LEGAL SEPARATION WITH MINOR CHILDREN

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To File for Legal Separation

Part 1: Petition and First Court Papers

(Forms and Instructions)

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PETITION AND PAPERS FOR LEGAL SEPARATION WITH MINOR CHILDREN

CHECKLIST

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

- ✓ You want to file for legal separation because:
  - ✓ You and your spouse desire to live separate and apart, ***or***
  - ✓ Your marriage is irretrievably broken (can't be fixed) **but** you are **not** ready to file for divorce;

  (Note: You do ***not*** have to file for legal separation before filing for divorce); **AND**

Warning: If *the other party* does not want a Legal Separation, the Court may change the Petition for Legal Separation into a Petition for Divorce *if* you and/or your spouse have lived in Arizona for the last 90 days prior to filing the Petition for Legal Separation.

- ✓ You do **not** have a "covenant" marriage, or since you were married you have **not** agreed to *change* your marriage to a "covenant" marriage (These papers will ***not*** work for a covenant marriage.)***** **AND**
- ✓ You or your spouse either live in Arizona or are a member of the armed services stationed in Arizona; **AND**
- ✓ You and your spouse have minor children with each other. **AND**
- ✓ The minor children have resided (lived) in Arizona at least 6 months before you will file the Petition for Legal Separation or you talked to a lawyer who advised you that even so you could pursue the case in Arizona.

*** WHAT IS A "COVENANT MARRIAGE"? To have a covenant marriage, both you and the other party would have had to:**

1. **Sign papers (essentially a contract) requesting a covenant marriage;**
2. **Attend pre-marital counseling; *AND***
3. **Your marriage license would say "Covenant Marriage."**

If you were married *before* August 21, 1998 and have not signed papers to *convert* your marriage to a covenant marriage, you do *not* have a covenant marriage. If you still have questions about whether you have a covenant marriage, see a lawyer for help.

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.

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Legal Separation with Minor Children

Part 1: Petition and First Court Papers

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!

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Instructions: How to fill out papers for legal separation with minor children

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Important Information: If your spouse does not want a Legal Separation, the Court will not order a legal separation. However, the Court can change the Petition for Legal Separation into a Petition for Dissolution of Marriage (divorce), if you and/or your spouse have lived in Arizona for the last 90 days prior to filing the Petition for Legal Separation and your spouse wants a divorce, not a legal separation.

Domestic Violence: Domestic violence can be part of any marriage. Domestic violence against you and/or your minor children, includes physical acts such as hitting, slapping, pushing and kicking. Verbal abuse and threats of violence, directed at you and/or your minor children, with the intent to control you, is also Domestic violence.

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 or your minor children from further violence, you must file a Request for Protected Address form and ask that your address not be disclosed on court papers. If the Court grants your Request, you do not need to put your address and phone number on your court papers. When asked for that information on Court papers, write “protected" in that space. You must tell the Clerk of Superior Court your address and phone number as soon as possible, so the Court can contact you as needed.

All forms: Type or print in black ink.

Most court forms can be filed electronically (eFile), and some forms in this packet may be auto generated by the eFiling system. If you will be eFiling your forms, you will not need to complete all forms in this packet. For more information about eFiling and which forms will be auto generated by the eFiling system, read the eFiling instructions first: https://superiorcourt.maricopa.gov/media/7446/dref13i.pdf.

Family Department/Sensitive Data Cover Sheet

- Write in the information requested about Petitioner/Party A, Respondent/Party B, and any children under the age of 18.
- Do not include mailing address on this form if requesting address protection.
- Case Type: Mark only one box that matches the legal procedure for which you are filing the documents in this packet: [x] Legal Separation.
- Interpreter: Check “yes” or “no” to indicate whether an interpreter is needed. If “yes,” write in what language(s).
- No additional copies needed. Do not serve this document on the other party.

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Summons

- ✓ Fill in the following information on the Summons: Your name; street address (if not protected); city, state and zip code; telephone number; ATLAS number; name of Petitioner/Party A; name of Respondent/Party B. You will have an ATLAS number only if you receive, or have received, AFDC or other public benefits for minor children that are common to you and your spouse.

  Then, write in the name of other party in the space provided. Do not fill out the rest of the form. The Clerk of Superior Court will complete it later.

Preliminary Injunction

- ✓ Fill in the following information on the Preliminary Injunction: Your name; street address (if not protected); city; state; zip code; telephone number; ATLAS number (if you have one); name of Petitioner/Party A; name of Respondent/Party B. You will have an ATLAS number ONLY if you receive, or have received, AFDC or other public benefits for children that are common to you and your spouse. Then, fill in the description of the parties including name, gender, height, weight, driver's license number, and date of birth for both you and the other party. The Clerk of Superior Court will date and sign the Preliminary Injunction.

Petition for Legal Separation with Minor Children

- Use this form only if you want a legal separation and there are minor children involved that are common to you and your spouse, and you have a non-covenant marriage. Arizona laws regarding "covenant" marriages went into effect August 21, 1998. See A.R.S § 25-901. If you have a covenant marriage, you and your spouse were asked to sign an affidavit that included a statement similar to this: "We solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for as long as they both live. We have chosen each other carefully. We understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling. We declare that our marriage will be bound by Arizona law regarding covenant marriages, and we promise to love, honor and care for one another as husband and wife for the rest of our lives." (This paperwork will not work if you have a covenant marriage. If you have questions about whether you have a "covenant" marriage, look at your marriage license and/or see a lawyer for help.) Make sure your form is titled Petition for legal separation -- with minor children.
- In the top left corner of the first page, fill out the following: your name (if you are the person filling out the petition); your address (if not protected); your city, state and zip code; your telephone number; and your ATLAS number, if you are receiving, or have received, AFDC from the Arizona Department of Economic Security. (The space for the attorney bar number is required only if an attorney represents you. You must provide this information if you are represented.)

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- If there is no prior Court Order for child support involving the same parties, fill in your name in the space that says "Petitioner/Party A." Remember, you will be "Petitioner/Party A" through the whole case. (This includes any emergency petitions, temporary petitions, and post- decree petitions.) In the space that says "Respondent/Party B," fill in the name of your spouse. Your spouse will be "Respondent/Party B" for the rest of this case. (This includes any emergency petitions, temporary petitions, and post-divorce decree petitions.) If there is a prior Court Order for child support involving the same parties, fill in the names of the parties as it is written on the Court Order
- Leave the Case Number blank. When you file your papers, you will receive a case number. If there is already a Court Order for child support involving the same parties, you will file these papers under the same case number. Write that case number in the blank space.

General Information: Statements Made to the Court, Under Oath or by Affirmation:

1. Information about You. Fill in your name, address (if not protected), date of birth, occupation, and length of time in Arizona.
2. Information about Your Spouse. Fill in your spouse's name, address, (if not protected) date of birth, occupation, and length of time in Arizona.
3. Information about Your Marriage. Fill in the date that you were married, and the city and state where you were married. 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 records located at 601 West Jackson Street, in Downtown Phoenix. If you were married in another county in Arizona, go to the Clerk of Superior Court in the county seat where you were married.

   Next: Read the statements that follow the checkboxes. Check the box for each statement that is true. If any of the first three statements are not true or if you fail to check the box to indicate the statement is true, your case may not proceed. If the fourth box (regarding legal decision-making and parenting time) is not checked, the Court may not be able to enter orders regarding legal decision-making and parenting time for the children.

