

Person Filing: _____

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



SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

Case Number: _____

Petitioner/Party A

ATLAS Number: _____
(if applicable)

PETITION FOR LEGAL SEPARATION
WITH MINOR CHILDREN

Respondent/Party B

STATEMENTS MADE TO THE COURT, UNDER OATH OR AFFIRMATION:

GENERAL INFORMATION:

1. INFORMATION ABOUT ME:

Name: _____

Address: _____

Date of Birth: _____

Job Title: _____

I have lived in Arizona for _____ years and/or _____ months

2. INFORMATION ABOUT MY SPOUSE:

Name: _____

Address: _____

Date of Birth: _____

Job Title: _____

My Spouse has lived in Arizona for _____ years and/or _____ months

3. INFORMATION ABOUT OUR MARRIAGE:

Date of Marriage: _____

City and state, or country where we were married: _____

The following statements MUST BE TRUE for you to use this document and to qualify for legal separation in Arizona AND you must check appropriate boxes to indicate which statements are true or your case may not proceed.

- We do not have a covenant marriage.
- Our marriage is irretrievably broken (our marriage is over) OR
 I desire or my Spouse desires to live separate and apart.
- The conciliation requirements under Arizona law either do not apply or have been met.
- This Court has jurisdiction to decide legal decision-making concerning the minor child(ren) common to the parties because the minor child(ren) has lived with Party A or Party B in Arizona for at least the past 6 months.

4. VENUE: (Check here if the following statement is true):

- This is the proper court to bring this lawsuit under Arizona law because it is the county of residence of either party or of the minor children.

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

- There are no children under the age of 18 either born to, or adopted by, the parties.
(NOTE: IF YOU CHECKED THIS BOX, STOP. YOU SHOULD BE USING THE PETITION PACKET TO GET A LEGAL SEPARATION WITHOUT CHILDREN.)
- The following child(ren) is (are) under age 18 and were born to or adopted by my spouse and me: Check the box if the child was born BEFORE the marriage. (Attach extra pages if necessary).

Child's Name: _____

Birthdate: _____

Address: _____

Length of Time at Address: _____

- Child was born before the marriage

Child's Name: _____

Birthdate: _____

Address: _____

Length of Time at Address: _____

Child was born before the marriage

Child's Name: _____

Birthdate: _____

Address: _____

Length of Time at Address: _____

Child was born before the marriage

Child's Name: _____

Birthdate: _____

Address: _____

Length of Time at Address: _____

Child was born before the marriage

Child's Name: _____

Birthdate: _____

Address: _____

Length of Time at Address: _____

Child was born before the marriage

- 6. RESIDENCY REQUIREMENT. When I file this document with the Court, either I or my spouse live OR are stationed while a member of the Armed Forces, in Arizona.

(WARNING: If this statement is not true, you cannot file for legal separation until it becomes true.)

- 7. DOMESTIC VIOLENCE. (If you intend to ask for joint legal decision-making authority there must have been no "significant" domestic violence in your marriage A.R.S. § 25-403.03. Check one box:

Domestic violence has NOT occurred during this marriage.

- Yes, there HAS been domestic violence during this marriage, and NO legal decision-making should be awarded to the parent who committed the violence.
- Domestic violence has occurred during this marriage, but it was committed by both parents – or it is otherwise still in the best interests of the minor child(ren) to grant sole or joint legal decision-making to a parent who has committed domestic violence because (Write your explanation on the following lines):

8. PREGNANCY.

- Party A is OR is not pregnant,
- Party B is OR is not pregnant.

If either party is pregnant, complete the following:

The baby is due on _____ (date), (and, check one box below):

- Party A and Party B are the parents of the child, OR
- Party A is not a parent of the child, OR.
- Party B is not a parent of the child.

9. SPOUSAL MAINTENANCE (ALIMONY). (Check the box that applies to you. At least one reason must apply to get spousal maintenance):

- Neither party is entitled to Spousal Maintenance (alimony), OR
- Party A OR Party B is entitled to Spousal Maintenance because: (Check all the box(es) below that apply. At least one reason must apply to get spousal maintenance.)
 - 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.

10. CHILD SUPPORT.

There is an Order for Child Support, dated _____ from (name of court)_____.

To my knowledge there is no child support order for the minor child(ren) and the Court should order child support in this case along with legal decision-making and parenting time.

Party A Party B made voluntary/direct support payments that need to be taken into account, if past support is requested.

Party A Party B owes past support for the period between:

the date this Petition was filed and the date current child support is ordered.

OR

the date the parties started living apart, but not more than three years before the date this Petition was filed and the date current child support is ordered.

Title IV-D program or Temporary Assistance for Needy Families (TANF) Programs:

Does not apply.

Party A Party B is applying for or currently receiving TANF or services from the Arizona Title IV-D program. Note: If one or both of the parties is or will be receiving TANF or Title IV-D support, you must obtain the Attorney General or county attorney approval by signature on the Final Order before you file it.

