

Procedures: How to file papers with the court to terminate your Decree of Legal Separation by agreement

- STEP 1. After you have completed all of these documents, make the following copies:
- Stipulation to Terminate Decree of Legal Separation – 1 original, 2 copies
 - Stipulated Order Terminating the Decree of Legal Separation – 1 original, 2 copies
 - Order Stopping Income Withholding Order (if applicable) – 1 original, 2 copies
 - Current Employer Information (if applicable) – 1 original, 2 copies

Note: The case number on these documents is the same number assigned during your original legal separation case. It must match the case number printed on your Decree of Legal Separation entered by the court.

- STEP 2. Separate your documents into three (3) sets*:

| | |
|--|--|
| <p>Set 1 - <u>Originals</u> for Clerk of Superior Court:</p> <ul style="list-style-type: none"> • Stipulation to Terminate Decree of Legal Separation • Stipulated Order Terminating the Decree of Legal Separation • Order Stopping Income Withholding Order (if applicable) • Current Employer Information (if applicable) | <p>Set 2 - Copies for You:</p> <ul style="list-style-type: none"> • Stipulation to Terminate Decree of Legal Separation • Stipulated Order Terminating the Decree of Legal Separation • Order Stopping Income Withholding Order (if applicable) • Current Employer Information (if applicable) |
| <p>Set 3 – Copies for Other Party:</p> <ul style="list-style-type: none"> • Stipulation to Terminate Decree of Legal Separation • Stipulated Order Terminating the Decree of Legal Separation • Order Stopping Income Withholding Order (if applicable) • Current Employer Information (if applicable) | <p>Set 4 (if applicable) – Copies for Arizona Division of Child Support Services (DCSS): *</p> <ul style="list-style-type: none"> • Stipulation to Terminate Decree of Legal Separation • Stipulated Order Terminating the Decree of Legal Separation • Order Stopping Income Withholding Order (if applicable) • Current Employer Information (if applicable) |
| <p>*If the agreement results in the parent who is currently paying child support no longer having to pay, include an Order Stopping Income Withholding Order and Current Employer Information sheet.</p> | |

- Prepare two pre-stamped large envelopes with sufficient postage, one addressed to each party. These will be used to mail the final documents to each party.

* NOTE: If the Division of Child Support Enforcement (DCSE) is involved in your case, you must mail a copy of all signed and filed documents to:

Office of the Attorney General
Child Support Services Section
2005 N. Central Avenue – Mail Drop 7611
Phoenix, AZ 85004-2926

The Attorney General will file an Acceptance of Service with the Court. You should check to make sure this acceptance has been filed with the Court.

STEP 3. File the Stipulation at the Court. Bring all originals and copies.

Go to the Clerk of Superior Court's Filing Counter: Present the originals and all sets of copies to the Clerk at the filing counter. The Clerk will keep the originals and stamp the extra copies to show that these are copies of papers filed with the Court, and return the conformed (stamped) copies to you.

You may file your papers from 8am to 5pm, Monday through Friday, at any of the following Superior Court locations:

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

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

Northwest Regional Court Center
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Northeast Regional Court Center
18380 North 40th Street
Phoenix, Arizona 85032

Fees: There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. Cash, AMEX/VISA/MasterCard debit or credit cards, or money order made payable to the "Clerk of Superior Court" are acceptable forms of payment.

If you cannot afford the filing fee, you may request a deferral (payment plan) when you file your papers with the Clerk of Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center.

STEP 4. Take a copy of the filed Stipulation and originals and copies of the other documents to the Judge to review and sign

- Find out which judge is assigned to your case. If you are not sure, look at the court case number in the upper right-hand corner and call Family Administration at 602-506-1561 to ask who your judge is.
- Hand-deliver the documents and the envelopes as indicated below (depending on the location of the court facility at which you choose to file):

Central Court Building
201 West Jefferson, 3rd floor
Phoenix, Arizona 85003
(Deliver to Family Administration)

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210
(Deliver to Family Administration)

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374
(Deliver to Judge's box)

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032
(Deliver to Judge's box)

STEP 5. Wait for the Court to let you know whether the Order was signed, or the matter was set for a hearing. If a hearing is scheduled, you will receive written notice of when and where to appear (date, time, and location).

What the court may do:

- Grant the relief you requested;
- Schedule a hearing for you and the other party if the Judge needs additional information;
- Return your paperwork because you did not show good reason for the change requested or the paperwork was incomplete; OR
- Enter other orders the Judge thinks proper.
- NOTE: The order will not be entered immediately upon delivery of the documents to the assigned division.