   - Check the first box to indicate that you do not have a "covenant" marriage.*
   - Check the second box to indicate your marriage is irretrievably broken or you and/or your spouse desire to live separate and apart from each other.*
   - 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 indicate this court has the power to decide legal decision-making and parenting time issues.*

   * To have a "Covenant Marriage," both Party A and Party B would have had to:

     - sign papers requesting to have a covenant marriage or to convert to a covenant marriage,
     - attend pre-marital counseling (unless converting an existing marriage to a covenant marriage, and
     - Your marriage license would say "Covenant Marriage."

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If you still have questions about whether you have a "covenant" marriage, contact a lawyer for help.

"Irretrievably broken" means that your marriage is broken beyond repair and there is no chance of getting back together with your spouse.

"Power to decide legal decision-making and parenting time." Generally, the children must have lived in Arizona for the past six (6) months, or since birth if younger than 6 months.

4. Venue. You, your spouse or the minor children must live in Maricopa County to use these forms. This must be true, and you must check this box.
5. Children common to the parties who are less than 18 years of age. If there are no children under the age of 18 born to, or adopted by, you and your spouse, you should use the Petition for Legal Separation of a Non-covenant Marriage - without Children Packet. Otherwise, check the second box and provide the name, birth date and current home address including city, state, and zip code for each child born to, or adopted by, you and your spouse. If the child was born before the marriage, mark that box, too.
6. Residency Requirement. This verifies to the Court that you, or your spouse, have lived in Arizona, or been stationed in Arizona while in the Armed Forces, prior to the day you filed the Petition for Legal Separation. Before you file for Legal Separation, this must be true. If it is not true, you cannot file for legal separation with this Court.
7. Domestic Violence. This tells the Court that there was/is domestic violence in the marriage. Domestic violence affects a request for Joint Legal Decision-making (joint legal custody) (if you intend to ask for Joint Legal Decision-making). If you are not sure what "domestic violence" means, see the first page of these instructions "Domestic Violence." Check the one box that applies to your situation.
8. Pregnancy. If Party A or Party B is not pregnant at this time, check the correct box. If Party A or Party B is pregnant, check the correct box. Fill out the date the baby is due and fill in any information regarding the parents of the unborn child.
9. Spousal Maintenance/Support is the term used to describe money paid by one spouse to the other spouse as part of a divorce, annulment, or legal separation. You may know the term as alimony. Spousal maintenance/support is designed as a safety net for a spouse who cannot provide for his/her needs or a spouse who meets other requirements listed on the Petition under paragraph 8.

   The idea behind spousal maintenance/support is that accomplishments during your marriage, including increases in earning potential and living standards, are shared, and earned, by Both parties to a marriage. Look at paragraph 8 to see if spousal maintenance/support applies to you or your spouse. If spousal maintenance/support applies, check the box that most applies to your situation. If none of the boxes apply, or if you do not want spousal maintenance/support, check the first box that says neither party is entitled to spousal maintenance/ support. Check as many boxes as apply to your situation. Spousal maintenance/support is paid separately from child support and is not a substitute for, or a supplement to, child support.

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10. Child Support. Place a check mark in the boxes about child support that are true in your situation. Arizona law declares that every person has the duty to provide all reasonable support for that person's natural and adopted minor, unemancipated children - regardless of the presence or residence of the child in this state A.R.S.§ 25-501.

    Title IV-D program or Temporary Assistance for Needy Families (TANF) recipients NOTE: Mark the box if you or the other party are involved in the TANF or Title IV-D programs. In Part 4, you must obtain the written approval and signature of the Attorney General or county attorney assisting you on your TANF or IV-D case. You must include or attach the signature to the Final Decree before filing it. (Rule 45 (c) (3))

11. Other Expenses. This item concerns health, uninsured medical, or dental expenses for the child(ren). If you want these expenses divided according to the respective incomes of Party A and Party B, place a mark in the box after number 10.

12. Information About Property and Debt: The information you give in the paragraphs below, tells the Court about your property and debts, and how you think your property and debts should be divided. Community property is any property you and your spouse purchased during your marriage, or paid for during the marriage, no matter who uses the property or who paid the money. Unless property was a gift or inheritance, all property acquired during the marriage is community property, and both you and your spouse are entitled to approximately an equal share of this property. Community debts or bills are any debts or bills you and your spouse acquired during your marriage, no matter who incurred the debt. If you have questions, or have a lot of community property or debt, you should speak with an attorney before filing your Petition and other papers.

    You should also know that the Judge will order that the community property rights and liabilities acquired by marriage will end with regard to all property, income, debts and/or liabilities received or incurred after the entry of a Decree of Legal Separation, unless both parties agree to the contrary.

    A. Community property. (Property acquired during the marriage). Community property. If you and your spouse do not have any property from the marriage, check the first box. If you and your spouse have property together and acquired during the marriage, check the second box. If you checked the second box, you must tell the Court what property should go to you and what property should go to your spouse. Generally, the Court will divide the property 50-50, unless there are good reasons not to. It is unlikely that the Court will give most, or all, of the property to either spouse, so put some thought into what you think would be a fair division before filling out this section. If you and your spouse cannot decide which spouse should receive what property, the Court will order that the property be sold and any money received, divided between you and your spouse.

        First, list the property that you want the Court to award to Party A, and list the property that you want the Court to award to Party B. Put a check in the box that matches the property you want to go to which person. You should describe the property in as specific detail as possible for identification purposes. You can use the brand name and model where applicable, and serial numbers.

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Types of property:

- Real Property (property, land or home). Check who you want to get the property. You can ask the Court to give you the property, to give the property to your spouse, or to sell the property and divide the proceeds. You should write the complete address of the property under "Real estate located at." Most property has a legal description such as "LOT 77, Pine Tree Acres, according to Book 111 of Maps," which appears on your deed papers. Use this legal description. A cemetery plot is considered real property.
- Household furniture. This includes sofas, beds, tables, and so forth.
- Household furnishings. This includes things in the house other than furniture, for example: dishes, small appliances, rugs, and so forth.
- Other. List things that you want, or you want your spouse to have, that have not already been listed.
- Pension/retirement fund/profit sharing/stock plans/401K. You and your spouse each generally have a right to about one-half interest in the other spouse's plan, based upon the number of years you were married. The longer your marriage, the greater your financial interest in your spouse's plan. (Your interest usually includes up to 50 percent of the benefits/plan, if you have been married the whole time the plan has existed.) Check this box if you want to divide your interest in a retirement or profit sharing/retirement/401K plan. If you check this box, you must see an attorney about a document called a Qualified Domestic Relations Order or QDRO. A QDRO is a very specialized legal document that requires professional assistance to prepare. The Law Library Resource Center, and the Court, does not have Qualified Domestic Relations Order forms.
- Motor vehicles. List the vehicle identification number (VIN), the year and make of the car (Ford, Honda) and the model (Mustang, Lumina).

B. Separate Property. Property acquired before marriage. If Party A did not have, or bring, any property into the marriage, check the first box. If Party B did not have, or bring, any property into the marriage, check the next box. If you or your spouse brought property into the marriage, check the third and/or fourth box. If you checked the third and/or fourth box, you must tell the Court what property you brought into the marriage and what property your spouse brought into the marriage. List the property that you want the Court to award to Party A and list the property that you want the Court to award to Party B. Put a check in the box that matches the property you want to go to which person. You should describe the property thoroughly for identification purposes. You can use the brand name and model where applicable, and serial numbers.

