

Instructions: How to fill out papers for the summary consent decree process

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

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

General information about filling out forms.

- Type or print all forms in black ink.
- You must fill out the top left of the first page on every form. This tells the Court who is filing the document. This will be the Petitioner/Party A’s information, except when noted below.
- You will not have a Case Number, unless you have a court order for Child Support. If so, use that Case Number. Otherwise, leave the space blank for the Clerk of Superior Court to assign a new Case Number.
- Whomever is the “Petitioner/Party A” will remain the “Petitioner/Party A” throughout the whole case. This will never change.
- Whomever is the “Respondent/Party B” will remain the “Respondent/Party B” throughout the whole case. This will never change.

Complete the following forms

- ✓ Family Department Sensitive Data Cover Sheet
 - Both parties need to complete their own Cover Sheet.
 - If you have minor children, use the form “with children.” If you do not have minor children, use the form “without children.”

- The top left information is for the party filing the form.
 - No copies are needed; neither party will provide a copy to the other party. This form is information just for the Court.
- ✓ Preliminary Injunction
- This document tells the parties things they cannot do until the Court enters the decree.
 - A copy must go to the responding party.
- ✓ Notice of Your Rights About Health Insurance Coverage
- This is an important document that explains what to do about health care coverage for yourself and any minor child(ren). Read it carefully.
 - A copy must go to the responding party.
- ✓ Notice Regarding Creditors
- This is an important document that tells both spouses that each is responsible for community debts to creditors even though the court order or decree says that only one of you are responsible. Read this notice to find out how to obtain information from your creditors about account balances.
 - A copy must go to the responding party.
- ✓ Notice of Intent to File Consent Decree for Dissolution of a Non-Covenant Marriage
- Both parties sign and date the form.
- ✓ Petition and Response for Dissolution of a Non-Covenant Marriage
- Numbers correspond to numbered paragraphs or sections on the form.
 1. Complete Party A's name, address, date of birth, job title and years/month lived in Arizona.
 2. Complete Party B's name, address, date of birth, job title and years/month lived in Arizona.
 3. Complete information about the marriage, including:
 - Date of marriage. If you do not know this information, and you were married in Maricopa County, you may get a copy of your marriage license from the Clerk of Superior Court (601 West Jackson Street, Phoenix; 222 East Javelina Avenue, Mesa; 14264 West Tierra Buena Lane, Surprise; and 18380 North 40th Street, Phoenix.) If you were married in another county in Arizona, go to the Clerk of Superior Court at the county seat where you were married.

- City and State of marriage. If married outside the United States, indicate the Country where married.
- Read the statements that follow the checkboxes. Check the box for each statement that is TRUE. If any statement is NOT true or if you fail to check the box to indicate the statement is true, your case may not proceed.
 - Check the first box to indicate that you do not have a “covenant” marriage. Read the Checklist in this packet for more information on covenant marriages.
 - Check the second box to indicate your marriage is irretrievably broken. “Irretrievably broken” means that your marriage is broken beyond repair and there is no chance of getting back together with your spouse.
 - Check the third box to indicate you and your spouse have attended a free conference with trained staff through the Court – or that it would not help.
 - If the fourth box (regarding legal decision-making) is not checked, the Court will not be able to enter orders regarding legal decision-making of the children. Generally, the children must have lived in Arizona for the past six (6) months, or since birth if younger than 6 months.
- 4. 90-day requirement. At least one of the parties must have lived in Arizona for at least 90 days before filing the papers. Or, at least one party must have been stationed in Arizona while a member of the Armed forces for at least 90 days before filing the papers. Before you file for Divorce, this statement MUST be true. If it is not true, you cannot file for divorce in Arizona until it becomes true.
- 5. If you have minor children, list their name, date of birth, and address.
- 6. Statement and Waivers. These statements are necessary to proceed with the summary consent decree process.
 - a. This waiver means the Respondent will not require the Petitioner to formally serve them under Arizona law, and both parties agree that they have settled all issues in their divorce.
 - b. This waiver means both parties understand they have a right to request free conciliation services to try to resolve issues to remain married. However, they choose not to use those services.
 - c. This waiver means both parties understand the Petitioner could proceed by default if a Petition was filed instead. Default is when the Petitioner makes requests of the Court and the Respondent chooses not to disagree and not file a response; the Petitioner can then apply to enter “default” and submit a Default Decree to make orders of the requests in the Petition. Some parties proceed by default to save money on the filing fee of the Response. Proceeding with the summary consent decree process means both parties will be required to pay a filing fee and will submit a Consent Decree for the Judge to sign into orders.

- d. This statement means that when Respondent / Party B signs the “Petition and Response,” it has the same effect as if the Respondent had been served a Summons. This means the Respondent will not need to be “served” with the divorce.
- e. This means the parties understand if they wish to withdraw their agreement, the party who no longer agrees must file a motion with the Court no later than 60 days after filing of the “Petition and Response.” If you change your mind, see the instructions and procedures and form for a “Motion to Withdraw Notice of Intent.”
- f. This means the parties are filing the joint “Petition and Response” instead of filing separate “Petition” and “Response” forms.

7. Written Agreement. This is stating that the parties are attaching a copy of their agreement, i.e. Consent Decree, to the “Petition and Response.” The agreement tells the Court information about the case and what the parties are asking the Court to sign as an order.

- Joint Requests to the Court.

- A. Under this section, the parties are stating they wish the Court to grant their request for a divorce.

- B. This means the parties are asking the Court to enter orders as detailed in the Consent Decree.

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

- ✓ Consent Decree

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

Complete the following forms when you have minor children

- ✓ Affidavit Regarding Minor Children

- You must complete this document. Fill in the information completely and to the best of your knowledge.

- ✓ Order and Notice to Attend the Parent Information Program Class

- Both parents must attend and complete a class in the Parent Information Program. The purpose of the Parent Information Program is to give parents information about the impacts that divorce, the changes in the family unit, and court involvement may have on minor children involved in a divorce, paternity, or legal decision-making case. This Notice applies to all parents who file an action for dissolution of marriage or legal separation, or any proceeding in which a party has requested that the court determine legal decision-making, parenting time or

support, and to all other domestic relations cases if ordered by the court. Make sure you read this order.

✓ Parenting Plan

- Fill out the Parenting Plan to let the Court know details about what you want for legal decision-making authority and parenting time. It is important to be specific when filling out the Parenting Plan. You may refer to the “Planning for Parenting Time: Arizona’s Guide for Parents Living Apart” to help make your parenting plan. The Guide is available for purchase at all Law Library Resource Center locations or may be viewed online and downloaded for free from the State Courts’ webpage.

✓ Child Support Worksheet

- Use the free online Child Support Calculator at the website 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.

✓ Child Support Order

- You must complete this document. When you create a Child Support Worksheet using the ezCourtForms program, it will also generate a Child Support Order. Both parties must sign the form. Leave the date and signature for the judge blank.

✓ Current Employer Information

- You must complete this document. When you create a Child Support Worksheet using the ezCourtForms program, it will also generate this form.

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