Then describe the debt, including the creditor, the account number, and the amount owed. Then mark the box showing which party is going to pay for the debt. If you had to use a separate sheet to list more debt or if you continued to list debt on the reverse side of the page, check the box. Mark the next box if you agree want that each party to pay his or her separate debt. This is money that the party owed before the time the parties got married.
6. Mark this box if you want to divide the debts incurred by a party that are not listed to be paid by the party who incurred the debt. Remember, although the Decree orders either party to pay community debts, it does not mean that the creditor cannot pursue collection from the other party, even after the legal separation and/or divorce is completed.
7. Separate Property. If you check boxed 5(e) on the Decree and you and/or the other party have separate property, describe the separate property, its value, and who it belongs to.
8. Separate Debt. If you checked boxed 5(e) on the Decree and you and/or the other party have separate debt, identify the creditor, the amount owed, and who is responsible for paying the separate debt.

Other important papers in this packet

Parenting Plan

Fill out the Parenting Plan to let the Court know details about what you want for legal decision-making authority and parenting time. It is important to be specific when filling out the Parenting Plan. You may refer to the “Planning for Parenting Time: Arizona’s Guide for Parents Living Apart” to help make your parenting plan. The Guide is available for purchase at all Superior Court Law Library Resource Center locations or may be viewed online and downloaded for free from the State Courts’ webpage.

Refer to “Planning for Parenting Time: Arizona’s Guide for Parents Living Apart” to help make your new parenting plan. The Guide is available for purchase at all Law Library Resource Center locations or may be viewed online and downloaded for free from the state courts’ web page.

Other important papers to be completed not in this packet

Child Support Worksheet, Child Support Order, and Current Employer Information Sheet:

You can use the free Online Child Support Calculator at the website listed below to complete a Child Support Worksheet, Child Support Order and Current Employer Information Sheet.

ezCourtForms: <http://www.superiorcourt.maricopa.gov/ezcourtforms2/>

To complete the Child Support Worksheet you will need to know:

- Your case number.
- Your monthly gross income and that of the other parent.
- The monthly cost of medical insurance for the minor children who are the subject of this action.
- Monthly childcare amounts paid to others.
- The number of days the minor child(ren) spend with the non-primary residential (custodial) parent.
- Monthly obligations of yourself and the other parent for child support or court-ordered spousal maintenance.

After completing the Child Support Worksheet, Child Support Order and Current Employer Information Sheet, print out the Child Support Worksheet and Current Employer Information Sheet and include them with your Decree.

Reminder:

1. Be sure to attach “Exhibit A” about property and debts to your decree.
2. Be sure to include a quit claim deed, if a quit claim deed has been signed.

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PARENTING PLAN INFORMATION

A.R.S. § 25-401 defines legal decision-making and parenting time as follows:

1. **"Legal Decision-Making"** means the legal right and responsibility to make all nonemergency legal decisions for a child including those regarding education, health care, religious training and personal care decisions.
2. **"Joint Legal Decision-Making"** means both parents share decision-making and neither parent's rights nor responsibilities are superior except with respect to specified decisions as set forth by the Court or the parents in the final judgment or order.

PARENTS PLEASE NOTE: Per A.R.S. § 25-403.09, an award of joint legal decision-making or a substantially equal parenting time plan does not diminish the responsibility of either parent to provide for the support of the child. Also note that joint legal decision-making does not necessarily mean equal parenting time. A.R.S. § 25-403.02(E)

3. **"Sole Legal Decision-Making"** means one parent has the legal right and responsibility to make major decisions for a child.
4. **"Parenting Time"** means the schedule of time during which each parent has access to a child at specified times. Each parent during their scheduled parenting time is responsible for providing the child with food, clothing and shelter and may make routine decisions concerning the child's care.

You may view the "Parenting Time Guidelines" online at the Arizona Supreme Court's website.

Drafting a Parenting Plan:

The written parenting plan pays attention to how the parents will make decisions pertaining to the child(ren)'s education, health care, religious training, and personal care; it is a blend of specific information with generalized plans of action. It should reflect what the parents are currently doing or what they actually plan to do. It should reflect a commitment to the minor child(ren)'s needs as predominant.

If the parents cannot agree on a plan for legal decision-making or parenting time, each parent must submit a proposed parenting plan. A.R.S. § 25-403.02(A)

In order for the Court to approve a parenting plan, A.R.S. § 25-403.02 requires the Court to make the following findings:

- a. The best interests of the minor child(ren) are served;
- b. The plan designates legal decision-making as joint or sole;
- c. The plan sets forth each parent's rights and responsibilities for the personal care of the minor child(ren) and for decisions in areas such as education, health care, and religious training;
- d. The plan provides a practical schedule of parenting time for the child, including holidays and school vacations;

- e. The plan includes a procedure for exchanges of the child, including location and responsibility for transportation;
- f. The plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved, which may include the use of Conciliation Services or private counseling;
- g. The plan includes a procedure for periodic review (e.g., parents agree to review the terms of the agreement every 12 months.);
- h. The plan includes a procedure for communicating with each other about the child, including methods and frequency;
- i. The plan includes a statement that each party has read, understands, and will abide by the notification requirements of A.R.S. § 25-403.05(B). (A parent must immediately notify the other parent if the parent knows that a convicted/registered sex offender or a person who has been convicted of a dangerous crime against children may have access to the child. Notice must be provided (i) by first class mail, return receipt requested, (ii) by electronic means to an e-mail address the recipient provided to the parent for notification purposes, or (iii) by other communication accepted by the Court.)

The following questions may be used as a starting place when drafting a parenting plan:

1. **The geographical location of the parents:** Where do parents live relative to one another? What are their addresses? Permanent or temporary?
2. **Arrangements regarding the residential requirements of the minor child(ren):** How much time will the minor child(ren) spend with each parent? Be as specific as possible, including days and times.
3. **Arrangements for holidays and vacations:** What are your plans for summer vacation and school breaks? List specific details including dates and times.
4. **Arrangements for education:** How will decisions be made for educational matters? For example, if preschool age, what school will the minor child(ren) attend? If private school, who pays what?
5. **Additional transportation arrangements:** Will any additional transportation arrangements be needed? If so, what will be the responsibilities of each parent?
6. **Determinations regarding minor child(ren)'s health care:** For example, how will medical decisions be made? Who will provide insurance? How are non-insured expenses paid? Who decides on seeking non-emergency treatment? Is there a dental plan? If not, who will pay what?
7. **Arrangements regarding extraordinary expenses:** For example, what financial arrangements are made for the minor child(ren) (such as each sharing extraordinary expenditures and the parent with whom the minor child(ren) resides bearing the ordinary ones during the minor child(ren)'s residency)? A fixed amount per month?
8. **Arrangements for minor child(ren)'s religious training, if any:** For example, how will decisions be made for religious training? What, if any, are the plans for religious training?
9. **Any other factors:** What other arrangements (such as music lessons, sports/activity fees, camp or Scouts) are needed?