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C. Community Debt. (Debts incurred during the marriage). If you and your spouse do not owe money on any debts from the marriage, check the first box and go directly to paragraph 11(D). If you and your spouse owe money on any debts from the marriage, check the second box. If you check the second box, tell the Court which debts you should pay and which debts your spouse should pay. The Court will attempt to make a fair division of the debts. If you get property that has a debt on it, you will probably be given the debt as well. Ordering one person to pay all the debts is unusual. Think about what is a fair division of the debts before answering this question. Provide enough information so the Court can properly identify each debt. If you and your spouse have been separated and have acquired new debts on your own before you filed for legal separation, you may want the Court to order that each of you must pay for any new debts incurred after the date you separated. You can make this request on the last page of your Petition under Letter D "Community Debts."

D. Separate Debts. (Debts incurred before marriage). If you and your spouse did not owe money or did not bring debts into the marriage, check the first box and go on to number 12. If Party A did owe money or if Party A did bring debts into the marriage, check the second box. If Party B owed money or if Party B brought debts into the marriage, check the third box. If either you, or your spouse, owe money on any debts that you or your spouse brought into the marriage, describe the debts, and tell the Court which debts you should pay and which debts your spouse should pay.

13. Tax Returns: Decide what you want to do about any income tax refund you may be entitled to, and how you want to pay your taxes in the future. If you have questions, you should see a lawyer, an accountant, and/or contact the Internal Revenue Service (IRS).

14. Drug/Alcohol Convictions. Place a mark in the box that best describes Party A and Party B's drug/alcohol convictions within the last 12 months.

- A conviction of any drug offense within 12 months of filing of the petition for legal decision-making, creates a rebuttable presumption that awarding either joint or sole legal decision-making to that parent is not in the child's best interest. This is because the Court considers evidence of drug and alcohol convictions as being against the best interest of the child A.R.S. § 25-403.04.
- If the Court finds evidence of a conviction of any drug/alcohol offense within 12 months of filing of a petition for legal decision-making has occurred, the Court shall make arrangements for parenting time that best protects the child.

15. Written Agreement. Check this box to show the Court whether you and your spouse have a written agreement regarding spousal support, division of property and/or debts, legal decision-making, parenting time and child support that both you and your spouse have actually signed before you filed the Petition for Legal Separation. If you have only discussed these issues and do not have a written agreement, check the second box.

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16. Parent Information Program. Mark the boxes that inform the Court whether you or your spouse have completed the Parent Information Program. The Superior Court in Maricopa County offers a Parent Information Program to provide information to divorcing parents, or parents involved in other domestic relations actions, concerning what their children may be experiencing during this emotionally difficult period (Pursuant to Arizona law (ARS § 25-351: "Domestic Relations Education on Children's Issues").

- Completion of the Parent Information Program is a requirement for all parents involved in a divorce, legal separation, or paternity case in which a party requests that the Court determine Legal Decision-making, Parenting Time, or child support. Parties involved in other types of domestic relations actions, such as modification or enforcement of Legal Decision-making or Parenting Time, as well as child support matters, may also be ordered to attend the Parent Information Program at the Court's discretion.
- Both Party A and Party B must complete this class within 45 days from the date the Petition for Legal Separation is served. (A.R.S.§ 25-352). The responding Party must register for and complete the course whether or not a "Response" or "Answer" to the Petition/Complaint is filed.
- Please be advised that a Certificate of Completion will be e-filed with the Maricopa County Clerk of Superior Court by the approved class provider upon your completion of the class. This certificate will be available to the Court within 5 to 7 business days after your successful completion of the class.
- Approved Parent Information Program classes are offered by a number of community-based providers at various locations throughout Maricopa County as well as online.
- The fee for the Parenting Information Program class is a maximum of $50.00 per person payable to the community-based provider. For more information about the Parent Information Program in Maricopa County, please call (602) 506-1561.

Requests to the court. This section requests that the Court grant you, and your spouse, a legal separation and tells the Court other requests you are making:

A. Legal Separation. This is your request to the Court to enter an order that Party A and Party B are legally separated. If you have questions about the advantages and/or disadvantages of filing for legal separation as compared to divorce, you should see a lawyer for help.

B. Spousal Maintenance/Support. This section states that you want the Court to either order or not order you or your spouse to pay money to the other spouse on a monthly basis to help with living expenses.

- Check the first box if neither you, nor your spouse, are going to pay spousal maintenance/support.
- Check the second box if either you, or your spouse, will be paying spousal maintenance/support. Then check the box to say who will be paying spousal maintenance/support. You can check a box only if you checked the same box in the spousal maintenance/support, Section, paragraph 8.)
- If you are requesting spousal maintenance/support, use the free online spousal maintenance calculator at the following website to complete a spousal maintenance worksheet:

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

After completing the Spousal Maintenance worksheet, print it out and file it with your papers.

C. Community Property. This requests that the Court divide the community property as requested, by you, in your Petition.

D. Community Debt. This requests that the Court divide the community debts as requested by you in your Petition. If you have been separated from your spouse for enough time that you or your spouse may have additional debts, write the date of separation on the line provided, if you want each spouse to pay the debts incurred after you separated.

E. Separate Property. This requests that the Court order that each party will keep the property he/she owned before the marriage.

F. Separate Debt: This requests the Court order each party to pay separate debt and hold the other party harmless from debts incurred before the marriage.

G. Paternity and Minor Children's Names. Place a mark in the box to indicate the parent of the child(ren) born before the marriage. If you intend to change the name of the child(ren), write the current name(s) on the left, and the new name(s) on the right.

H. Primary residence, parenting time, and authority for legal decision-making (legal custody)

1. Primary Residence: The physical place where the child is cared for, supervised, and sleeps overnight (physical custody). If you want Party A's home to be the child's primary home, check the first box, and write in the name of the child who will stay there. If you want Party B's home to be the child's primary home, check the second box, and write in the name of the child who will stay there.

2. Parenting Time: means the schedule of time during which the parents share time with the child. 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.

   Note: (If you want to know more about physical custody and parenting time, refer to "Planning for Parenting Time: Arizona's Guide for Parents Living Apart," 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.)

   - Reasonable parenting time. This suggests an amount of parenting time appropriate to the age of the child(ren). The Court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents.
   - Supervised parenting time to the non-primary residential parent. You should request supervised parenting time if the non-primary residential parent cannot adequately care for the minor child(ren) without another person present. You may request this if the parent whose home is not the primary residence has a problem with drugs or alcohol; is violent or abusive; or does not have the parenting skills to care for the minor child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the minor child(ren).

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- No parenting time to the non-primary residential parent. You should mark this option only if the non-primary residential parent has seriously harmed, abused, or otherwise is a serious danger to the minor child(ren)'s physical and/or emotional health, or if there is a criminal court order stating no contact between the minor child and the parent whose home is not the primary residence of the children. You may use this as a last resort to protect the minor child.
- Check only one of the first three boxes. You can ask that the non-primary residential parent (the parent having less than 50% of the parenting time with the minor child(ren)) have one of the following types of parenting time.
- If you selected "Supervised" or "No" parenting time, you must write the reasons this choice is in the best interest of the child.
    - If you know the person who will supervise your child during the parenting time, write the name on the line provided.
    - If you want to ask the Court to restrict parenting time, write your suggested time restriction online (b).
    - If you request the Court order a professional "Parenting Time" Service, place a mark in the box to indicate who you want to pay for the Service.

3. Legal Decision-making (legal custody): "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. For the purposes of interpreting or applying any international treaty, federal law, a uniform code or the statutes of other jurisdictions of the United States, legal decision-making means legal custody.

