A4

DIVORCE

WITH MINOR CHILDREN

For Petitioner Only

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To File for Divorce in a Non-Covenant Marriage <u>with</u> Minor Children

Part 1: Forms

For Child Support and/or Spousal Maintenance you may also need the following forms C14 OR C16.

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SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT PAPERS FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITH MINOR CHILDREN

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 ***"Petition for an Order of Protection"*** 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 the 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.

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FAMILY COURT / SENSITIVE DATA COVER SHEET
(All Forms: TYPE OR PRINT IN BLACK INK)

- **Write in the information requested about petitioner, respondent, 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] Dissolution (Divorce).**
- **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.**

SUMMONS AND PRELIMINARY INJUNCTION: Fill in the following information: Your name; street address **(if not protected**); city, state and zip code; telephone number; ATLAS number; name of Petitioner (your name); name of Respondent (your spouse's name). You will have an ATLAS number ONLY if you receive or have received AFDC or other public benefits for your minor child(ren) that are common to you and your spouse. If you are represented by an attorney, write in the attorney's bar number. Tell the court whether you represent yourself or are represented by an attorney. DO NOT fill out the rest of the form except on Page 2 of the Preliminary Injunction, fill out the description of other party. The Clerk of Court will complete it later.

"PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITH MINOR CHILDREN"

A. Use this form **ONLY** if you are getting a divorce and there are children under the age of 18 years involved who 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 ARS §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

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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 Dissolution of Non-Covenant Marriage (Divorce) With Children."***

B. In the top left corner of the first page, fill out the following: your name (if you are the person filling out the petition and filing the petition with the court); 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 and the attorney bar number if you are represented by an attorney. Then check the box to say whether you are represented or not. If an attorney represents you, write in your name in the space after "Attorney for."

C. Fill in **your** name in the space that says "Name of Petitioner." Remember, you will be the PETITIONER through the whole case. (This includes any emergency petitions, temporary petitions, and post-divorce decree petitions.) In the space that says "Name of Respondent," fill in the name of your spouse. Your spouse will be the RESPONDENT for the rest of this case. (This includes any emergency petitions, temporary petitions, and post-divorce decree petitions.)

D. Leave the space for Case No. _____ blank. When you file your papers, you will receive a case number.

STATEMENTS MADE TO THE COURT, UNDER OATH OR BY AFFIRMATION:

1. **INFORMATION ABOUT ME, THE PETITIONER.** Fill in your name, address (**if not protected**), date of birth, occupation, and length of time in Arizona.

2. **INFORMATION ABOUT MY SPOUSE, THE RESPONDENT.** Fill in your spouse's name, address, (if you know it) date of birth, occupation, and length of time in Arizona.

3. **INFORMATION ABOUT YOUR MARRIAGE.** Fill in the date 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 the Court at 601 West Jackson Street in downtown Phoenix. If you were married in another county in Arizona, go to the Clerk of the Superior Court at 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 statement is 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 custody) is not checked, the Court may not be able to enter orders regarding custody of the children.

Check the first box to indicate that you do <u>not</u> have a "covenant" marriage.*
Check the second box to indicate your marriage is irretrievably broken.*
Check the third box to indicate you have been to marital counseling – or that it would not help.*
Check the fourth box to indicate this court has the power to decide child custody issues.*

* **To have a "Covenant Marriage", both husband and wife would have had to:**

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

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 custody." Generally, the children must have lived in Arizona for the past six (6) months, or since birth if younger than 6 months.

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4. **90-DAY REQUIREMENT.** Before you file for Divorce, this **MUST** be true. **IF IT IS NOT TRUE, YOU CANNOT FILE FOR DIVORCE** in Arizona until it becomes true.

5. **DOMESTIC VIOLENCE.** This tells the court if domestic violence was in the marriage, which affects a request for joint legal decision making (custody), (if you intend to ask for joint custody). If you are not sure what domestic violence means, see the "Domestic Violence" section on the first page of these instructions. Check the box that applies to your situation.

6. **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 Dissolution of a Non-Covenant Marriage - Without Minor 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 minor child born to, or adopted by, you and your spouse.

7. **PREGNANCY.** If the wife is **NOT** pregnant at this time, check the first box and go on. If the wife **is** pregnant, check the second box. Fill out the date the baby is due, and fill in any information regarding the parents of the unborn child.

INFORMATION ABOUT PROPERTY AND DEBT: The information you give in paragraphs 8a through 9b tells the court about your property and debts, and how you think your property and debts should be divided.

- **Community property is generally 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 gotten (acquired) during the marriage up until the time when the Respondent is served with the Petition for Dissolution is generally community property, and both you and your spouse are entitled to roughly an equal share of this property.**
- **Community debts or bills are generally any debt you and your spouse acquired during your marriage up until the time the Respondent is served with the Petition for Dissolution, no matter who spent the money.**
- 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.

