

Instructions: How to fill out papers for the summary consent decree for divorce or legal separation with no minor children

Domestic Violence: Domestic violence can be part of any marriage. Domestic violence includes physical violence such as hitting, slapping, pushing or kicking or threats of physical violence directed against you or verbal abuse used to control you.

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

General information about filling out forms: Type or print all forms in **black** ink.

- You must fill out the top left of the first page on every form. This tells the Court who is filing the document. This will be the Petitioner/Party A’s information, except when noted below.
- You will not have a Case Number. Leave the space blank for the Clerk of Superior Court to assign a new Case Number.
- Whomever is the “Petitioner/Party A” will remain the “Petitioner/Party A” throughout the whole case. This will never change.
- Whomever is the “Respondent/Party B” will remain the “Respondent/Party B” throughout the whole case. This will never change.

Complete the following forms:

- ✓ Family Department Sensitive Data / Cover Sheet
 - Both parties need to complete their own Cover Sheet.
 - The top left information is for the party filing the form.
 - No copies are needed; neither party will provide a copy to the other party. This form is information just for the Court.
- ✓ Preliminary Injunction
 - This document tells the parties things they cannot do until the Court enters the decree.

- ✓ Notice of Intent to File Summary Consent Decree for divorce or legal separation
 - Both parties sign and date the form.

- ✓ Summary Consent Decree Petition and Response
 - Numbers correspond to numbered paragraphs of sections on the form.
 - 1. Complete Party A's name, address, date of birth, job title and years/month lived in Arizona.
 - 2. Complete Party B's name, address, date of birth, job title and years/month lived in Arizona.
 - 3. Complete information about the marriage, including:
 - Date of marriage. If you do not know this information, and you were married in Maricopa County, you may get a copy of your marriage license from the Clerk of Superior Court (601 West Jackson Street, Phoenix; 222 East Javelina Avenue, Mesa; 14264 West Tierra Buena Lane, Surprise; and 18380 North 40th Street, Phoenix.) If you were married in another county in Arizona, go to the Clerk of Superior Court at the county seat where you were married.
 - City and State of marriage. If married outside the United States, indicate the Country where married.
 - Read the statements that follow the checkboxes. Check the box for each statement that is TRUE. If any statement is NOT true or if you fail to check the box to indicate the statement is true, your case may not proceed.
 - Check the first box to indicate that you do not have a "covenant" marriage. Read the Checklist in this packet for more information on covenant marriages.
 - Check the second box to indicate your marriage is irretrievably broken or you want to live separate and apart if applying for legal separation. "Irretrievably broken" means that your marriage is broken beyond repair and there is no chance of getting back together with your spouse.
 - Check the third box to indicate you and your spouse have attended a free conference with trained staff through the Court – or that it would not help.
 - Check the fourth box to show you have no minor children together.
 - Residency. At least one of the parties must be living in Arizona, or be stationed in Arizona in the armed services when the petition/response is filed. If filing for divorce, at least one of those parties must have lived in Arizona for 90 days before the petition/response is filed.

4. Statement and Waivers. These statements are necessary to proceed with the summary consent decree process.
 - a. This waiver means the Respondent will not require the Petitioner to formally serve them under Arizona law, and both parties agree that they have settled all issues in their divorce or legal separation.
 - b. This waiver means both parties understand they have a right to request free conciliation services to try to resolve issues to remain married. However, they choose not to use those services.
 - c. This waiver means both parties understand the Petitioner could proceed by default if a Petition was filed instead. Default is when the Petitioner makes requests of the Court and the Respondent chooses not to disagree and not file a response; the Petitioner can then apply to enter “default” and submit a Default Decree to make orders of the requests in the Petition. Some parties proceed by default to save money on the filing fee of the Response. Proceeding with the summary consent decree process means both parties will be required to pay a filing fee and will submit a Consent Decree for the Judge to sign into orders.
 - d. This statement means that when Respondent/Party B signs the Petition and Response form, it has the same effect as if the Respondent had been served a Summons. This means the Respondent will not need to be “served” with the divorce or legal separation papers.
 - e. This means the parties understand if they wish to withdraw their agreement, the party who no longer agrees must file a motion with the Court no later than 60 days after filing of the Petition and Response. If you change your mind, see the instructions and procedures and form for a “Motion to Withdraw Notice of Intent.”
 - f. This means the parties are filing the joint Petition and Response instead of filing separate Petition and Response forms.
5. Written Agreement. This is stating that the parties have reached an agreement and are submitting a Consent Decree attached to a Notice of Lodging for the Court’s review. The agreement tells the Court information about the case and what the parties are asking the Court to sign as an order.
6. Joint Requests to the Court.
 - a. Under this section, the parties are stating they wish the Court to grant their request for a divorce or legal separation.
 - b. This means the parties are asking the Court to enter orders as detailed in the Consent Decree.

7. Oath or affirmation and verification. Both parties are required to sign in front of a Clerk of Superior Court or a notary public. By doing so, you are telling the Court that everything contained in the Petition and Response is true, under penalty of perjury.

✓ Consent Decree

- See the separate instructions about how to fill out the Consent Decree.

✓ Notice of Your Rights About Health Insurance Coverage

- This is an important document that explains what to do about health care coverage for you. Read it carefully.
- A copy must go to the responding party.

✓ Notice Regarding Creditors

- This is an important document that tells both spouses that each is responsible for community debts to creditors even though the court order or decree says that only one of you are responsible. Read this notice to find out how to obtain information from your creditors about account balances.
- A copy must go to the responding party.

✓ Notice of Lodging

- Fill out the Notice of Lodging. Attach the documents listed in this packet's Procedures to the Notice of Lodging.

NEXT STEP: After you fill out all the forms in this packet, read the document called Procedures: How to file papers for a summary consent decree.