- "Sole legal decision-making" means one parent has the legal right and responsibility to make major decisions for a child.
- "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.

Sole Legal Decision-making (legal custody) of minor children and parenting time. If you want sole legal decision-making, check the box that applies. Then mark the box for the Party that shows who you want to be awarded the sole legal decision-making.

or

Joint Legal Decision-making: Mark the box next to "Joint" legal decision-making if you are requesting the Court award this. If you are asking for joint legal decision-making, you must file a Parenting Plan that contains a Joint Legal Decision-making Agreement signed by both parents, which the Court must approve. Remember, there can be no significant domestic violence to request joint legal decision-making (legal custody).

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I. Child Support:

1. Tell the Court who you think should pay child support under the Arizona Child Support Guidelines.
2. Past Support is child support after a couple has separated but before any paperwork is filed or court orders issued. Indicate the party who owes past child support, if any is owed. Mark the box to show whether Party A or Party B owes support during this time period.

J. Medical, Dental, Vision Care Insurance and Health Expenses for Minor Children

1. Mark the box to show whether you want Party A or Party B to pay for these expenses.
2. Then choose which expenses (medical, dental or vision) the party should be responsible for.
3. Mark the last box, if both you and your spouse will pay for all reasonable unreimbursed medical, dental, vision and health-related expenses incurred for the child(ren) in proportion to your respective incomes.

K. Tax Exemption: Decide how you and your spouse will declare the tax dependency exemptions, for which minor children, for which years. If you are not sure, see a lawyer or an accountant for help.

- Write in the "starting year" for the exemption to begin.
- For each year (starting the year you wrote in) mark "A" for Party A – if you want Party A to claim the exemption and write the child's name on that line; Or mark "B" for Party B – if you want Party B to claim the exemption and write the child's name on that line.

L. Other Orders: Tell the Court anything else you may want ordered that has not been covered in your Petition.

Oath or affirmation and verification of the party filing the petition: Sign this form in front of the Clerk of Superior Court, or a notary public. By doing so, you are telling the Court that everything contained in the Petition is true.

Other important papers in this packet

Affidavit Regarding Minor Children

You must complete this form for all legal decision-making (Legal Custody) issues. Fill all information requested, including that about court cases involving the minor children and where the children have lived for the past five (5) years (or since birth if younger than five).

Order and Notice regarding the Parent Information Program

This is an important document. You and the other parent must attend and complete a class in the Parent Information Program. It was designed to help you. The purpose of the Parent Information Program is to give parents information about the impacts that legal separation, the changes in the family unit, and court involvement have on children involved in a legal separation, paternity, or custody case. This Order and Notice applies to all parents who file an action for dissolution of marriage or legal separation, or any paternity proceeding, in which a party has requested that the court determine legal decision-making or parenting time on or after January 1, 1997, and to all other domestic relations cases if ordered by the Court. Make sure you read this notice and serve this order and notice on the other party.

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Notice Regarding Creditors

This is an important document that tells you and your spouse that you are responsible for community debts to creditors even though the Court order or decree says that only one of you (either you or your spouse) are responsible. This notice must be served on your spouse. In addition, read this notice to find out how to obtain information from your creditors about account balances.

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 "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, file it with your Petition.

Other important papers to be completed **not** in this packet

1. Child Support Worksheet

- You can use the free online Child Support calculators at the websites listed below to complete a child support worksheet.

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

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

- 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, print out the child support worksheet and file it with your Petition.

2. Spousal Maintenance Worksheet (If applicable)

- Use the free online spousal maintenance calculator at the following website to complete a spousal maintenance worksheet:

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

After completing the worksheet, print it out and file it with your papers.

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3. Education Order (If applicable)

(ONLY required prior to January 1, 2025.) After this date, an Education Order is not required unless otherwise ordered by the Court.

You can find this document on the Law Library Resource Center website on the Family Department page.

Use only one: Sole Education Order or Joint Education Order. The Education Order you choose must match the type of legal decision-making you are asking for in your Parenting Plan.

- Read each numbered paragraph. Fill in the information requested.
- Do not sign or date the judicial officer section at the end of the document.

Next Step: After you fill out all of the forms in this packet, read the form called Procedures: How to file legal separation with minor children papers with the court.

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LAW LIBRARY RESOURCE CENTER

PARENTING PLAN INFORMATION

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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;

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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.)

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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?

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Law Library Resource Center

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 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).

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.

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Law Library Resource Center

Procedures: How to file papers for legal separation with minor children

Step 1: Complete the Family Department Sensitive Data / Cover Sheet.
(Do not copy this document)

Step 2: Complete the

- Child Support Worksheet online using

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

  Print out 1 copy of the completed Child Support Worksheet.
- IF applicable, the Spousal Maintenance Worksheet online at the following site:

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

  Print out 1 copy of the completed Spousal Maintenance Worksheet

Step 3: Make 2 copies of the following documents after you have filled them out:

If you will eFile your forms, you may not need as many paper copies. You will need a paper set of the filed forms to serve on the other party, one for Division of Child Support Services if they are involved in your case, and one for the judge (when required). You will also need to print out the forms auto generated by the eFile system to serve. For more information about how to eFile your papers, read the eFiling instructions: https://superiorcourt.maricopa.gov/media/7446/dref13i.pdf.

- Summons
- Preliminary Injunction
- Petition for Legal Separation with Minor Children
- Affidavit of Minor Children
- Order and Notice for the Parent Information Program
- Notice Regarding Creditors
- Parenting Plan
- If applicable (required prior to January 1, 2025): Education Order (Choose only one: Sole Education Order or Joint Education Order. The Education Order you choose must match the type of legal decision-making you are asking for in your Parenting Plan.)
- Child Support Worksheet
- Spousal Maintenance Worksheet (if applicable)

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Step 4: Separate your documents into three (3) sets:

Set 1 - originals for the Clerk of Superior Court:

- Family Department Sensitive Data / Cover Sheet (do not copy or serve this form)
- Summons
- Preliminary Injunction
- Petition for Legal Separation with Minor Children
- Affidavit of Minor Children
- Order and Notice for the Parent Information Program"
- Notice Regarding Creditors
- Parenting Plan
- Education Order (if applicable)
- Child Support Worksheet
- Spousal Maintenance Worksheet (if applicable)

Set 2 - copies for spouse:	Set 3 - your copies
• Summons • Preliminary Injunction • Petition for Legal Separation with Minor Children • Affidavit of Minor Children • Order and Notice for the Parent Information Program • Notice Regarding Creditors • Parenting Plan • Education Order (if applicable) • Child Support Worksheet • Spousal Maintenance Worksheet (if applicable)	• Summons • Preliminary Injunction • Petition for Legal Separation with Minor Children • Affidavit of Minor Children • Order and Notice for the Parent Information Program • Notice Regarding Creditors • Parenting Plan • Education Order (if applicable) • Child Support Worksheet • Spousal Maintenance Worksheet (if applicable)

Set 4 – Copies for DCSS (Only if DCSS is involved in your case)

- Summons
- Preliminary Injunction
- Petition for Legal Separation with Minor Children
- Affidavit of Minor Children
- Order and Notice for the Parent Information Program
- Notice Regarding Creditors
- Parenting Plan
- Education Order (if applicable)
- Child Support Worksheet
- Spousal Maintenance Worksheet (if applicable)

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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 5: Go to the court to file your papers:
The court is open from 8:00 a.m. – 5:00 p.m., Monday-Friday. You should go to the court at least two hours before it closes. You may file your court papers at:

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

Southeast Court Complex
222 East Javelina Avenue
Mesa, Arizona 85210

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

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

Fees: A list of current fees is available from the Law Library Resource Center and the Clerk of Superior Court's website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, 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.