11. OTHER EXPENSES. The parties should be ordered to divide between them any uninsured medical, dental, or health expenses, reasonably incurred for the minor child(ren), in proportion to their respective incomes.

12. INFORMATION ABOUT PROPERTY AND DEBTS:

A. COMMUNITY PROPERTY (Property acquired during the marriage). (Check one box)

My spouse and I did not acquire community property during the marriage,

OR

- My spouse and I acquired community property during our marriage, and we should divide it as follows: (List the property and the value of the property, and check the box to tell the Court who should get the property.)

WARNING: You must be specific. You must describe the property that should go to you and then check the box, and describe the property that should go to your spouse, and check the box. For example, under household furnishings you could say, blue and white living room sofa, and then check the box to say whether it should go to you or to your spouse. Never list an item and then check both Party A box and Party B box.

DESCRIPTION OF PROPERTY/ VALUE OF PROPERTY:	Party A	Party B	Value
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<input type="checkbox"/> Real estate at: _____ Legal Description: (Quote Deed)	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
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<input type="checkbox"/> Real estate at: _____ Legal Description: (Quote Deed)	Party A <input type="checkbox"/>	Party B <input type="checkbox"/>	Value \$ _____
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Continues on attached page.

<input type="checkbox"/> Household furniture and appliances:	Party A	Party B	Value
	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

	Party A	Party B	Value
<input type="checkbox"/> Household furnishings:			
_____	<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"/>	\$ _____

	Party A	Party B	Value
<input type="checkbox"/> Other items:			
_____	<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	Value
<input type="checkbox"/> Pension/retirement fund/profit sharing/stock plan/401K:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

	Party A	Party B	Value
<input type="checkbox"/> Motor vehicles:			
Make _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Model _____ Year _____			
VIN _____			
Lien Holder _____			
Make _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Model _____ Year _____			
VIN _____			
Lien Holder _____			

Continues on attached page.

B. SEPARATE PROPERTY: (Property acquired before marriage). (Check all boxes that apply.)

- Party A does not have any separate property.
- Party B does not have any separate property.
- Party A has separate property that he or she brought into the marriage. Award this property to Party A as described below.
- Party B has property that he or she brought into the marriage. Award this property to Party B as described below.

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

DESCRIPTION OF PROPERTY	Party A	Party B	Value
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

C. COMMUNITY DEBT: (Debts incurred during the marriage). (check one box)

- Party A and Party B did not incur any community debts during the marriage, OR
- Party A and Party B incurred Community Debt during the marriage. We should divide the responsibility for the community debts incurred during the marriage as follows:

DESCRIPTION OF COMMUNITY DEBT	Party A	Party B	Amount Owed
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

D. SEPARATE DEBTS. (Debts incurred before the marriage, and brought to the marriage) (Check all boxes that apply.)

- Party A and Party B do not have any debts that were incurred before the marriage, OR
- Party A has separate debt incurred before the marriage which should be paid by Party A as described below:
- Party B has separate debt that he or she incurred before the marriage which should be paid by Party B as described below:

DESCRIPTION OF SEPARATE DEBT	Party A	Party B	Amount Owed
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

13. TAX RETURNS. (After the Judge or Commissioner signs the Decree of Legal Separation, the parties will file state and federal taxes as follows: Check the box(es) to show what you want).

- For this calendar year (the year that the Decree is signed) and all future calendar years, each party will, subject to IRS Rules and Regulations, file
 - Joint Tax Returns OR Separate Tax Returns.
- For previous years (the years we were married, not including the year the Decree was signed), (check one box)

- The parties will file joint federal and state income tax returns. For previous calendar years, both parties will pay, and hold the other harmless from, 1/2 of all additional income taxes if any and other costs and each will share equally in any refunds. OR
- The parties will file separate federal and state income tax returns. For previous calendar years, each party will pay and hold the other harmless from any income taxes and/or incurred as a result of the filing of that party's tax return and each party will be awarded 100% of any refund received as a result of the filing of that party's tax return.

14. DRUG/ALCOHOL CONVICTION WITHIN THE LAST TWELVE MONTHS: If you intend to ask for joint legal decision-making, check one box.

- Neither party has been convicted for a drug offense or driving under the influence of drugs or alcohol in the last twelve (12) months.
- One or both parties have been convicted for a drug offense or driving under the influence of drugs or alcohol in the last twelve (12) months.
 - Party A was convicted. Party B was convicted.

The legal decision-making and parenting time arrangement I am requesting appropriately protects the minor child(ren). On the lines below, explain how this arrangement appropriately protects the minor child(ren).

15. WRITTEN AGREEMENT. CHECK ONLY IF TRUE:

- Party A and Party B have a written agreement signed by both of us about the maintenance of a spouse, division of property/debt, where the children will live, authority for legal decision-making concerning the children, parenting time, and child support, and I have attached a copy of the written agreement.
- Party A and Party B DO NOT have a written agreement signed by both of us about the maintenance of a spouse, division of property/debt, where the children will live, authority for legal decision-making concerning the children, parenting time, and child support.

