

Procedures: Completing your papers and what to do next

(For Divorce or Legal Separation Decree by Consent, in a Non-Covenant Marriage with or without Children)

I. Requirements

- **Paperwork and Signatures:** Both Party A and Party B must sign the Consent Decree before a Clerk of Superior Court or a Notary Public to show that both spouses have read, approved, and agreed to the items in the Decree. If either party is represented by a lawyer, the lawyer(s) must also sign the Decree. Both Party A and Party B and their lawyers, if any, must also sign the last page of the “Exhibit A” attached to the decree to separately indicate agreement with the terms of division of property and debt as contained in that document. You must also file all other required paperwork.
- **Parent Information Program:** Both Party A and Party B must attend the Parent Information Program (PIP) and file a Certificate of Completion with the Clerk of Superior Court.
- **Fees:** Both Party A and Party B must pay the court fees. Currently, that includes the filing fee paid by the party at the beginning of the case, and the other party’s Response or Answer fee, in order for the Consent Decree to be accepted. Both parties must attach a receipt to prove payment or attach a copy of the Order for initial deferral of fees.

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

- If you cannot afford the filing fees or the fee for having the papers served by the Sheriff or by publication, you may request a fee waiver/deferral (payment plan) when you file your papers with the Clerk of Superior Court. Fee Waiver/Deferral Applications are available at no charge from the Law Library Resource Center.
- **Time Frame:** If you filed for divorce or legal separation, the parties must wait at least 60 days after the date the Petition was personally served before the parties can file the Consent Decree.

II. Procedures

Step 1: Complete all forms in the packet. assemble the papers into a set of originals:

- **Consent Decree**
 - Add to the last page of the Decree, the completed Exhibit A about the division of property and debt, if it is not a part of the Decree already.

- Add to the last page of the Decree, the fee receipt or a copy of the Order for Initial Deferral to show the “Paid” status of your case.
- If you are a recipient of the Arizona TANF or IV-D Program, have the Arizona Attorney General sign in the space provided.

- Parenting Plan, signed by you and your spouse
- Child Support Order

Step 2: Complete the Child Support Worksheet and Current Employer Information online using ezCourtForms: <http://www.superiorcourt.maricopa.gov/ezcourtforms2/>

Print out 1 copy of the completed Child Support Worksheet and Current Employer Information Sheet.

Step 3: Photocopy: Make two (2) photocopies of the set of original forms listed above; 3 copies if you or your spouse participates in the Arizona TANF or IV-D Programs.

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

<p style="text-align: center;">Set 1 - Originals for Judge:</p> <ul style="list-style-type: none"> ● Consent Decree ● + “Exhibit A” about the division of property and debt, if it is not part of the decree ● +Fee Receipt, or a copy of the Order for initial fee deferral ● Parenting Plan ● Child Support Worksheet ● Child Support Order ● Current Employer Information 	<p style="text-align: center;">Set 3 – Your copies</p> <ul style="list-style-type: none"> ● Consent Decree ● + “Exhibit A” about the division of property and debt, if it is not part of the decree ● +Fee Receipt, or a copy of the Order for initial fee deferral ● Parenting Plan ● Child Support Worksheet ● Child Support Order ● Current Employer Information
<p style="text-align: center;">Set 2 - Copies for spouse:</p> <ul style="list-style-type: none"> ● Consent Decree ● + “Exhibit A” about the division of property and debt, if it is not part of the decree ● +Fee Receipt, or a copy of the Order for initial fee deferral ● Parenting Plan ● Child Support Worksheet ● Child Support Order ● Current Employer Information 	<p style="text-align: center;">Set 4 – Copies for AZ Attorney General</p> <ul style="list-style-type: none"> ● Consent Decree ● + “Exhibit A” about the division of property and debt, if it is not part of the decree ● +Fee Receipt, or a copy of the Order for initial fee deferral ● Parenting Plan ● Child Support Worksheet ● Child Support Order ● Current Employer Information - Only If TANF or IV-D –

Step 5: Large Envelopes

Address Two 9"x12" envelopes: 1) to you, or your attorney, and 2) to the other Party or his or her attorney. If you or your spouse participates in the Arizona TANF or IV-D Programs, address a 3rd 9"x12" envelope to the Arizona Attorney General.

1. Place into each 9" x 12" envelopes Set 2 and Set 3 (and Set 4, if necessary) of the papers described above.

*** Do not seal the envelopes. The court will seal the envelopes prior to mailing. ***

2. Postage: Be sure you put enough postage on the 9" x 12" envelopes.
3. Set aside the Originals.

Note: If the Decree must deal with the division of retirement funds, pensions or annuities, etc., you may also need a complex document called a "QDRO," which will require the services of a specialized legal professional. The Law Library Resource does not have a Property Settlement Agreement or a QDRO. See a lawyer if you need these documents.

Step 6: Deliver to the Family Department Administration:

1. The original set plus two (or three) envelopes containing copies as compiled above.
2. Hand-deliver or mail to Family Department Administration your documents as indicated below. Court hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

<p><u>Central Court Building</u> 201 West Jefferson, 3rd floor Phoenix, Arizona 85003 (To Family Department Administration)</p>	<p><u>Southeast Court Complex</u> 222 East Javelina Avenue, 1st floor Mesa, Arizona 85210 (To Family Department Administration)</p>
<p><u>Northwest Court Complex</u> 14264 West Tierra Buena Lane Surprise, Arizona 85374 (To Family Conference Center)</p>	<p><u>Northeast Court Complex</u> 18380 North 40th Street Phoenix, Arizona 85032 (To Family Conference Center)</p>

What happens next? It is within the Judge's/Commissioner's discretion whether to accept or reject the Decree, or to schedule a court hearing.

1. If your consent decree is accepted:

The Judge/Commissioner will sign the original Decree and have it filed with the Clerk of Superior Court. The Court will send a copy of the signed Decree to each party using the envelopes you provided. This is your notification that your divorce/legal separation is now final. You are not divorced or legally separated until the Judge/Commissioner signs the Decree.

2. If your consent decree is rejected:

The Court will send you a Correction Notice informing you of the mistakes with the documents. Follow the instructions on the Correction Notice. If the mistakes cannot be corrected, see a lawyer for help.

3. If the Judge/Commissioner schedules a hearing:

The Court will send notice of a scheduled date, time and location for a hearing which both parties must attend to answer any questions the Judge/Commissioner may have.

* All forms referenced in these procedures may be purchased from the Law Library Resource Center or obtained for free via Internet.