Hand all three (3) sets of your court papers to the Clerk along with the filing fee. Make sure you get the following back from the Clerk:

- Your set of copies
- Your spouse's set of copies

Step 6: Read the packet at the Law Library Resource Center called Part 2 Service of Court Papers that applies to your situation. This will explain how to serve the other party. Remember to file your Affidavit or Acceptance of Service as soon as your spouse is served.

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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

_____
Petitioner / Party A

_____
Respondent / Party B

Case No. _____

ATLAS No. _____

FAMILY DEPARTMENT SENSITIVE DATA COVERSHEET WITH CHILDREN
(CONFIDENTIAL RECORD)

Fill out. File with Clerk of Superior Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43.1(f).

A. Personal Information:	**Petitioner / Party A**	**Respondent / Party B**
Name		
Gender	☐ **Male or** ☐ **Female**	☐ **Male or** ☐ **Female**
Date of Birth (Month/Day/Year)		
Social Security Number		
Warning: DO NOT INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION		
Mailing Address		
City, State, Zip Code		
Contact Phone		
Receive texts from Court to contact phone number above?	☐ **Yes** ☐ **No texts**	☐ **Yes** ☐ **No texts**
Email Address		
Current Employer Name		
Employer Address		
Employer City, State, Zip Code		
Employer Telephone Number		
Employer Fax Number		

B. Child(ren) Information:

Child Name	**Gender**	**Child Social Security Number**	**Child Date of Birth**

C. Type of Case being filed: Mark **only one (1) category** below**.** (*****) Mark this box only if no other case type applies.

☐	**Dissolution (Divorce)**	☐	**Paternity**	☐	**Order of Protection**
☐	**Legal Separation**	☐	***Legal Decision-Making / Parenting Time**	☐	**Register Foreign Order**
☐	**Annulment**	☐	***Child Support**	☐	**Other**

D. Do you need an interpreter? ☐ **Yes or** ☐ **No. If Yes, what language?** _____

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

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

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

_____ **Case No.:** _____

Name of Petitioner / Party A

SUMMONS

And

_____

Name of Respondent / Party B

WARNING: This is an official document from the court that affects your rights. Read this carefully. If you do not understand it, contact a lawyer for help.

FROM THE STATE OF ARIZONA TO: _____

Name of Opposing Party

1. **A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this *"Summons."***

2. **If you do not want a judgment or order entered against you without your input, you must file a written *"Answer"* or a *"Response"* with the court, and pay the filing fee. Also, the other party may be granted their request by the Court if you do not file an *"Answer"* or *"Response", or show up in court.* To file your *"Answer"* or *"Response"* take, or send, it to the:**

   - **Office of the Clerk of Superior Court, 201 West Jefferson Street, Phoenix, Arizona 85003-2205 *OR***
   - **Office of the Clerk of Superior Court, 18380 North 40th Street, Phoenix, Arizona 85032 *OR***
   - **Office of the Clerk of Superior Court, 222 East Javelina Avenue, Mesa, Arizona 85210-6201 *OR***
   - **Office of the Clerk of Superior Court, 14264 West Tierra Buena Lane, Surprise, Arizona 85374.**

   After filing, mail a copy of your *"Response"* or *"Answer"* to the other party at their current address.

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3. **If this *"Summons"* and the other court papers were served on you by a registered process server or the Sheriff within the State of Arizona, your *"Response"* or *"Answer"* must be filed within TWENTY (20) CALENDAR DAYS from the date you were served, not counting the day you were served. If you were served by "Acceptance of Service" within the State of Arizona, your "Response" or "Answer" must be filed within TWENTY (20) CALENDAR DAYS from the date that the "Acceptance of Service was filed with the Clerk of Superior Court. If this *"Summons"* and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS from the date you were served, not counting the day you were served. If you were served by "Acceptance of Service" outside the State of Arizona, your "Response" or "Answer" must be filed within THIRTY (30) CALENDAR DAYS from the date that the "Acceptance of Service was filed with the Clerk of Superior Court. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.**

4. **You can get a copy of the court papers filed in this case from the Petitioner at the address listed at the top of the preceding page, or from the Clerk of Superior Court's Customer Service Center at:**

   - **601 West Jackson, Phoenix, Arizona 85003**
   - **18380 North 40th Street, Phoenix, Arizona 85032**
   - **222 East Javelina Avenue, Mesa, Arizona 85210**
   - **14264 West Tierra Buena Lane, Surprise, Arizona 85374.**

5. **If this is an action for dissolution (divorce), legal separation or annulment, either or both spouses may file a *Petition for Conciliation* for the purpose of determining whether there is any mutual interest in preserving the marriage or for Mediation to attempt to settle disputes concerning legal decision-making (legal custody) and parenting time issues regarding minor children.**

6. **Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by the party needing accommodation or his/her counsel at least three (3) judicial days in advance of a scheduled proceeding.**

7. **Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.**

SIGNED AND SEALED this date_____

CLERK OF SUPERIOR COURT

By_____
Deputy Clerk of Superior Court

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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

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SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

_____
Name of Petitioner/Party A

Case Number:_____

PRELIMINARY INJUNCTION

AND

_____
Name of Respondent/Party B

Warning: This is an official Order from the court. It affects your rights. Read this Order immediately and carefully. If you do not understand it, contact a lawyer for help.

Your spouse has filed a Petition for Dissolution (Divorce) or Petition for Annulment or Petition for Legal Separation with the court. This Order is made at the direction of the Presiding Judge of the Superior Court of Arizona in Maricopa County. This Order has the same force and effect as any order signed by the judge. You and your spouse must obey this Order. This Order may be enforced by any remedy available under the law, including an Order of Contempt of Court. To help you understand this Order, we have provided this explanation. Read the explanation and then read the statute itself. If you have any questions, you should contact a lawyer for help.

EXPLANATION: (What does this Order mean to you?)

1. ACTIONS FORBIDDEN BY THIS ORDER: From the time the Petition for Dissolution (Divorce) or Petition for Annulment or Petition for Legal Separation is filed with the court, until the judge signs the Decree, or until further order of the court, both the Petitioner and the Respondent shall not do any of the following things:

   ✓ You may not hide earnings or community property from your spouse, AND
   ✓ You may not take out a loan on the community property, AND

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- ✓ You may not sell the community property or give it away to someone, UNLESS you have the written permission of your spouse or written permission from the court. The law allows for situations in which you may need to transfer joint or community property as part of the everyday running of a business, or if the sale of community property is necessary to meet necessities of life, such as food, shelter, or clothing, or court fees and attorney fees associated with this action. If this applies to you, you should see a lawyer for help, AND
- ✓ Do not harass or bother your spouse or the children, AND
- ✓ Do not physically abuse or threaten your spouse or the children, AND
- ✓ Do not take the minor children, common to your marriage, out of the State of Arizona for any reasons, without a written agreement between you and your spouse or a Court Order, before you take the minor children out of the State.
- ✓ Do not remove, or cause to be removed, the other party or the minor children of the parties from any existing insurance coverage, including medical, hospital, dental, automobile and disability insurance. Both parties shall maintain all insurance coverage in full force and effect.