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

Respondent/Party B's Name or Lawyer's Name: _____

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

Petitioner/Party A

Case No. _____

STIPULATION TO TERMINATE
DECREE OF LEGAL SEPARATION

Respondent/Party B

Petitioner/Party A, _____, and Respondent/Party B,
_____, stipulate and agree to having the Decree of Legal
Separation entered in this matter terminated under the provisions of A.R.S. § 25-313(C). In
support of this stipulation, the parties agree and acknowledge the following:

1. The parties were married on _____.
2. A Decree of Legal Separation to this marriage was entered in the Superior Court of the State of Arizona, County of _____, on _____ under this case number.
3. It is the desire of the parties to end their status of “legally separated” and to restore their status to “legally married.”
4. Each party has agreed to this restoration of their legally married status knowingly, intelligently, voluntarily, and without duress, coercion or undue influence.
5. Each party understands that on entry of the Order Terminating Legal Separation, the Decree of Legal Separation shall no longer be in effect.
6. Each party further understands the following:
 - a. Marital Community – On the entry of the Order Terminating Legal Separation, the marital community is re-formed as if the parties became married on the date of the entry of the termination order, at which time the legal separation no longer exists.
 - b. Property – Any property or debts awarded or assigned to either party as sole and separate property or sole and separate debt under the terms of the Decree of Legal Separation as well as any property acquired or debts incurred from the date of the entry of the Decree of Legal Separation through the date of termination of the Decree of Legal Separation are the sole and separate property of the acquiring party and the sole and separate debt of the incurring party.
 - c. Payments – Any property-related payments due from one party to the other under the terms of the Decree of Legal Separation:
 Are deemed waived and discharged -OR-
 Are preserved as follows: _____

 - d. Parenting Orders – Any parenting orders entered in the Decree of Legal Separation under Chapter 4 of Title 25 no longer apply.

- e. Child Support – Except as to any sum owed to the State of Arizona pursuant to A.R.S. § 46-407, provisions for child support in the Decree of Legal Separation no longer apply as of the date of the entry of the Termination Order.

Claims for amounts that may remain due and owing for child support, including allocation of child-related expenses, other than any sum owed to the State of Arizona pursuant to A.R.S. § 46-407, during the time period in which the child support terms under the Decree of Legal Separation were in effect:

- Are hereby waived and discharged -OR-
- Remain due and owing from _____ to _____ in the total sum of \$_____.

- f. Spousal Maintenance – Provisions for spousal maintenance Decree of Legal Separation, if any, no longer apply as of the date of the entry of the Termination Order.

Claims for amounts that may remain due and owing for spousal maintenance during the time period in which the spousal maintenance terms under the Decree of Legal Separation were in effect:

- Are hereby waived and discharged -OR-
- Remain due and owing from _____ to _____ in the total sum of \$_____.

- 7. Both parties acknowledge that termination of the Decree of Legal Separation does not impact the rights of creditors that may have relied upon the terms of the Decree of Legal Separation.

Based upon the foregoing, the parties request that the Court enter the Stipulated Order Terminating the Decree of Legal Separation filed with this Stipulation.

Signatures of Both Parties

By signing below, each of us states to the court under penalty of perjury that we have read and understand this document, and that the information contained in the document is true and correct to the best of our individual knowledge and belief.

Petitioner/Party A:

Respondent/Party B:

Date: _____

Date: _____

Signature: _____

Signature: _____

STATE OF _____

STATE OF _____

COUNTY OF _____

COUNTY OF _____

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

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

Notarial Officer

Notarial Officer

(Notarial Officer's Stamp or Seal)

(Notarial Officer's Stamp or Seal)

If the Division of Child Support Enforcement (DCSE) is involved in your case, you must mail a copy of all signed and filed documents to:

Office of the Attorney General
Child Support Services Section,
2005 N. Central Avenue – Mail Drop 7611
Phoenix, AZ 85004-2926

I certify that I mailed a copy of this Stipulation to Terminate Decree of Legal Separation to DCSE at the address above as follows:

Date Mailed: _____

By: _____
Printed Name

Signature

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

Respondent/Party B's Name or Lawyer's Name: _____
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

Petitioner/Party A

Case No. _____

STIPULATED ORDER TERMINATING
THE DECREE OF LEGAL SEPARATION

Respondent/Party B

The Court has considered the Stipulation of the parties to Terminate the Decree of Legal Separation in accordance with A.R.S. § 25-313(C). The Court finds that the parties have entered into their agreement knowingly, intelligently, voluntarily and without duress, coercion or undue influence.

Good cause appearing,

IT IS ORDERED as follows:

1. Termination of Decree of Legal Separation

The Decree of Legal Separation entered on _____ is hereby terminated, effective the date of entry of this Termination Order.

2. Re-forming of Marital Community

As of the date of this order, the martial community of the parties is re-formed as if the parties became legal married on the date of this Termination Order.