How to complete a Spousal Maintenance Worksheet (Applies only to cases in which the original petition for dissolution or legal separation was filed on or after September 24, 2022)

In a dissolution of marriage (divorce) or legal separation, one party may request that the court order the other party to pay “spousal maintenance.” This is financial support paid by one party to the other party. The court considers certain statutory factors to decide whether a party is eligible for spousal maintenance. In these cases, either party may request that the other pay spousal maintenance.

Spousal Maintenance Guidelines:

For a case filed on or after September 24, 2022, if a person is eligible for spousal maintenance, then the court uses the Arizona Spousal Maintenance Guidelines to determine the amount and duration of the award for spousal maintenance.

The Guidelines can be found here:

<https://www.azcourts.gov/familylaw/Child-Support-Family-Law-Information/Spousal-Maintenance-Guidelines>.

Spousal Maintenance Calculator:

In any dissolution of marriage or legal separation case that was originally filed on or after September 24, 2022, when a party requests spousal maintenance, or requests to change a past spousal maintenance court order, a completed Spousal Maintenance Worksheet **must** be included under the following situations.

- When filing an Application for Entry of a Default Decree and the party seeking default proceeds by motion without a hearing (Rule 44.1, ARFLP)
- When the parties agree to spousal maintenance and are submitting either a Summary Consent Decree or Consent Decree for Court approval (Rules 45 and 45.1, ARFLP).

The worksheet is created using the FREE online Spousal Maintenance Calculator. Access to the internet is required. The online Spousal Maintenance Calculator can be found here:

<https://www.superiorcourt.maricopa.gov/app/selfsuffcalc/>.

If you do not have access to the internet and/or a printer, you may use the computers at any Law Library Resource Center location. There is a small, per-page charge for printing.

Next Steps:

After completing the Spousal Maintenance Calculator, print out the Spousal Maintenance Worksheet in order to file it with your other paperwork.

When you have completed all necessary forms, go to the “Procedures” page and follow the steps.

Procedures: How to get your Decree of legal separation signed by the Judge

Requirements:

A decree is your final court order that states that you are legally separated. Before you get the decree, the following requirements must be completed.

- ✓ **Parent Information Program:** The Court must have a copy of your “Certificate of Completion” showing that you attended the Parent Information Program.
- ✓ **Fees:** Your court fees must be paid. This includes all filing fees. If you were granted a deferral (Payment plan), the payments must be current. Please note: you must attach to the Decree, proof of payment for fees in the form of a receipt, or a copy of the Order for initial Deferral of fees.
- ✓ **Time Frame:** The parties must wait at least 60 days after the date the other party was personally served a copy of the Petition and other documents, before you submit your Decree to the Court.

If you completed the above requirements, follow the steps below.

Procedures:

Step 1 Complete the forms in the packet:

- Decree of Legal Separation.
 - Add to the last page of the Decree, the completed Exhibit A about the division of property and debt, if it is not a part of the Decree already.
 - Add to the last page of the Decree, the fee receipt or a copy of the Order for Initial Deferral to show the “Paid” status of your case.
- Parenting Plan, signed by you.
- Child Support Order

Gather the completed forms into one (1) set of Original forms.

Step 2 Complete the Child Support Worksheet, Child Support Order, and Current Employer Information online via:

ezCourtForms <http://www.superiorcourt.maricopa.gov/ezcourtforms2/>

Print out 1 copy of the completed Child Support Worksheet, Child Support Order, and Current Employer Information.

Step 3 Copy – Remember your original forms are the papers you wrote on or printed from the computer. Make two (2) copies of the set of original forms listed above.

Step 4 Separate - Make three (3) sets of the papers you copied:

Set 1 - Originals for Judge:

- Decree of Legal Separation
- + “Exhibit A” about the division of property and debt, if it is not part of the decree
- + Fee Receipt, or a copy of the Order for initial fee deferral
- Parenting Plan
- Child Support Worksheet
- Child Support Order
- Current Employer Information

Set 3 – Your Copies

- Decree of Legal Separation
- + “Exhibit A” about the division of property and debt, if it is not part of the decree
- + Fee Receipt, or a copy of the Order for initial fee deferral
- Parenting Plan
- Child Support Worksheet
- Child Support Order
- Current Employer Information

Set 2 - Copies for Spouse:

- Decree of Legal Separation
- + “Exhibit A” about the division of property and debt, if it is not part of the decree
- + Fee Receipt, or a copy of the Order for initial fee deferral
- Parenting Plan
- Child Support Worksheet
- Child Support Order
- Current Employer Information

Step 5 Take the documents to your trial or default hearing. If you are using the default process and you wish to proceed without a hearing, see the procedures and forms to proceed by Motion.

Instructions and Procedures for a Default Decree by Motion, without a Hearing

REQUIREMENTS

Sometimes a court hearing is not required to get a default decree. If you meet the following requirements, you may use this “no hearing” process to request a default decree:

- ✓ All parties must be legally competent and sane.
- ✓ The “*Summons*” and “*Petition*” were served to the other party, other than by publication
- ✓ The “*Petition*” requests to the Court are the same as the requests proposed in the default order.

This means, you cannot use this process if . . .

- the responding party was served by publication,
- if the other party is insane or incompetent, or
- if the other party has filed a response, or made an appearance in the cases, or
- the requests to the Court in the proposed default order are not the same as those requested in the “*Petition*.”

You must have already filed and mailed to the other party an “*Application and Affidavit for Default*.” Also, it must be at least ten (10) court (business) days since you filed and mailed the “*Application*.”

If you filed for divorce, legal separation or annulment, it must also have been at least 60 calendar days since service of the “*Summons*” and “*Petition*” was completed.

INSTRUCTIONS

Complete the “*Motion and Affidavit for Default Decree without a Hearing*”

1. Complete the top part of the page with your personal information, name of parties, and case number.
2. On the upper page right, mark the box that describes the kind of court order you are requesting (i.e. divorce, annulment, etc.)
3. SECTION A:
 - Read the information carefully.
 - Mark the boxes in front of the statements that are true.
4. SECTION B: (To be completed only by parties seeking a decree of dissolution, legal separation, or annulment)
 - Mark the boxes that best apply to your situation.
 - NOTE: ATTACHMENTS. If you marked a box next to a statement that requires an “attachment”, be sure to attach the required document at the end of the original “*Motion and Affidavit for Default Decree without a Hearing*.” If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.
5. SECTION C: (To be completed only by parties seeking a judgment of paternity/maternity, and/or legal decision-making, parenting time or child support.)
 - Mark the boxes that best apply to your situation.
 - If the statement next to the box asks for an explanation, write it clearly in black ink.
 - NOTE: ATTACHMENTS. If you marked a box next to a statement that requires an “attachment”, be sure to attach the required document at the end of the original “*Motion and Affidavit for Default Decree without a Hearing*.” If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.

