

Instructions: How to fill out the forms for your decree of dissolution (divorce) for a non-covenant marriage -- with minor children

Use these instructions only with the Decree of Dissolution of a Non-covenant Marriage (Divorce) with Minor Children. If there are no minor children, by birth or adoption, common to you and the other party, use the form for a “Decree of Dissolution of a Non-covenant Marriage without Minor Children.”

What the Decree Means to You. The Decree is the final Court Order that legally ends your marriage. 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. It tells the parties what they can and cannot do. If either party does not do what the Decree tells him/her to do, then the other party may ask the Court for help. This is a very important document. Once it has been signed by the Judge, 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 Your Divorce Finalized. Before your divorce can become final, a judicial officer must sign what is called a Decree of Dissolution of Marriage. The Decree tells you who gets the property, who pays the debts, who gets parenting time and legal decision-making of the minor children, who pays support and so forth.

Divorce by Default. If you have a Default Hearing, you must repeat as closely as possible what you requested in your Petition. You cannot mark something different in the Decree from what you asked for in the Petition. If you try to request something other than what you requested in the original Petition, the judicial officer 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 when you follow the instructions to fill out your Decree.

The Decree. Fill out the Decree before you go to your trial or default hearing; 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 write in black ink only.

Section: Instruction:

- (A) Write in the name of the person filing the document or the lawyer's name, current address, city, state, zip code, and the telephone number. If you have an ATLAS number, write in the number. If you are represented by an attorney write in the lawyer's state bar number, then indicate whether you represent yourself or if you are the lawyer whether you represent Party A or Party B.
- (B) Write in the Name of the Party A and the Name of the Party B and the case number in the space provided. The names should appear the same way it does on the Petition.
- (C) The Court finds:
- 1-2. These sections state that before the 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.
 3. This section states that either Party A and/or Party B lived in Arizona at least 90 days before the Petition for divorce was filed.
 4. This section states that the parties have attempted reconciliation, or the Conciliation statute does not apply. This section also states that the marriage is not a covenant marriage pursuant to A.R.S. §§ 25-901 or 25-902.
 5. This section states that the couple is unable to get back together and save their marriage.
 6. This section relates to issues of minor children, child support and spousal maintenance, division of property and debt, and states that the Court has made orders about those issues.
 7. On the lines provided, you must write the name(s) and birthdate(s) of the child(ren) to whom the Decree applies.
 8. Pregnancy and Paternity: Place a mark in the proper box to indicate whether a party is or is not pregnant and indicate who the parent of the child(ren) is. Also, write the name of any child(ren) born to the parties before the marriage.
 9. Spousal Maintenance/Support. Mark the appropriate box to show which party will receive spousal maintenance/ support (alimony).
 10. Parent Information Program. Mark the boxes that show which party has completed the Parent Information Program class, and which party has not completed the class. Leave the box empty for the judicial officer to check whether the party who has not taken the Parent Information Program class will be denied any requested relief to enforce or modify the decree until the class has been completed.

11. Domestic Violence. If the Court will enter an order for joint legal decision-making (legal custody) for the minor child(ren), check box “1” or box “2.” Then explain in writing why it still in the best interests of the minor child(ren) to grant joint or sole legal decision-making (joint or sole legal custody) to a party who has committed domestic violence.
12. Drug or Alcohol Conviction Within the Last Twelve Months. Mark the box that indicates if either party has been convicted of driving under the influence of alcohol or drugs or any drug offense within 12 months of filing the request for legal decision-making, and whether you believe the legal decision-making (legal custody) and/or parenting time arrangement ordered by this Court appropriately protects the minor child(ren).
13. Child Support.
14. Legal Decision-making Authority (Legal Custody) for Minor Child(ren).

Mark this box only if legal decision-making authority for the minor children (legal custody) was contested (you and the other party did not agree about legal custody), or if you and the other party have agreed to joint legal decision-making authority. You must write the reasons in the space provided. See the “Joint Custody Information” document in this packet and 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.
15. Supervised or No Parenting Time. Mark this box only if you asked for supervised or no parenting time by the non-primary residential parent in your Petition, or the parties have agreed to this, or the judge has ordered supervised or no parenting time after a trial. You must have a very good reason for such a request, and you must write the reasons in the space provided. See the “Joint Custody Information” and “Guide for Parents Living Apart” for help.
16. Community 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. If you and the other party agreed to the division of the property and debt, mark the next box. Otherwise, mark the box that tells the court that the parties have not agreed to a division, but the community property and debt is divided pursuant to the Decree.
17. Separate Property and Debt. Mark the first box only if you and the other party did not get any separate property before you were married and do not owe money to anyone for property or services you got before the marriage. If you and the other party agreed to the division of the separate property and debt, mark the next box. Otherwise, mark the box that tells the court that the parties have not agreed to a division, but the separate property and debt is divided pursuant to the Decree.

(D) The Court orders:

1. Marriage is dissolved. This section ends your marriage.
2. Name Restoration. Write in the former name of Party A or Party B/ here only if Party A or Party B wants to use and/or be called by the former/maiden name. (The law does not require you to use your former/maiden name.)
3. 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 of the temporary orders. This section allows you to enforce nonpayment of those debts.
- 4.a-b. Pregnancy and Paternity. If Party A or Party B is pregnant, write in the expected date of birth for the unborn child. In section a, you must also write the names of the minor child(ren) common to the marriage, either natural or adopted, and the child(ren)'s date(s) of birth in the space provided. In section b, check the box if there are any children born prior to the marriage and both Party A and Party B are the parents of the children. Write the names of the minor child(ren) born before the marriage and the child(ren)'s date of birth. Regarding the minor child's birth certificate, place a mark in the box if you want the Court Clerk to forward a copy of the court order to the State Office of Vital Records. Then write the full name of the parent to be added to the birth certificate as appears on the Social Security card or other government issued official document and as should appear on the children's birth certificate(s).