16. THE PARENT INFORMATION PROGRAM is required for persons seeking legal decision-making or parenting time. (Check one box.)

I have OR have not already completed the Parenting Information Program.

REQUESTS TO THE COURT

A. LEGAL SEPARATION: An order of legal separation.

B. SPOUSAL MAINTENANCE/SUPPORT:

Not applicable.

OR

Order spousal support to be paid by Party A or Party B in the amount of \$_____ per month beginning with the first day of the month after the Judicial Officer signs the Decree and continuing until the person receiving spousal maintenance is remarried or deceased, or for a period of _____ months.

These payments, and a fee for handling, will be paid through the Support Payment Clearinghouse, PO Box 52107, Phoenix, Arizona 85072-7107 by income withholding order.

C. COMMUNITY PROPERTY: Make a fair division of all community property as requested in this Petition.

D. COMMUNITY DEBTS: Order each party to pay community debts as requested in this Petition, and to pay any other community debts unknown to the other party. Order each party to pay and hold the other party harmless from debts incurred by Party A or Party B:

since the parties separation on (date):_____.

OR

since the date the other Party was served with the Petition for Legal Separation.

E. SEPARATE PROPERTY: Award each party his or her separate property.

F. SEPARATE DEBT: Order each party to pay separate debt and hold the other party harmless from debts incurred before the marriage.

G. PATERNITY and MINOR CHILD(REN)'S NAMES.

Declare Party A Party B to be a parent of the following named minor child(ren) born before the marriage and (optional) change the legal name of those minor child(ren) to the name listed on the right, below:

Current Legal Name (Optional) Change the name of the child to:

H. PRIMARY RESIDENCE, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION-MAKING:

1. PRIMARY RESIDENCE: Declare the Primary Residence for each minor child as follows:

Neither party's home is designated as the primary residence for the minor child(ren)

Declare Party A's home as the primary residence for the following named children:

 Declare Party B's home as the primary residence for the following named children:

2. PARENTING TIME: Award parenting time as follows:

Reasonable parenting time as set forth in the Parenting Plan filed with this Petition, OR

Supervised parenting time between the children and Party A OR Party B, OR

No parenting time rights to Party A OR Party B.

Supervised or no parenting time is in the best interests of the child(ren) because:

Explanation continues on attached pages made part of this document by reference.

a. Name this person to supervise: _____

b. Restrict parenting time as follows: _____

c. Order cost of supervised parenting time (if applicable) to be paid by:

Party A

Party B OR

Shared equally by the parties

3. AUTHORITY FOR LEGAL DECISION-MAKING: Award legal authority to make decisions about the child(ren) as follows:

- Award SOLE AUTHORITY FOR Legal Decision-making to:
 - Party A OR Party B,
 - OR
- Award JOINT AUTHORITY FOR Legal Decision-making to BOTH PARENTS.
 Party A and Party B will act as joint legal decision-makers concerning the minor child(ren). (For the Court to order “joint” legal decision-making, there must have been no “significant” domestic violence according to Arizona law, A.R.S. § 25-403.03)
- Provisions for LEGAL DECISION-MAKING and PARENTING TIME to be within or attached to the Decree as a Parenting Plan. (Rule 45 (c)(1))

I. CHILD SUPPORT:

- Order that child support will be paid by: Party A OR Party B in an amount determined by the Court under the Arizona Child Support Guidelines. Support payments will begin on the first day of the first month after the Judge or Commissioner signs the Decree. These support payments, and a fee for handling, will be paid through the Support Payment Clearinghouse, PO Box 52107, Phoenix, Arizona 85072-7107 by Income Withholding Order. The Child Support Order to be attached to the Decree of Legal Separation.
- Order that past child support be paid by: Party A OR Party B in an amount determined by using a retroactive application of the Arizona Child Support Guidelines taking into account any amount of temporary or voluntary/direct support that has been paid. Support to be paid through the Clearinghouse as defined above.

J. MEDICAL, DENTAL, VISION CARE INSURANCE AND HEALTH EXPENSES FOR MINOR CHILDREN: Order that:

- Party A is responsible for providing: medical dental vision care insurance.
- Party B is responsible for providing: medical dental vision care insurance.
- Party A and Party B will pay for all reasonable unreimbursed medical, dental, and health-related expenses incurred for the child(ren) in proportion to their respective incomes.

K. TAX EXEMPTION: Allocate tax exemptions for the minor child(ren) as determined by the Court under the Arizona Child Support Guidelines and in a manner that allows each party to claim allowable federal dependency exemptions proportionate to adjusted gross income in a reasonable pattern that can be repeated.

The parties will claim the minor children as income tax dependency exemptions on federal and state income tax returns as follows:

Parent entitled to claim	Name of minor child	in Tax Year
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	_____

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

UNDER OATH OR BY AFFIRMATION

I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

_____ Date

_____ Signature

STATE OF _____

COUNTY OF _____

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

_____ Notarial Officer

(Notarial Officer's Stamp or Seal)