6. SECTION D: To be completed if it applies to you.
NOTE: ATTACHMENTS. If you marked a box next to a statement that requires an “attachment”, be sure to attach the required document at the end of the original “*Motion and Affidavit for Default Decree without a Hearing.*” If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.
7. OATH or Affirmation: Sign and date this in front of the Clerk of Superior Court or Notary, with a picture identification.
8. COPY: Make two copies of the original “*Motion and Affidavit for Default Decree **without** a Hearing,*” with ALL the REQUIRED ATTACHMENTS.

Complete the Default Decree / Judge / Order

1. See the instructions in this packet to complete the Default Decree / Judgment / Order.
2. If children are involved, there will be additional forms to complete, such as a Parenting Plan, Child Support Worksheet, and Child Support Order. See additional instructions in this packet.
3. COPY:
 - Make two (2) copies of the original “*Decree / Judge / Order*”, plus attachments and any addition required forms.
 - Note: If you are missing an attachment or any required form, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.

After completing instructions above, you are ready to complete the Decree/Order, also in this packet. However, BEFORE YOU REQUEST Default Decree by Motion Without A Hearing, CHECK TO BE SURE THAT YOU:

- Properly served the “*Petition*”, Summons and other papers to other party and filed the proof of service. (Service cannot be done by publication if you are using this method (without a hearing)), AND
- Completed and filed the “*Application and Affidavit for Default,*” with ALL the REQUIRED ATTACHMENTS and mailed a copy to the other party; AND
- IF the other party is on active duty in the United State Military, you completed and notarized “*Service Member Civil Relief Act Waiver*”, AND
- Waited at least 61 days after the completion of service, if you filed for divorce, legal separation or annulment.

PROCEDURES

1. FILE the original “*Motion and Affidavit for Default Decree without a Hearing,*” with ALL the REQUIRED ATTACHMENTS, and two copies with all the attachments at one of the following Clerk of Superior Court locations.
 - The Clerk of Superior Court will keep the original “*Motion*” and all the attachments, as well as date-stamp the copy, and return both copies to you.

Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032

2. HAND-DELIVER OR MAIL the following documents as indicated below to the Family Department:
- One (1) file-stamped copy of the *“Motion and Affidavit for Default Decree without a Hearing”* with all attachments.
 - The original and two (2) copies of the *“Decree / Judge / Order”* and related forms and attachments for signature by the Judge.
 - Two (2) 9" x 12" envelopes with sufficient postage, one addressed to you, and one addressed to the other party.

<u>Central Court Building</u> 201 West Jefferson, 3 rd floor Phoenix, Arizona 85003 (To <u>Family</u> Department)	<u>Southeast Court Complex</u> 222 East Javelina Avenue, 1st floor Mesa, Arizona 85210 (To <u>Family</u> Department)
<u>Northwest Court Complex</u> 14264 West Tierra Buena Lane Surprise, Arizona 85374 (To Family Department)	<u>Northeast Court Complex</u> 18380 North 40 th Street Phoenix, Arizona 85032 (To Family Department)

3. WAIT. There is a review process upon receipt of your paperwork. This process can take as long as 4-6 weeks. You can call Family Department: (602) 372-3332 between the hours of 8:00 a.m. and 5:00 p.m. to check on the status of your case. Please wait at least four (4) weeks before checking the status.

The Judge will review your file and the documents you have submitted.

- If the Judge determines that everything is in order they will sign the final decree. The Clerk will file-stamp your copies and they will be mailed to you and the other party in the envelopes you have provided.
- If the Judge finds anything wrong with your court file or paperwork, your documents will be returned to you in the envelope you have provided along with a coversheet describing the deficiency and in most cases how it can be corrected.

Common reasons why your paperwork may be rejected:

- Incomplete: The *“Decree”* was not fully completed.
 - Not all applicable boxes were marked.
 - An explanation(s) was missing
 - An attachment(s) was missing
- Different Requests: Items asked for in the *“Decree”* were not the same as the items asked for in the *“Petition.”*
- Missing Documents: The original *“Decree”* and copies were not submitted with the *“Motion and Affidavit for Default Decree without Hearing”*.
- Overlooked *“True”* Statements: You did not mark all boxes on the *“Motion and Affidavit for Default Decree without Hearing”* as true statements.
- No notarized Waiver: Did not provide a notarized *“Service Members Civil Relief Act Waiver.”*

Arizona Rules of Family Law Procedure (ARFLP), Rule 44.1, allows for application for a default decree *without hearing* in Family cases for divorce, legal separation, annulment, maternity or paternity, money judgments, attorney fees, and spousal maintenance, but be WARNED:

- There are special legal requirements involved in qualifying for an annulment, and a default decree with no hearing.
- If your court papers do not fully explain how you meet those requirements, it could result in your case being delayed or dismissed.
- Consulting an experienced attorney about whether your situation *and your papers* indicate you qualify for an annulment or a default decree, may help you to avoid unnecessary expense, delay, and disappointment.

Person Filing: (A) _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

ATLAS Number: _____

Lawyer's Bar Number: _____

Representing ☐ Self, without a Lawyer OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

Case Number: _____

(B) Petitioner/Party A

ATLAS Number: _____
(if applicable)

(B) Respondent/Party B

DECREE OF LEGAL SEPARATION
FOR A NON-COVENANT MARRIAGE
WITH MINOR CHILDREN

THE COURT FINDS: (C)

1. This case has come before this Court for a final Decree of Legal Separation. The Court has taken all testimony needed to enter a Decree, or the Court has determined testimony is not needed to enter the Decree.
2. This Court has jurisdiction over the parties under the law and the provisions of this Decree are fair and reasonable under the circumstances, and are in the best interests of the minor child(ren) as to legal decision-making, parenting time and support.
3. This Court has jurisdiction under A.R.S. § 25-1031 over the children in this matter.
4. THIS DECREE APPLIES TO THE FOLLOWING MINOR CHILDREN:

Name

Date of Birth

☐

Same information for additional children listed on attached page made part of this document by reference.

5. THE COURT FURTHER FINDS:

- A. Residency Requirement. At the time this action was filed, one of the parties lived in Arizona, or had lived in Arizona while a member of the United States Armed Forces.
- B. Conciliation Court and Non-Covenant Marriage. The provisions relating to the Conciliation Court either do not apply or have been met. This is not a covenant marriage.
- C. Irretrievably Broken or Separate and Apart. The marriage is irretrievably broken or the parties desire to live separate and apart. Neither party has objected to a decree of legal separation.
- D. Legal Decision-making, Support, Spousal Maintenance, Division of Property and Debt. Where it has the legal power and where applicable to the facts of this case, this Court has considered, approved, and made Orders relating to issues of legal authority to make decisions concerning the minor child(ren), the child(ren)'s primary residence, parenting time, child support, spousal maintenance (alimony), and the division of property and/or debt.
- E. Property and Debt.
1. Community Property and Debt
 - ☐ The parties did not acquire any community property or debt during the marriage, OR
 - ☐ There IS an agreement as to division of community property and debt; all community property and debt is divided pursuant to this Decree
 - ☐ There is NO agreement as to division of community property and debt, but all community property and debt is divided pursuant to this Decree.
 2. Separate Property and Debt
 - ☐ The parties did not acquire any separate property or debt during the marriage, OR
 - ☐ There IS an agreement as to division of separate property and debt; all separate property and debt is divided pursuant to this Decree
 - ☐ There is NO agreement as to division of separate property and debt, but all separate property and debt is divided pursuant to this Decree.
- F. Pregnancy and Paternity
- ☐ Party A is not pregnant, OR
 - ☐ Party A is pregnant, and Party B ☐ IS OR ☐ IS NOT a parent of the child.
 - ☐ Party B is not pregnant, OR
 - ☐ Party B is pregnant, and Party A ☐ IS OR ☐ IS NOT a parent of the child.