STATUTORY REQUIREMENTS: Arizona Law, A.R.S. § 25-315(A) provides:

1(a). RESTRICTIONS ON PROPERTY OF THE MARRIAGE: That both parties are enjoined from transferring, encumbering, concealing, selling, or otherwise disposing of any of the joint, common or community property of the parties, except if related to the usual course of business, the necessities of life, or court fees and reasonable attorney fees associated with an action filed under this article, without the written consent of the parties or the permission of the court.

1(b). REQUIREMENTS OF BEHAVIOR: That both parties are enjoined from molesting, harassing, disturbing the peace, or committing an assault or battery on, the person of the other party or any natural or adopted child of the parties.

1(c). RESTRICTIONS ABOUT YOUR MINOR CHILDREN: That both parties are enjoined from removing any natural or adopted minor child(ren) of the parties, then residing in Arizona, from this state without the prior written consent of the parties or the permission of the court.

1(d). RESTRICTIONS ABOUT INSURANCE: That both parties are enjoined from removing, or causing to be removed, the other party or the minor children of the parties from any existing insurance coverage, including medical, hospital, dental, automobile and disability insurance. Both parties shall maintain all insurance coverage in full force and effect.

2. EFFECTIVE DATE OF THIS ORDER: This Order is effective against the person who filed for divorce, annulment, or legal separation (the Petitioner) when the Petition was filed with the court. It is effective against the other party (the Respondent) when it is served on the other party, or on actual notice of the Order, whichever is sooner. This Court Order is effective until a final Decree of Dissolution, Legal Separation, or Annulment is filed or the action is dismissed.

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3. ORDER TO PETITIONER: You must serve a copy of this Order upon the Respondent, along with a copy of the Petition for Dissolution, Annulment or Legal Separation, the Summons, and other required court papers.

4. WARNING: This is an official Court Order. If you disobey this Order, the court may find you in contempt of court. You may also be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed by disobeying this Order.

5. LAW ENFORCEMENT: You or your spouse may file a certified copy of this Order with your local law enforcement agency. You may obtain a certified copy from the Clerk of Superior Court that issues this Order. If any changes are made to this Order and you have filed a certified copy of this Order with your local law enforcement agency, you must notify them of the changes. If you are the person that brought this action, you must also file evidence with the law enforcement agency that this Order was served on your spouse.

6. DESCRIPTION OF THE PARTIES:

Petitioner:

Name:_____ Gender: ☐ Male ☐ Female

Height:_____ Weight:_____

Driver's License (last 4 nos.)_____

Date of Birth:_____

Respondent:

Name:_____ Gender: ☐ Male ☐ Female

Height:_____ Weight:_____

Driver's License (last 4 nos.)_____

Date of Birth:_____

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this _____ day of _____ , _____.

CLERK OF SUPERIOR COURT

By: _____,
Deputy Clerk

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Email Address:_____

ATLAS Number:_____

Lawyer's Bar Number:_____

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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: _____

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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 childr(en) 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

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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.

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☐ 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.

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☐ 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 <u>during</u> the marriage). (Check one box)

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

OR

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☐ 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
☐ Real estate at:_____ Legal Description: (Quote Deed) _____ _____	☐	☐	$_____
☐ Real estate at:_____ Legal Description: (Quote Deed) _____ _____	☐	☐	$_____
☐ Continues on attached page.			
☐ Household furniture and appliances:	Party A	Party B	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

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☐ Household furnishings:

	Party A	Party B	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

☐ Other items:

	Party A	Party B	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

☐ Pension/retirement fund/profit sharing/stock plan/401K:

	Party A	Party B	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

☐ Motor vehicles:

	Party A	Party B	Value
Make _____	☐	☐	$_____
Model _____ Year_____			
VIN_____			
Lien Holder_____			
Make _____	☐	☐	$_____
Model _____ Year_____			
VIN_____			
Lien Holder_____			

☐ Continues on attached page.

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COM

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
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

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:

_____

_____

_____

_____

_____

_____

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DESCRIPTION OF COMMUNITY DEBT	Party A	Party B	Amount Owed
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

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
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

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)

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☐ 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.

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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:
_____	_____
_____	_____
_____	_____

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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:

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☐ 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.

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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
☐ Party A	☐ Party B	_____	_____
☐ Party A	☐ Party B	_____	_____
☐ Party A	☐ Party B	_____	_____
☐ Party A	☐ 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)

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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

_____
Name of Petitioner

_____
Name of Respondent

Case Number: _____

ATLAS Number: _____
(if applicable)

AFFIDAVIT REGARDING MINOR CHILDREN

NOTICE: This *"Affidavit Regarding Minor Children"* is required for all legal decision making (custody) cases. If you are asking to modify an existing Arizona legal decision making (custody) order, it is only required if the children have lived outside the state at some time in the last 5 years.

Fill out this Affidavit completely, and provide accurate information. Use additional paper if necessary. You must give copies of this Affidavit and all other required documents to the other party, and to the judge.

1. CHILDREN OF THE PARTIES WHO ARE UNDER 18 YEARS OLD. The following child(ren) are under age 18 and were born to, or adopted by, me and the other party.

Name: _____ Name: _____

Birthdate: _____ Age: _____ Birthdate: _____ Age: _____

Name: _____ Name: _____

Birthdate: _____ Age: _____ Birthdate: _____ Age: _____

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2. INFORMATION REGARDING WHERE THE CHILDREN UNDER 18 YEARS OLD HAVE LIVED FOR THE LAST 5 YEARS (or since birth, if younger than 5).

Child's Name:_____ Dates: From_____ To_____

Address:_____ Lived with:_____

City, State:_____ Relationship to Child:_____

Child's Name:_____ Dates: From_____ To_____

Address:_____ Lived with:_____

City, State:_____ Relationship to Child:_____

Child's Name:_____ Dates: From_____ To_____

Address:_____ Lived with:_____

City, State:_____ Relationship to Child:_____

3. COURT CASES IN WHICH I HAVE BEEN A PARTY/WITNESS THAT INVOLVED THE LEGAL DECISION MAKING (CUSTODY) AND/OR PARENTING TIME OF THE MINOR CHILD(REN). (Check one box.)

☐ I have or ☐ I have **not** been a party/witness in court in this state or in any other state that involved the legal decision making (custody) and/or parenting time of the child(ren) named above. (If so, explain on separate paper. If not, go on.)

Name of each child:_____

Name of Court:_____ Court Location:_____

Court Case Number:_____ Current Status:_____

How the child is involved:_____

Summary of any Court Order:_____

4. INFORMATION REGARDING PENDING COURT CASES RELATED TO THE LEGAL DECISION-MAKING AUTHORITY (CUSTODY) OF THE MINOR CHILD(REN). (Check one box.)

☐ I do have or ☐ I do not have information about a legal decision making (custody) court case

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relating to any of the children named above that is pending in this state or in any other state. (If so, explain. If not, go on.)

Name of each child:_____

Name of Court:_____ Court Location:_____

Court Case Number:_____ Current Status:_____

How the child is involved:_____

Summary of any Court Order:_____

5. LEGAL DECISION-MAKING (CUSTODY) OR PARENTING TIME CLAIMS OF ANY PERSON. (Check one box.)

☐ I do know or ☐ I do not know a person other than the Petitioner or the Respondent who has physical custody or who claims legal decision-making (custody) or parenting time rights to any of the children named in this Affidavit. (If so, explain below. If not, go on.)