Name Change: This is optional. If you planned to change the name on this court order, write in the current name of the minor child first, then the new name.
- 4.c. Minor Child(ren) to Whom This Decree Does Not Apply: Write in the name and birthdate of the child born during the marriage but not common to the parties.
5. Primary Residence, Parenting Time, and Authority for Legal Decision-making (Legal Custody)
 - 5.a. Primary Residence. Place a mark in the box to indicate whether Party A's, Party B's or neither Party's home is designated as the minor child(ren)'s primary residence. Then write in the name of the child(ren) who will live primarily with either Party A or Party B.
 - 5.b. Parenting Time. Place a mark in the box to indicate the type of Parenting Time decided by the judge. 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 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. If applicable, write in any Parenting Time restrictions assigned by the judge. 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 divorce hearing, you still must complete the Parenting Plan and tell the Court what you think should be the parenting time arrangement.

5.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 Dissolution, unless you and the other party have signed a Joint Legal Decision-making Agreement and you are attaching it to the Decree OR you have had a trial and the judge has ordered something different than what is in your Petition.

- 1) For sole legal decision-making, mark who is to have sole legal decision-making authority for the minor child(ren), Party A or Party B.
- 2) For joint legal decision-making, mark the second box - do not mark box 1 above. Remember, you must attach a copy of the Joint Legal Decision-making Agreement and Parenting Plan as Exhibit B signed by both parents, which the judicial officer must approve if you want Joint Legal Decision-making Authority. The Agreement will be included as part of the Court Order ending your marriage.

6. Child Support: Attach the Child Support Order to the final divorce decree and mark the first box. Then, mark who is to pay the child support and how much to the other party based on the request in the Petition for Dissolution, or on the party's agreement..

7. Spousal Maintenance (Alimony).

a. Mark this box if neither party is requesting spousal maintenance.

b. Mark this box if you requested spousal maintenance (alimony) in the Petition.

Then mark who is to pay the spousal maintenance and who will receive the spousal maintenance. If the parties agree, put in the amount and the date the spousal maintenance will end. Otherwise, you should leave the amount and number of months of spousal maintenance blank until the judge approves the request. Be prepared to tell the judge what amount you are asking for, for what period, and why.

8. Property, Debts and Tax Returns.

8.a. Mark the first two boxes, if each party will pay the debts that are unknown to the other party. By marking the third box under 8.a., you are telling the court you do not want to pay for bills the other party incurred after you separated. Write the approximate date you separated on the line provided.

8.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.

- 8.c. This states that you and the other party get to keep property that you owned from before 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. This section also states that you and the other party are each responsible for any debt that you acquired from before the marriage.
- 8.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. Write in the date that both parties shall transfer all real and personal property.
- 8.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. For this calendar year, and future calendar years neither you nor the other party can file joint tax returns. According to the IRS, State law governs whether you are married, divorced, or legally separated. If you are divorced under a final decree by the last day of the year, you are considered unmarried for the whole year. 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.
9. 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.
10. Other Orders. List any other orders that are not described in the Decree.

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
- If there is a Default Decree, you must mail a copy of the Decree to the last known address of the other Party after the judge has signed it.

(F) “Exhibit A: Community Property and Debt” section

If you marked the first box of 18. on your Decree and have no community property or debts, stop here; you have completed your Decree. If you have community property or community debt listed in your Petition, copy that information from your Petition to

“Exhibit A.” Remember: If you are going by default, the division of property must be identical to the list in your petition. You cannot add new community property to the list, although you can give the other party more property than is listed on your petition. Make sure it is very clear who gets what property. Describe the property in detail and then designate whether Party A or Party B gets that property.

1. Division of Community Property. Mark the first box about community property, if each Party is going to keep the personal property in his/her possession. Mark the second box if community property is going to be awarded to each party according to section 2.
2. List of Community Property. Mark the box next to each type of community property you own and describe the property. Then mark the box showing to which Party the property is being given.
3. Retirement, Pension, Deferred Compensation. Decide what you want to do about these assets. Generally, each party is entitled up to a one-half interest in the pension or retirement or deferred compensation benefits of the other party based upon the length of time the parties were married. This is very complicated, and very important to both parties. If you are entitled to any interest in the other party’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. Check the box that describes what you asked for in the Petition or what the parties have agreed to.

4. Division of Real Property: Use this section if you own a home or real estate together. This information, including the address and legal description should also be the same as what you provided in the Petition. Decide which party gets the property, or whether it should be sold, and any proceeds divided.
5. Division of Debts: List all debts you listed on your Petition for Dissolution. You can update the amounts owed, only if the amounts are less than those amounts in the Petition or the parties agree to update the amounts. Then put which debts are to be the responsibilities of which party.
6. Also, decide if you want the order to divide debts incurred by a party that are not listed to be paid by the party who incurred the debt. Remember, just because the Decree orders either party to pay debts does not mean that the creditor cannot pursue collection from the other party, even after the divorce decree.
7. Separate Property. List your separate property and the other party’s separate property. Then check the box to say who gets the property.
8. Separate Debt. List your separate debt and the other party’s separate debt. Then check the box to say who pays the 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.

After completing the Parenting Plan, include it with your Decree.

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 and Order

You can use the free Online Child Support Calculator at the website listed below to complete a child support worksheet and current employer information sheet.

ezCourtForms

<https://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/support

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

Reminders:

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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