- ☐ Party A and Party B are the parents of these children born to the parties before the marriage:

Name(s)

Date(s) of Birth

_____	_____
_____	_____
_____	_____

G. Spousal Maintenance/Support.

☐ Party A OR ☐ Party B

- ☐ Lacks sufficient property, including property apportioned to the spouse, to provide for that spouse's reasonable needs.
- ☐ Lacks earning ability in the labor market that is adequate to be self-sufficient.
- ☐ Is the parent of a child whose age or condition is such that the parent should not be required to seek employment outside the home.
- ☐ Has made a significant financial or other contribution to the education, training, vocational skills, career, or earning ability of the other spouse or has significantly reduced that spouse's income or career opportunities for the benefit of the other spouse.
- ☐ Had a marriage of long duration and is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient.

H. Parent Information Program.

1. Party A ☐ has attended the Parent Information Program class as evidenced by the "Certificate of Completion" in the Court file.

OR

Party A ☐ has not attended the Parent Information Program class and ☐ shall be denied any requested relief to enforce or modify this decree until Party A has completed the class.

2. Party B ☐ has attended the Parent Information Program class as evidenced by the "Certificate of Completion" in the Court file.

OR

Party B ☐ has not attended the Parent Information Program class and ☐ shall be denied any requested relief to enforce or modify this decree until Party B has completed the class.

- I. Child Support: The Court finds that Party A and Party B owe a duty to support the child(ren) listed above. The required financial factors and any discretionary adjustment pursuant to the Arizona Child Support Guidelines are as set forth in the Parent's

Worksheet for Child Support are attached hereto and incorporated herein by reference.

J. Primary Residence:

☐ Party A's home as the primary residence is in the best interest of the child.

☐ Party B's home as the primary residence is in the best interest of the child.

Other Adjustments. (If any adjustments to Parenting Time are made, the Court must make written findings.)

K. Legal Decision-making Authority for Minor Child(ren). (Check/complete only if legal decision-making authority is contested or joint legal decision-making authority is ordered.)

☐ Joint Legal Decision-making. Party A and Party B will share the legal parental duty of making decisions about health, education, religion and general welfare of the child(ren).

☐ Sole Legal Decision-making: ☐ Party A OR ☐ Party B is individually responsible for the legal parental duty of making decisions about health, education, religion and general welfare of the child(ren).

☐ The legal decision-making order or agreement is in the best interests of the minor child(ren) for the following reasons: (List the reasons.)

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

☐ Supervised Parenting Time between the minor children and ☐ Party A OR ☐ Party B,

OR

☐ No Parenting Time by ☐ Party A OR ☐ Party B is in the best interests of the minor child(ren), for the following reasons: (Explain the reasons)

M. Domestic Violence. If the Court enters an order for joint legal decision-making for the

minor child(ren), check box and explain.

- ☐ Domestic violence has not occurred during this marriage, OR
- ☐ Domestic violence has occurred, but
- ☐ it was mutual (committed by both parties), (see A.R.S. § 25-403.03(D)).
- ☐ it is otherwise still in the best interests of the minor child(ren) to grant joint or sole legal decision-making to a party who has committed domestic violence because:

N. Drug or Alcohol Conviction within Last Twelve Months:

- ☐ Party A has been convicted of driving under the influence of alcohol or drugs, or was convicted of any drug offense within 12 months of filing the request for legal decision-making.
- ☐ Party B has been convicted of driving under the influence of alcohol or drugs, or was convicted of any drug offense within 12 months of filing the request for legal decision-making.
- ☐ The legal decision-making and/or parenting time arrangement ordered by this Court appropriately protects the minor child(ren).

THE COURT ORDERS: (D)

1. THE PARTIES ARE LEGALLY SEPARATED.

2. ENFORCEMENT OF TEMPORARY ORDERS:

- ☐ All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of ALL temporary orders here)

are satisfied in full OR

- ☐ Judgment is awarded against the party with the obligation up to the amount due and owing as of the date of this Decree, with the highest legal interest allowed by law, for the total amount of \$_____.

3. PREGNANCY AND PATERNITY

- ☐ A child who is common to the parties is expected to be born this date:_____. The orders below as to legal decision making, parenting time, child support, and medical insurance/expenses do not include this child; the Court reserves jurisdiction to address these issues regarding this child when the child is born.

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

NAME(S) OF MINOR CHILD(REN)	DATE(S) OF BIRTH
-----------------------------	------------------

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- b. ☐ PATERNITY: ☐ Party A ☐ Party B are declared to be a parents of the minor children named below, born before the marriage:

Children Born BEFORE the Marriage	DATE(S) OF BIRTH
-----------------------------------	------------------

_____	_____
_____	_____
_____	_____

- c. ☐ NAMES/BIRTH CERTIFICATES: For any above-named minor child(ren) born in the State of Arizona, the Clerk of Superior Court shall forward a copy of this order to the Office of Vital Records, which IS ORDERED TO AMEND THE BIRTH CERTIFICATE(S) AS FOLLOWS: (List full name of ☐ Party A or ☐ Party B as appears on his/her Social Security card or other government issued official document and as should appear on the child(ren)'s birth certificate(s)).

1. Add the name: _____
as the parent on the above-named minor child(ren)'s birth certificate(s) if no name is already listed.
2. (Optional) NAME CHANGE: The names of one or more of the minor children for whom paternity has been established above shall be changed as follows:

Current Legal Name	New Name (optional)
--------------------	---------------------

_____	_____
_____	_____
_____	_____
_____	_____

4. PRIMARY RESIDENCE, PARENTING TIME, and AUTHORITY FOR LEGAL DECISION-MAKING

- a. PRIMARY RESIDENCE:

☐ In accord with the Parenting Plan signed by both parties NEITHER parent's home is designated as the primary residence, OR

☐ Party A's home is designated the primary residence of:

☐ Party B's home is designated the primary residence of:

b. PARENTING TIME:

☐ REASONABLE parenting time rights as described in the Parenting Plan attached as Exhibit B and made a part of this Decree. OR

☐ NO PARENTING TIME RIGHTS to ☐ Party A OR ☐ Party B, OR

☐ SUPERVISED PARENTING TIME to ☐ Party A OR ☐ Party B according to the terms of the Parenting Plan attached as Exhibit B and made part of this Decree. Parenting time may only take place in the presence of another person, named below or otherwise approved by the Court.