Name of each child:_____

Name of person with the claim: _____

Address of person with the claim:_____

Nature of the claim:_____

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 or Notary Public

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AFC

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

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

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

Case No. _____

_____
Petitioner/Party A

PARENTING PLAN FOR

☐ JOINT LEGAL DECISION-MAKING

_____
Respondent/Party B

OR

☐ SOLE LEGAL DECISION-MAKING

INSTRUCTIONS

This document has 4 parts: PART 1) General Information; PART 2) Legal Decision-making and Parenting Time; PART 3) Danger to Children Notification Statement; and PART 4) Joint Legal Decision-making 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 <u>one</u> parent is submitting the Plan: that parent must sign at the end of PART 2 <u>and</u> 3.

b. If both parents agree to legal decision-making and parenting time arrangements <u>but not</u> to joint legal decision-making: Both parents must sign the Plan at the end of PART 2 <u>and</u> 3, and the Affidavits under Section 5.

c. If both parents agree to joint legal decision-making and parenting time arrangements as presented in the Plan: Both parents must sign the Plan at the end of PARTS 2, 3, and 4, and the Affidavits under Section 5.

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Case No. _____

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 ARRANGEMENT IS REQUESTED:
(Choose ONE of 1, 2, 3, 4.)

☐ 1. SOLE LEGAL DECISION-MAKING BY AGREEMENT.

The parents agree that sole legal decision-making authority 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 REQUESTED BY THE PARENT SUBMITTING THIS PLAN. The parents cannot agree to the terms of legal decision-making 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.

OR

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

OR

☐ 4. JOINT LEGAL DECISION-MAKING AUTHORITY 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.

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PART 2: 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 parenting time 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.

Parenting-time exchanges will occur at the following exchange location :

_____

_____

_____

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)

_____

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☐ 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.

Holiday	Even Years		Odd Years	
New Year's Eve	☐ Party A	☐ Party B	☐ Party A	☐ Party B
New Year's Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Spring Vacation	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Easter	☐ Party A	☐ Party B	☐ Party A	☐ Party B
4th of July	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Halloween	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Veteran's Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Thanksgiving	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Hanukkah	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Christmas Eve	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Christmas Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Winter Break	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Child's Birthday	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Mother's Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Father's Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B

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☐ 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. 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

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

G. 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.

H. 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:

_____

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☐ 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 Parenting 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 enforce a court order.

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

Signature of Party A: _____ Date: _____

Signature of Party B: _____ Date: _____

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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.

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Case No. _____

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 AGREEMENT (IF APPLICABLE):

A. DOMESTIC VIOLENCE: Arizona Law (A.R.S. § 25-403.03) states that joint legal decision-making authority shall NOT be awarded if there either has been "significant domestic violence" pursuant to A.R.S. § 13-3601 OR "a significant history of domestic violence."

☐ Domestic Violence has not occurred between the parties, OR

☐ Domestic Violence has occurred between the parties, but one of the following applies: (1) it has not been "significant domestic violence"; (2) there has not been a "significant history of domestic violence, (3) and/or domestic violence 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 is in the best interest of the children.*

* IF THERE HAS BEEN DOMESTIC VIOLENCE OR A DUI OR DRUG CONVICTION:

Explain below why Joint Legal Decision-making is still in the best interest of the children.

_____

_____

_____

_____

_____

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C. JOINT LEGAL DECISION-MAKING AGREEMENT: If the parents have agreed to joint legal decision-making, 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 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 (as instructed on page 1)

Signature of Party A: _____ Date: _____

Signature of Party B: _____ Date: _____

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Case No. _____

This signature page belongs to the form titled "Parenting Plan" and cannot be used with any other documents.

PART 5: AFFIDAVITS

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

_____ _____

Petitioner's/Party A's Signature Date

STATE OF _____

COUNTY OF _____

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

by_____.

_____

(Notarial Officer's Stamp or Seal) Notarial Officer

_____ _____

Respondent's/Party B's Signature Date

STATE OF _____

COUNTY OF _____

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

by_____.

_____

(Notarial Officer's Stamp or Seal) Notarial Officer

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SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

_____ Case Number: _____

Name of Petitioner / Party A

ORDER AND NOTICE TO ATTEND PARENT INFORMATION PROGRAM CLASS

_____

Name of Respondent / Party B

THIS IS AN OFFICIAL COURT ORDER. IF YOU FAIL TO OBEY THIS ORDER, THE COURT MAY FIND YOU IN CONTEMPT OF COURT.

THE COURT FINDS:

This case involves minor child(ren) and is an action for:

- ☐ Dissolution of Marriage
- ☐ Annulment
- ☐ Legal Separation
- ☐ Paternity with a Request to Determine Legal Decision-Making Authority (Custody) or Parenting Time or Child Support
- ☐ Request to Determine Legal Decision-Making Authority (Custody) or Parenting Time or Support

THE COURT ORDERS pursuant to ARS § 25-352:

1. Attend class. You must attend and complete the Parent Information Program (PIP) Class.

2. Within 45 days. Both Party A and Party B must complete this class within 45 days from the date the Petition is served. The Party served with the Petition must register for and complete the course whether or not a Response/Answer to the Petition/Complaint is filed.

3. Pay the class fee. Each party must pay the class fee to the Program Provider.
   *If the court fees in your Family Department case have been deferred or waived, you are eligible to have the PIP program fees deferred or waived, respectively. You must provide documentation of your deferral or waiver to the PIP program provider at the time you register for the class.

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4. Certificate of completion. Upon your completion of the class the provider for the class will e-file a certificate with the court indicating that you have completed the class. Only approved providers will be able to e-file a certificate.

5. Failure to attend class. If you file a Petition/Complaint or Response/Answer and do not complete the Parent Information Program Class, the judge may not sign your papers and you may not get the things you asked the court to give you. You may also be denied the right to seek modification and/or enforcement of the decree/judgment/order until completion of the class. If you are the party required to file a Response/Answer and choose not to file a Response/Answer, and do not complete the Parent Information Program Class, you may be denied the right to seek modification and/or enforcement of the decree/judgment/order until completion of the class.

Presiding Judge, Family Department

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Case No: _____

Parent Information Program Notice

Attendance is required (A.R.S. § 25-352). You and the other parent must attend and complete a class in the Parent Information Program. As a precaution against any type of abuse or harassment, you and the other parent must attend separate classes. You may each take the class from the same agency, but not at the same time. This is not a parenting skills class. The purpose of the program is to give parents information about how children are affected by matters that involve divorce, paternity, legal decision-making (custody) and/or parenting time. This Notice applies to all parents who file any of the following actions.

- Dissolution of marriage or legal separation that involves a natural or adopted minor child common to the parties OR
- Paternity with a request that the court determine legal decision-making authority (custody), parenting time or child support, OR
- Any other domestic relations/family cases if attendance is ordered by the court.

If you do not attend the parent information class, the judge may not sign your papers and you may not get what you asked from the court. The judge may also find you in contempt of court.

Notice to the other parent. After you file your court papers, you must serve the Order and Notice on the other parent. If you have questions on how to serve the other parent, the Superior Court Law Library Resource Center locations have forms and instructions available. (https://superiorcourt.maricopa.gov/llrc/court-forms/).

East Court Building
101 West Jefferson Street, 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 Regional Court Center
18380 North 40th Street
Phoenix, AZ 85032

Approved parent information program classes in Maricopa County. You may choose which class you want to attend. The court will not assign you to attend a specific class. Court-approved provider classes are available in both English and Spanish. You can register for your class by contacting one of the providers listed below. If you wish to be excused from the requirement to take this class for some reason or to take a class from a provider that is not one of the "Approved Parent Information Program classes" listed below, you must receive prior authorization from the Judicial Officer assigned to your case.