3. Property

Any property or debt awarded or assigned to either party as sole and separate property under the terms of the Decree of Legal Separation as well as any property acquired or debts incurred from the date of the entry of the Decree of Legal Separation through the date of termination of the Decree of Legal Separation are the sole and separate property of the acquiring party and the sole and separate debt of the incurring party.

4. Payments

Any property-related payments due from one party to the other under the terms of the Decree of Legal Separation:

Are deemed waived and discharged -OR-

Are preserved as follows: _____

5. Parenting Orders

Any parenting orders entered un the Decree of Legal Separation under Chapter 4 of Title 25 no longer apply.

6. Child Support

Except as to any sum owed to the State of Arizona pursuant to A.R.S. § 46-407, provisions for child support in the Decree of Legal Separation no longer apply as of the date of the entry of this Termination Order.

Except as to any sum owed to the State of Arizona pursuant to A.R.S. § 46-407, claims for amounts that may remain due and owing for child support, including allocation of child-related expenses, during the time period in which the child support terms under the Decree of Legal Separation were in effect:

Are hereby waived and discharged -OR-

Remain due and owing from _____ to _____ in the total sum of \$ _____.

7. Spousal Maintenance

Provisions for spousal maintenance Decree of Legal Separation, if any, no longer apply as of the date of the entry of this Termination Order.

Claims for amounts that may remain due and owing for spousal maintenance during the time period in which the spousal maintenance terms under the Decree of Legal Separation were in effect:

Are hereby waived and discharged -OR-

Remain due and owing from _____ to _____ in the total sum of \$ _____.

8. Rights of Creditors

Termination of the Decree of Legal Separation does not impact the rights of creditors that may have relied upon the terms of the Decree of Legal Separation.

9. Final 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.

DONE IN OPEN COURT this _____ day of _____, _____.

Judge of the Superior Court

Approved:
Petitioner/Party A:

Respondent/Party B:

Date: _____

Date: _____

Signature: _____

Signature: _____

STATE OF _____

STATE OF _____

COUNTY OF _____

COUNTY OF _____

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

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

Notarial Officer

Notarial Officer

(Notarial Officer's Stamp or Seal)

(Notarial Officer's Stamp or Seal)

If the Division of Child Support Enforcement (DCSE) is involved in your case, you must mail a copy of all signed and filed documents to:

Office of the Attorney General
Child Support Services Section,
2005 N. Central Avenue – Mail Drop 7611
Phoenix, AZ 85004-2926

I certify that I mailed a copy of this Stipulation to Terminate Decree of Legal Separation to DCSE at the address above as follows:

Date Mailed: _____

By: _____

Printed Name

Signature

CURRENT EMPLOYER* INFORMATION

You may also fill out this form online at the Family Support Center Website.



This form must be completed for:

- An Income Withholding Order
- Order to Stop an Income Withholding Order
- Notification of a Change of Employer (Or Other Payor)

Case Number: _____ ATLAS Number: _____

Name of Person Ordered to Make Payments: _____

List the name of the employer* and the address of the payroll or financial department (for the person named above) where the income withholding order or stop order should be mailed.

Employer* Name: _____

Payroll Address: _____

City: _____ State: _____ Zip: _____

Employer* Telephone: _____

Employer* Fax: _____

*or other payor or source of funds

FOR COURT USE ONLY. DO NOT WRITE BELOW THIS LINE.

WA/FSC

WA/LOG ID: _____

TYPE OF W/A: _____

DATE: _____

AMOUNT OF ORDER: _____

EMPLOYER STATUS: _____

ENTERED BY: _____

NEW W/A: _____ SUB: _____

AG: _____ DCSE: _____

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

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

(1) _____
Petitioner in Original Case

(3) Case No. _____

(2) _____
Respondent in Original Case

(4) ATLAS No. _____

ORDER STOPPING INCOME
WITHHOLDING ORDER (AND ALL
MARICOPA COUNTY SUPPORT ORDERS)
A.R.S. § 25-504

To the employer(s) or other payor(s) of:

(5) Name of Employee: _____

Do not write below this line. Court personnel will complete the form.

IT IS ORDERED stopping the Income Withholding Order dated (6) _____, with the same case number as in (3) above. The employer(s) or other payor(s) is/are ordered to stop withholding monies pursuant to the Income Withholding Order immediately upon receipt of this Order.

IT IS FURTHER ORDERED terminating all Maricopa County child support and/or spousal maintenance orders in this case number and declaring all child support and/or spousal maintenance orders fully paid and satisfied, including all past due support, arrearage judgments and interest.

IT IS FURTHER ORDERED that the Support Payment Clearinghouse shall release any monies currently in its possession and future monies received to the person ordered to pay, less any fees owed to the Clearinghouse.

Dated: _____

Judicial Officer