(If supervised) Name of supervisor: _____

The cost of supervised parenting time will be paid as follows:

☐ paid by the party being supervised

☐ paid by the party having legal decision-making
OR

☐ Shared equally by the parties

Restrictions on parenting time (if applicable): _____

No Parenting Time or Supervised Parenting Time is in the best interests of the child(ren) because: (Explain):

c. LEGAL DECISION-MAKING:

1. ☐ SOLE LEGAL DECISION-MAKING AUTHORITY for the minor children is awarded to:

☐ Party A, OR ☐ Party B, subject to parenting time above; OR

2. ☐ JOINT LEGAL DECISION-MAKING: The parties will have joint legal decision-making for the minor children, pursuant to A.R.S. § 25-403.

- Party A and Party B agree to act as joint legal decision-makers regarding the minor child(ren), as set forth in the Parenting Plan signed by both parties and attached to this Decree as “Exhibit B.”
- There having been no significant acts of Domestic Violence by either parent, as defined by Arizona law, A.R.S. § 13-3601 or the Court, having found it in the best interests of the minor child(ren), adopts the terms of the Parenting Plan, which is attached to and made part of this Decree.
- The Parenting Plan becomes part of the final Order and this Decree, and carries the same legal weight as any other order of this Court.

5. CHILD SUPPORT, including INSURANCE COVERAGE:

- a. ☐ The Child Support Order, _____ is attached hereto and incorporated by reference. (Date of Order)
- ☐ Party A, OR ☐ Party B shall pay child support to the other party in the amount of \$_____ per month PAYABLE THE FIRST DAY OF THE MONTH after the date this Decree is signed by the judge until further order of the Court.

6. SPOUSAL MAINTENANCE/SUPPORT:

- a. ☐ Neither party shall pay spousal maintenance/support (alimony) to the other party,
- OR
- b. ☐ Party A, OR ☐ Party B is ordered to pay the other party the sum of \$_____ per month spousal maintenance/support BEGINNING THE FIRST DAY OF THE MONTH after the date this Decree is signed. Each payment shall be made by the first day of each month after that and shall continue until the receiving party is remarried or deceased or until (date) _____.

All payments shall be made through the Support Payment Clearinghouse PO Box 52107, Phoenix, Arizona 85072-7107 by income withholding order until all required payments have been made under this Decree. All spousal maintenance payments are governed by the applicable federal and state tax laws. It shall terminate upon the death of either party or remarriage of receiving party.

7. PROPERTY, DEBTS AND TAX RETURNS:

- a. ☐ Party A is ordered to pay all debts unknown to Party B, AND
- ☐ Party B is ordered to pay all debts unknown to Party A, AND
- ☐ Each party is ordered to pay his or her debts from the following date, _____
FORWARD.

- b. ☐ Other orders and relief relating to property or debt are contained in Exhibit A, which is attached and incorporated into this Decree.
- c. ☐ Each party is assigned his or her separate property and Party A must pay his/her separate debt, and Party B must pay his/her separate debt.
- d. ☐ This Decree can be used as a transfer of title and can be recorded.
- Parties shall sign all documents necessary to complete all transfer of title ordered in this Decree, such as motor vehicles, houses, and bank accounts.
 - The parties shall transfer all real and personal property as described in Exhibit A to the other party on or before _____ by 5:00 p.m.

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

- e. ☐ For previous calendar years, pursuant to IRS rules and regulations, the parties will file:
- ☐ joint federal and state income tax returns and hold the other harmless from half of all additional income taxes and other costs, if any, and each will share equally in any refunds,
- OR
- ☐ separate federal and state income tax returns.
- f. ☐ For this calendar year and continuing thereafter, each party will file separate federal and state income tax returns.

8. **FINANCIAL INFORMATION EXCHANGES:** The parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every twenty-four months. Each party shall give the other party all necessary documentation to file all tax returns.

9. **MINOR CHILDREN TO WHOM THIS DECREE DOES NOT APPLY:** It is ordered that ☐ Party A, OR ☐ Party B has no legal obligation or right to the minor child(ren) listed below born during the marriage but not common to the marriage. These minor children include: (Use additional paper if necessary)

Name

Birth Date

Child expected to be born this date: _____

10. OTHER ORDERS. (Leave blank for Judicial Officer.)

11. FINAL APPEALABLE ORDER. There are no further matters that remain pending before the court and this judgment is a final order under Rule 78(c) of the Arizona Rules of Family Law Procedure.

(E) DONE IN OPEN COURT:

DATE

JUDGE OR COURT COMMISSIONER

If the Arizona Division of Child Support Services (DCSS) is involved in your case, a representative of the Attorney General’s Office must approve the child support amount and sign below.

Signature of DCSS Representative

Date

If this Decree was issued as a “Default,” and the papers to begin this case were served by any means other than by publication, a copy of this Decree shall be mailed or delivered to the Responding Party within 24 hours of the Court hearing as follows:

Name: _____

Mailing Address: _____

City, State, Zip Code: _____

By Party A: _____

Date: _____

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

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

- ☐ Award each party the furniture, furnishings, artwork, collectibles, appliances, cookware, and related items of personalty in his/her possession.
- ☐ Community property is awarded to each party as follows:

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

	AWARD TO:	
	Party A	Party B
<input type="checkbox"/> Household furniture/furnishings: (Be specific.)		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
	Party A	Party B
<input type="checkbox"/> Appliances: (Be specific.)		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
	Party A	Party B
<input type="checkbox"/> Video: TV/DVD/VCR: (Be specific.)		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
	Party A	Party B
<input type="checkbox"/> Audio: Stereo/Radio: (Be specific.)		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
	Party A	Party B
<input type="checkbox"/> Computers and Related Equipment: (Be specific.)		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

☐ Other Electronics (Be specific.)

Party A

Party B

☐☐☐☐

Party A

Party B

☐ Motor Vehicles:

Year, Make, Model: _____

☐☐

Last 4 digits of VIN # _____

Year, Make, Model: _____

☐☐

Last 4 digits of VIN # _____

Year, Make, Model: _____

☐☐

Last 4 digits of VIN # _____

☐ Cash, bonds of \$ _____

☐☐

☐ Other: _____

☐☐

☐ Other: _____

☐☐

☐ Other: _____

☐☐

☐ Other: _____

☐☐

☐ Continues on attached page.

3. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION

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

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

OR

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

OR

☐ Each party WAIVES AND GIVES UP his/her interest in any and all retirement benefits, pension plans, or other deferred compensation of the other party:

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

A. Real property located at (address)_____. The legal description of this property, as quoted from the DEED to the property* is:

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

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

☐ Party A or ☐ Party B

OR

☐ Shall be sold and the proceeds divided as follows:

_____ % or \$_____ to Party A.

_____ % or \$_____ to Party B.

B. Real property located at (address)_____. The legal description of this property, as quoted from the DEED to the property* is:

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

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

☐ Party A or ☐ Party B

OR

☐ Shall be sold and the proceeds divided as follows:

_____ % or \$_____ to Party A.

_____ % or \$_____ to Party B.

☐ Continues on attached page.