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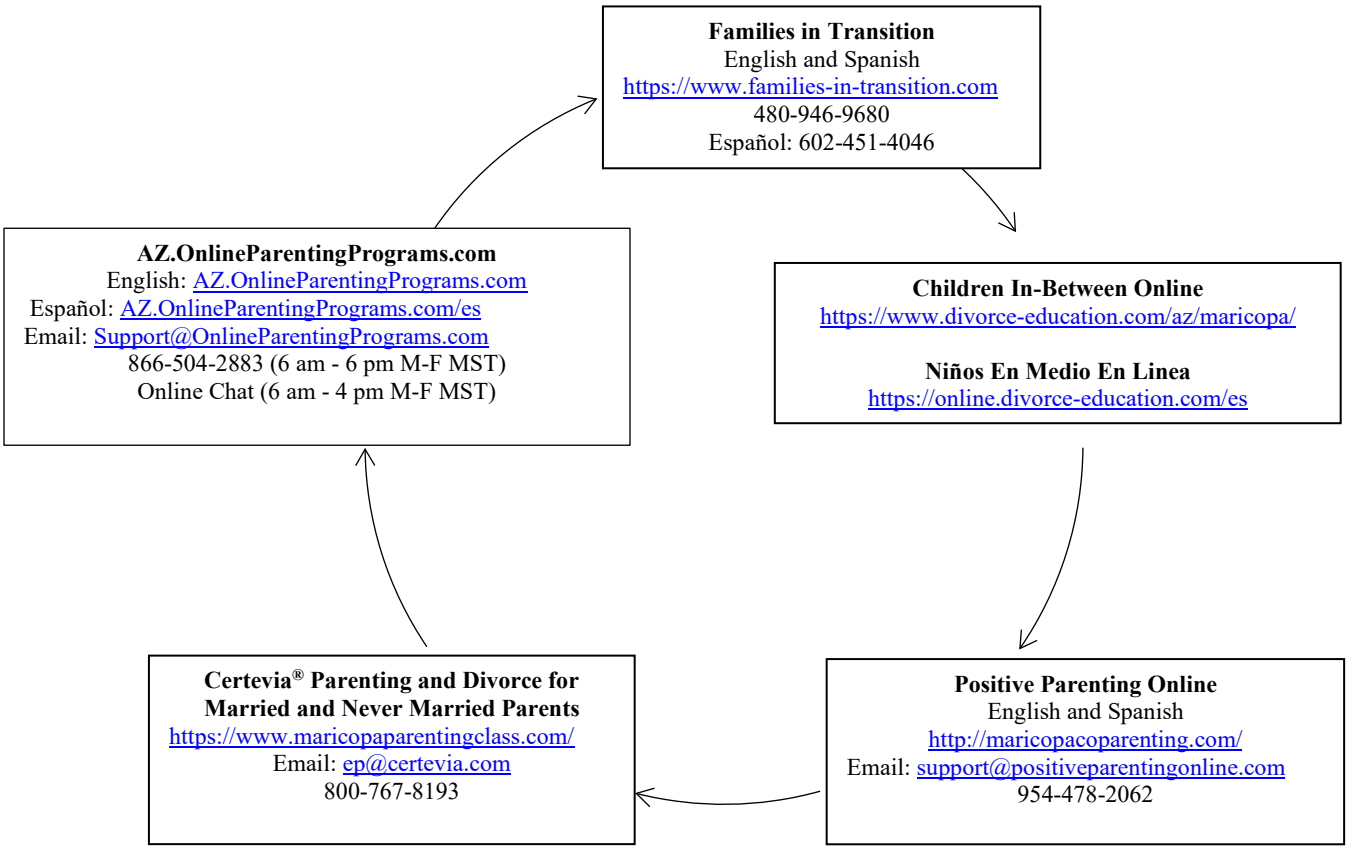
Disclaimer. The court does not recommend using one program provider over another. Provider fees for this program cannot exceed $50.



Cost. You are required to pay the provider the class fee. If the court fees in your Family Department case have been waived or deferred, you are also able to obtain a fee waiver or deferral of the Parent Information Class. Please contact the provider regarding the required documentation for a waiver or deferral.

Special needs or accommodations. If, due to a disability or language need, you have difficulty finding a Parent Information Program class that can accommodate your needs, please contact Family Department Administration at 602-506-1561 for assistance.

Classroom procedures.

- Arrive ten minutes before the start time
- Bring picture identification, if you don't present a photo ID, you will not be admitted to the class
- Bring your case number
- Do not bring children,

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● You must check in to the class and check out. Failure to check in and out of the class may result in your attendance not being counted.

Online procedures.

● Find a time and a place free of distractions

● Have your case number and credit card available

● Make sure the technical requirements of the program match your device

● You do not have to take the entire class at once. The computer remembers where you left off. You may get more out of the class if you break it up into several settings.

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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

_____ Case Number:_____

Name of Petitioner/Party A

NOTICE REGARDING CREDITORS

_____

Name of Respondent/Party B

Arizona law requires all actions for Divorce, Annulment, or Legal Separation to include this Notice and for the person filing for Divorce, Annulment, or Legal Separation to serve this Notice on the other party. (ARS § 25-318(H)).

You and your spouse are responsible for community debts. In your property settlement agreement or decree of dissolution, annulment, or legal separation, the court may assign responsibility for certain community debts to one spouse or the other. Please be aware that a court order that does this is binding on the spouses only and does not necessarily relieve either of you from your responsibility for these community debts. These debts are matters of contract between both of you and your creditors (such as banks, credit unions, credit card issuers, finance companies, utility companies, medical providers and retailers). Since your creditors are not parties to this court case, they are not bound by court orders or any agreements you and your spouse reach in this case. On request, the court may impose a lien against the separate property of a spouse to secure payment of debts that the court orders that spouse to pay.

Contact creditors: You may want to contact your creditors to discuss your debts as well as the possible effects of your court case on your debts. To assist you in identifying your creditors, you may obtain a copy of your spouse's credit report by making a written request to the court for an order requiring a credit reporting agency to release the report to you. Within thirty (30) days after receipt of a request from a spouse who is party to a divorce or legal separation, which includes the court and cause number of the action, creditors are required, by law, to

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provide information as to the balance and account status of any debts for which you or your spouse may be liable to the creditor. You may wish to use the following form, or one that is similar, to contact your creditors:

Warning: If you do not understand this notice, you should contact an attorney for advice about your legal rights and obligations.

The following page contains a sample form you may choose to mail to creditors to get information about debts owed by you or your spouse. It is not a required form.

Do not file the next page with the court.

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Case Number: _____

REQUEST FOR ACCOUNT INFORMATION FROM CREDITORS

You may use this form to request information about debt owed by you or your spouse. If so, send to the creditor. DO NOT FILE THIS PAGE WITH THE COURT.

Date: _____

Creditor's Name: _____

Creditor's Address: _____

Regarding: Superior Court of Arizona in Maricopa County

Case Name: _____

Case Number: _____

Within thirty (30) days after receipt of this notice, you are requested to provide the balance and account status of any debt identified by account number for which the requesting party may be liable to you.

Information About Debtors/Spouses:

Your Name: _____

Your Address: _____

_____

Your Phone Number: _____

Your Spouse's Name: _____

Your Spouse's Address: _____

_____

Information About the Account:

Account Number(s): _____

If you have any questions or if I can be of further assistance, please feel free to contact me.

Sincerely,

Your name: _____

Your signature: _____

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