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

Community debts shall be divided as follows:

Creditor Name	Amount Owed	Amount to be paid by Party A	Amount to be paid by Party B
a.	\$	\$	\$
b.	\$	\$	\$
c.	\$	\$	\$
d.	\$	\$	\$
e.	\$	\$	\$
f.	\$	\$	\$
g.	\$	\$	\$
h.	\$	\$	\$
i.	\$	\$	\$
j.	\$	\$	\$

☐ Continues on attached page.

6. ☐ Any debts or obligations incurred by either party before the date of separation, that are not identified in the list above or attached, shall be paid by the party who incurred the debt or obligation and that party shall indemnify and hold the other party harmless from such debts.

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

Property recognized as the separate property of the Party A or Party B, is assigned below:

Description	Value	To Party A	To Party B
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>

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

Debt recognized as the separate debt of the Party A or Party B, is assigned below:

Creditor Name	Debt Amount	Party A Pays	Party B Pays
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
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☐ Continued on attached page(s) made part of this document by this reference.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____

For Clerk's Use Only

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Name of Petitioner / Party A

Case Number: _____

AND

Name of Respondent / Party B

PARENTING PLAN FOR:

☐ JOINT LEGAL DECISION-MAKING (JOINT
LEGAL CUSTODY) WITH JOINT LEGAL
DECISION-MAKING (JOINT LEGAL CUSTODY)
AGREEMENT

OR

☐ SOLE LEGAL DECISION-MAKING
(SOLE LEGAL CUSTODY)

☐ to Party A

☐ to Party B

INSTRUCTIONS

This document has 4 parts: PART 1) General Information; PART 2) Legal Decision-Making (Legal Custody) and Parenting Time; PART 3) Danger to Children Notification Statement; and PART 4) Joint Legal Decision-Making (Joint Legal Custody) Agreement. Where this form refers to "children" it refers to any and all minor children common to the parties whether one or more.

One or both parents must complete and sign the Plan as follows:

- a. If only *one* parent is submitting the Plan: that parent must sign at the end of PART 2 and 3.
- b. If both parents agree to legal decision-making (legal custody) and parenting time arrangements *but not to joint legal decision-making (legal custody)*: Both parents must sign the Plan at the *end of* PART 2 and 3, and the Affidavits under Section 5.
- c. If both parents agree to joint legal decision-making (joint legal custody) and parenting time arrangements as presented in the Plan: Both parents must sign the Plan at the end of PART 2, 3, *and* 4, and the Affidavits under Section 5.

PART 1: GENERAL INFORMATION:

- A. MINOR CHILDREN.** This Plan concerns the following minor children:
(Use additional paper if necessary)

_____	_____
_____	_____
_____	_____

- B. THE FOLLOWING LEGAL DECISION-MAKING (LEGAL CUSTODY) ARRANGEMENT IS REQUESTED:**

(Choose ONE of 1, 2, 3, 4.) (If you chose "sole legal decision-making authority" [1 or 2], you have the option of also requesting restrictions on the parenting time of the other party.

- ☐ **1. SOLE LEGAL DECISION-MAKING (SOLE LEGAL CUSTODY) BY AGREEMENT.**

The parents agree that sole legal decision-making authority (sole legal custody) should be granted to

☐ Party A ☐ Party B.

The parents agree that since each has a unique contribution to offer to the growth and development of their minor children, each of them will continue to have a full and active role in providing a sound moral, social, economic, and educational environment for the benefit of the minor children, as described in the following pages,

OR

- ☐ **2. SOLE LEGAL DECISION-MAKING (SOLE LEGAL CUSTODY) REQUESTED BY THE PARENT SUBMITTING THIS PLAN.** The parents cannot agree to the terms of legal decision-making (legal custody) and parenting time. The parent submitting this Plan asks the Court to order sole legal decision-making authority and parenting time according to this Plan.

(Optional, if you marked 1 or 2 above)

- ☐ **RESTRICTED, SUPERVISED, OR NO PARENTING TIME.**

The parent submitting this Plan asks the court for an order restricting parenting time. The facts and information related to this request are described in the Petition or Response.

OR

- ☐ **3. JOINT LEGAL DECISION-MAKING (JOINT LEGAL CUSTODY) BY AGREEMENT.** The parents agree to joint legal decision-making (joint legal custody) and request the Court to approve the joint legal decision-making arrangement as described in this Plan.

OR

- ☐ **4. JOINT LEGAL DECISION-MAKING AUTHORITY (JOINT LEGAL CUSTODY) REQUESTED BY THE PARENT SUBMITTING THIS PLAN.** The parents cannot agree to the terms of legal decision-making and parenting time or are unable to submit this plan together at this time. My request for joint legal decision-making authority is deferred for the Court's determination.

PART 2: PHYSICAL CUSTODY AND PARENTING TIME. Complete each section below.
Be specific about what you want the Judge to approve in the court order.

A. (School Year) WEEKDAY AND WEEKEND TIME-SHARING SCHEDULE:

- ☐ The minor children will be in the care of Party A as follows: (Explain). _____
- ☐ The minor children will be in the care of Party B as follows: (Explain). _____
- ☐ Other physical custody arrangements are as follows: (Explain). _____
- ☐ Transportation will be provided as follows:
- ☐ **Party A** or ☐ **Party B** will pick the minor children up at _____ o'clock.
- ☐ **Party A** or ☐ **Party B** will drop the minor children off at _____ o'clock.

Parents may change their time-share arrangements by mutual agreement with at least _____ days' notice in advance to the other parent.

B. SUMMER MONTHS OR SCHOOL BREAK LONGER THAN 4 DAYS: The weekday and weekend schedule described above will apply for all 12 calendar months **EXCEPT**:

- ☐ During summer months or school breaks that last longer than 4 days, no changes shall be made. **OR,**
- ☐ During summer months or school breaks that last longer than 4 days, the minor children will be in _____ the care of Party A: (Explain) _____
- ☐ During summer months or school breaks that last longer than 4 days, the minor children will be in _____ the care of Party B: (Explain) _____
- ☐ Each parent is entitled to a _____ week period of vacation time with the minor children. The parents will work out the details of the vacation at least _____ days in advance.

C. TRAVEL

- ☐ Should either parent travel out of the area with the minor children, each parent will keep the other parent informed of travel plans, address(es), and telephone number(s) at which that parent and the minor children can be reached.
- ☐ Neither parent shall travel with the minor children outside Arizona for longer than _____ days without the prior written consent of the other parent or order of the court.

- D. HOLIDAY SCHEDULE:** The holiday schedule takes priority over the regular time-sharing schedule as described above. Check the box(es) that apply and indicate the years of the holiday access/Parenting time schedule.

<u>Holiday</u>	<u>Even Years</u>		<u>Odd Years</u>	
<input type="checkbox"/> New Year's Eve	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> New Year's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Spring Vacation	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Easter	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> 4th of July	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Halloween	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Veteran's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Thanksgiving	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Hanukkah	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Christmas Eve	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Christmas Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Winter Break	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Child's Birthday	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Mother's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B
<input type="checkbox"/> Father's Day	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	<input type="checkbox"/> Party A	<input type="checkbox"/> Party B

- ☐ **Each parent may have the children on his or her birthday.**
- ☐ **Three-day weekends** which include Martin Luther King Day, Presidents' Day, Memorial Day, Labor Day, Columbus Day, the children will remain in the care of the parent who has the minor children for the weekend.
- ☐ **Other Holidays** (Describe the other holidays and the arrangement) :

- ☐ **Telephone Contact:** Each parent may have telephone contact with the minor children during the children's normal waking hours, **OR:** (Explain) _____

- ☐ **Other** (Explain) : _____

E. PARENTAL ACCESS TO RECORDS AND INFORMATION: Under Arizona law (A.R.S. § 25-403.06), 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 children'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 a prior court order is subject to legal sanctions.

F. EDUCATIONAL ARRANGEMENTS:

☐ Both parents have the right to participate in school conferences, events and activities, and the _____ right to consult with teachers and other school personnel.

☐ Both parents will make major educational decisions together. (optional) ☐ If the parents do not reach agreement, then:

OR

☐ Major educational decisions will be made by ☐ Party A ☐ Party B after consulting other parent.

G. 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 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.

☐ Both parents will make major medical decisions together, except for emergency situations as _____ noted above. (optional) ☐ If the parents do not reach an agreement, then:

OR

☐ Major medical/dental decisions will be made by ☐ Party A ☐ Party B after consulting _____ other parent.

H. RELIGIOUS EDUCATION ARRANGEMENTS: (Choose **ONE**)

- ☐ Each parent may take the minor children to a church or place of worship of his or her choice during the time that the minor children is/are in his or her care.
- ☐ Both parents agree that the minor children may be instructed in the _____ faith.
- ☐ Both parents agree that religious arrangements are not applicable to this plan.

I. ADDITIONAL ARRANGEMENTS AND COMMENTS:

- ☐ **NOTIFY OTHER PARENT OF ADDRESS CHANGE.** Each parent will inform the other parent of any change of address and/or phone number in advance **OR** within _____ days of the change.
- ☐ **NOTIFY OTHER PARENT OF EMERGENCY.** Both parents agree that each parent will promptly inform the other parent of any emergency or other important event that involves the minor children.
- ☐ **TALK TO OTHER PARENT ABOUT EXTRA ACTIVITIES.** Each parent will consult and agree with the other parent regarding any extra activity that affects the minor children's access to the other parent.
- ☐ **ASK OTHER PARENT IF HE/SHE WANTS TO TAKE CARE OF CHILDREN.** Each parent agrees to consider the other parent as care-provider for the minor children before making other arrangements
- ☐ **OBTAIN WRITTEN CONSENT BEFORE MOVING.** Neither parent will move with the minor children out of the Phoenix metropolitan area without prior written consent of the other parent, or a court ordered Parenting Plan. **A.R.S. 25-408 (B)**
- ☐ **COMMUNICATE.** Each parent agrees that all communications regarding the minor children will be between the parents and that they will **not** use the minor children to convey information or to set up parenting time changes.
- ☐ **METHOD OF COMMUNICATION.** Each parent agrees to use the following means of communication:
_____.
- ☐ **FREQUENCY OF COMMUNICATION.** Each parent agrees to communicate regarding the child(ren) on a regular basis. That communication schedule will be:
_____.
- and will be by the following methods: ☐ Phone ☐ Email ☐ Other
- ☐ **PRAISE OTHER PARENT.** Each parent agrees to encourage love and respect between the minor children and the other parent, and neither parent shall do anything that may hurt the other parent's relationship with the minor children
- ☐ **COOPERATE AND WORK TOGETHER.** Both parents agree to 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.

- ☐ **NOTIFY OTHER PARENT OF PROBLEMS WITH TIME-SHARING AHEAD OF TIME.** 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.
- ☐ **PARENTING PLAN.** 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.
- ☐ **MEDIATION.** If the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, they may request mediation through the court or a private mediator of their choice.

NOTICE: DO NOT DEVIATE FROM 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 such 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. See the Law Library Resource Center packets ***"To Make Someone Obey a Court Order"*** for help.

PART 2: SIGNATURE OF ONE OR BOTH PARENTS (as instructed on page 1)

Signature of Party A: _____ Date: _____

Signature of Party B: _____ Date: _____

PART 3: STATEMENT REGARDING CONTACT WITH SEX OFFENDERS AND PERSONS CONVICTED OF DANGEROUS CRIMES AGAINST CHILDREN.

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

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.

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 exhibition 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 13-3206.
- (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 cause 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.

PART 3: SIGNATURE OF ONE OR BOTH PARENTS (as instructed on page 1)

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

Signature of Party A: _____

Date: _____

Signature of Party B: _____

Date: _____

PART 4: JOINT LEGAL DECISION MAKING (JOINT LEGAL CUSTODY) AGREEMENT (IF APPLICABLE):

- A. DOMESTIC VIOLENCE:** Arizona Law (A.R.S. § 25-403.03) states that joint legal decision-making authority (joint legal custody) 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.*

B. DUI or DRUG CONVICTIONS: (A.R.S. § 25-403.04)

- ☐ 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 (Legal Custody) is in the best interest of the children.*

*** IF THERE HAS BEEN DOMESTIC VIOLENCE OR A DUI OR DRUG CONVICTION:**
Attach an extra page explaining why Joint Legal Decision-Making (Legal Custody) is still in the best interest of the children.

- C. JOINT LEGAL DECISION-MAKING (JOINT LEGAL CUSTODY) AGREEMENT:** If the parents have agreed to joint legal decision-making (legal custody), the following will apply, subject to approval by the Judge:

1. **REVIEW:** The parents agree to review the terms of this agreement and make any necessary or desired changes every _____ month(s) from the date of this document.
2. **CRITERIA.** Our joint legal decision-making (joint legal custody) agreement meets the criteria required by Arizona law A.R.S. § 25-403.02, as listed below:
 - a. The best interests 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 practical schedule of the parenting time for the minor children, including holidays and school vacations is included in the Plan;
 - d. A procedure for the exchange(s) of the child(ren) including location and responsibility for transportation.
 - e. The Plan includes a procedure for periodic review;

- f. The Plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved.
- g. A procedure for communicating with each other about the child, including methods and frequency.

PART 4: SIGNATURES OF BOTH PARENTS REQUESTING JOINT LEGAL DECISION-MAKING AUTHORITY (LEGAL CUSTODY) (as instructed on page 1)

Signature of Party A: _____ Date: _____

Signature of Party B: _____ Date: _____

PART 5: AFFIDAVITS

I declare under penalty of perjury the foregoing is true and correct.

SIGNATURES

Petitioner's / Party A's Signature Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(Date)

_____.

(Notary seal)

Deputy Clerk or Notary Public

Respondent's / Party B's Signature Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(Date)

_____.

(Notary seal)

Deputy Clerk or Notary Public

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
ATLAS Number: _____
Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Marriage of

Case No. _____

Name of Petitioner / Party A

MOTION AND AFFIDAVIT FOR DEFAULT DECREE WITHOUT HEARING for:

and

- ☐ DISSOLUTION OF MARRIAGE (Divorce)
☐ LEGAL SEPARATION
☐ ANNULMENT
☐ MATERNITY/PATERNITY
☐ ESTABLISH LEGAL DECISION-MAKING /
PARENTING TIME / CHILD SUPPORT
A.R.F.L.P. 44.1

Name of Respondent / Party B

I am the Petitioner / Party A and I am asking the Court to enter a **“Decree”** of **Dissolution of Marriage,” “Legal Separation,” “Annulment,”** or **“Maternity/Paternity,”** or an **“Order”** establishing legal-decision-making by default without a court hearing.

SECTION A:

I have marked each box in front of the statements below that are true and I understand that if any statement is not true, I cannot get a default decree *without a hearing*.

- ☐ I have read this **“Motion and Affidavit for Default Decree without a Court Hearing”** and to the best of my knowledge everything I said is true.
- ☐ I have paid the filing and service fees or the filing and service fees were waived or deferred. A copy of the receipt showing payment or a copy of the Order showing that the fees were waived or deferred is attached.
- ☐ To the best of my knowledge, both Party A and Party B are competent and sane at this time (even if “legal incompetence” or “insanity” *at the time of the marriage* is listed as a ground for an annulment).

- ☐ At least 60 days have passed since the other Party (Respondent) was served with the dissolution, legal separation, or annulment papers. OR my case is to establish maternity/paternity and/or legal decision-making / parenting time / child support and there is no 60 day waiting period.
- ☐ Service was not done by publication.
- ☐ Party B has not made an appearance in this matter or filed a ***“Response.”*** I filed the ***“Application and Affidavit for Default”*** and Default has been entered against the other Party.
- ☐ At the time this action was filed, Party A or Party B was domiciled in Arizona or was stationed in Arizona while a member of the United States Armed Forces. If this is an action for dissolution of marriage (divorce) or annulment, Party A or Party B was domiciled or stationed in Arizona for more than 90 days, at the time the Petition was filed.
- ☐ My case does not involve a member of the military waiving service **OR** - I have submitted a notarized ***“Service Members Civil Relief Act Waiver”*** completed by the other party.

SECTION B.

I am requesting Judgment of DISSOLUTION, LEGAL SEPARATION, or ANNULMENT.

☐ **YES** - If YES, answer each question below.

☐ **NO** - If NO, skip to Section C.

☐ Conciliation Services provisions have been met since the filing of the Petition, or the provisions do not apply. This must be true to proceed. (A.R.S. § 25-381.09).

Covenant Marriage: Our marriage ☐ IS or ☐ IS NOT a covenant marriage.

Pregnancy: ☐ Neither party ☐ Party A ☐ Party B is pregnant with a child common to the parties.

Choose only one that applies:

☐ If seeking divorce, the marriage is irretrievably broken.

☐ If seeking legal separation, the parties desire to live separate and apart.

☐ If seeking annulment, a condition exists which renders the marriage void or voidable.

Spousal Maintenance: (choose only one)

- ☐ Party A or Party B has made a claim for spousal maintenance/support and Form 6 “(Default Information for Spousal Maintenance)” is attached to this Motion and Affidavit.
- ☐ Party A or Party B has NOT made a claim for spousal maintenance/support, and the claim is deemed waived by **both** parties.

Property and Debt: (choose all that apply)

- ☐ There was no property or debt obtained during the marriage.
- ☐ Does not apply because (explain): _____

- ☐ All of the allegations, including those concerning property and debts listed in the **“Petition”** were true at the time filed and remain true as of the date of the filing of this motion and affidavit, **OR any changes are explained below:**

- ☐ I attached a list of all community property and debt (obtained or incurred during the marriage), including personal property, motor vehicles, bank accounts, retirement assets, life insurance, real property, including the **value** and the **party to whom the property or debt is to be awarded**. The attached list also includes any requests for the award of sole and separate property and debt.
- ☐ Everything in the **“Petition for Dissolution of Marriage,” “Legal Separation,” or for “Annulment,”** concerning who gets the property and who pays the bills/debts is fair and reasonable.
- ☐ I have requested reasonable attorney fees and support for this request is **attached** to this Motion and Affidavit.
- ☐ Same as Petition: The requests in this form and relief to be awarded in the **“Decree”** are the same as the relief I requested in the underlying **“Petition,” OR** if the relief to be awarded is different, it has been approved by both parties, as reflected in a notarized statement from the other party, or a **“Decree”** containing the notarized signatures of both parties. This must be true to proceed.

SECTION C.

I am requesting a Judgment of MATERNITY or PATERNITY and/or an Order for LEGAL DECISION-MAKING / PARENTING TIME / CHILD SUPPORT.

☐ **YES - If YES, answer each question below.**

☐ **NO - If NO, skip to Section D.**

☐ The name and date of birth of each child is:

Name: _____

Date of Birth: _____

Name: _____

Date of Birth: _____

Name: _____

Date of Birth: _____

Name: _____

Date of Birth: _____

Name: _____

Date of Birth: _____

☐ The factual basis for the finding of maternity / paternity is: _____

☐ The child(ren) live with: _____

☐ Length of Residence: The child has lived in Arizona for at least six (6) months before the filing of the Petition or is less than six (6) months old and has lived in Arizona since birth.

☐ There are no proceedings involving the child that are pending in **another jurisdiction. OR**

☐ There are other proceedings involving the child that are pending in **another jurisdiction** and I have listed the court name(s) and case number(s) below:

Court Name(s) _____

Case Number(s) _____

☐ There are no proceedings involving the child that are pending in **another court. OR**

☐ There are other proceedings involving the child that are pending in **other courts** and I have listed the court name(s) and case number(s) below:

Court Name(s) _____

Case Number(s) _____

State of Arizona Request:

☐ Does not apply. OR

☐ The State of Arizona has requested the default judgment of paternity. The factual basis for the finding of paternity is described above.

Child Support:

☐ I have attached the required Child Support Worksheet. Child Support is based on the following:

☐ The Arizona Child Support Guidelines OR

☐ A deviation from the Arizona Child Support Guidelines because: _____

☐ Other: _____

☐ The basis for determining the gross income of the defaulting party is: _____

SECTION D:

☐ Attorney Fees: I have attached an itemized bill for a reasonable amount of attorney fees to support this request.

☐ Money Judgment(s): I have attached the calculations to establish the sum of requested money to support this request.

☐ Other requested relief. I have attached the following document, to establish the facts supporting the request: _____

OATH OR AFFIRMATION AND VERIFICATION

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

Signature

Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(Date)

_____.

(Notary seal)

Deputy Clerk of Court or Notary Public