8.a **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, 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 answering this question. Usually, 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 you, the Petitioner, and list the property that you want the court to award to your spouse, the Respondent. 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. Use the brand name, model and serial numbers, where applicable.

Types of property:

a) **Real Property (property or home).** Check who you want to get the property. You can ask the court to give you the home, to give the home to your spouse, or to sell the home 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. You should use this description.

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A cemetery plot is considered real property.

b) **Household furniture.** This includes sofas, beds, tables, and so forth. Be specific.

c) **Household furnishings.** This includes things in the house other than furniture, for example: dishes, small appliances, rugs, and so forth. Be specific.

d) **Other.** List things that you want or your want your spouse to have that have not already been listed.

e) **Pension/retirement fund/profit sharing/stock plans/401K.** You and your spouse each generally have an interest of up to 50% (one-half) of the other spouse's plan, for the number of years you were married. The longer the marriage, the greater your financial interest in your spouse's plan (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 Self-Service Center and the court **do not** have Qualified Domestic Relations Order forms.

f) **Motor vehicles.** List the vehicle identification number, the year and make of the car (Ford, Honda) and the model (Mustang, Lumina).

8.b. **PROPERTY ACQUIRED BEFORE MARRIAGE. SEPARATE PROPERTY.** If you did not have or bring any property into the marriage, check the first box. If your spouse did not have or bring any property into the marriage, check the next box. If you or your spouse brought property into the marriage or acquired property after the Respondent was served with the Petition for Dissolution, 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 you, the Petitioner and list the property that you want the court to award to your spouse, the Respondent. 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 and serial numbers where applicable.

9.a **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 on. 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. Generally, the court will attempt to make a fair division of the debts. If you get property that has debt on it, you will probably also be given the debt. Ordering one person to pay all the debt is unusual. Think about what is a fair division of the debts before answering this question. Put enough information to identify each debt.

If you and your spouse have been separated and have acquired new debts on your own since the separation and before filing for divorce, you may want the court to order that each of you pay for any new debt after the date you separated. You can make this request on the last page of your Petition under Letter I, “Community Debts."

9.b. **SEPARATE DEBTS. DEBTS INCURRED PRIOR TO MARRIAGE.** If you and your spouse did not owe money on any debts before you were married, check the first box and GO ON. If you owed money on debts before you were married, check the second box. If your spouse owed money on debts before you were married, check the third box. If either you or your spouse owe money on any debts 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.

10. **TAX RETURNS.** Decide what you want to do about any income tax refund. Check the box that applies to you. If you have questions about which box you can check, you should see a lawyer, an accountant, and/or contact the Internal Revenue Service (IRS).

11. **SPOUSAL MAINTENANCE /SUPPORT** is the term used to describe money paid from one spouse to the other spouse as part of a divorce settlement. 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 who meets other

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requirements listed on the Petition under paragraph 11. 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 11 to see if spousal maintenance/support applies to you or your spouse. 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.

12. **WRITTEN LEGAL DECISION MAKING (CUSTODY) AGREEMENT.** Check this box **ONLY** if you and your spouse have a written agreement regarding legal decision making, visitation and child support that **both** of you signed **BEFORE** you filed the ***"Petition for Dissolution of Marriage"***. If you have only discussed these issues and do **not** have a written agreement, do **NOT** check this box.

REQUESTS TO THE COURT. **This section requests that the court grant you and your spouse your divorce and tells the court other requests you are making:**

A. **DISSOLUTION.** This is your request to end your non-covenant marriage by a divorce.

B. **NAMES.** Write in this section only if you want to use your maiden or former name. Write in your maiden name or former last name in the space provided. If you are **not** the person who is requesting to have your former name restored, the court must have a written request from the party who wants his or her name restored in order to change the name.

C. **PRIMARY RESIDENTIAL PARENT, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION MAKING (CUSTODY):** If you want sole custody, check the box that applies, including the parenting time you are asking for. Tell the court whether you want custody of the minor child(ren) to go to you (the Petitioner) or your spouse (the Respondent).

C.1 **PARENTING TIME:** Check only one box. You can ask that the non-custodial parent (the parent having physical custody of the minor child less than 50% of the time) have one of the following types of parenting time. (If you want to know more about 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 Self-Service 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).

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.

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C.2. **LEGAL DECISION MAKING** (CUSTODY)**:** Award legal decision making (custody) concerning the child(ren) as follows:.

☐ **AWARD SOLE LEGAL DECISION-MAKING to**: ☐ **Mother** ☐ **Father**

OR

☐ **AWARD JOINT LEGAL DECISION MAKING to BOTH PARENTS.** Mother and Father will agree to act as joint legal decision makers concerning the minor child(ren) and will submit a Parenting Plan and Joint Legal Decision Making Agreement signed by the both parties.

(For the court to order joint legal decision making, there must have been no "significant" domestic violence or find it in the best interests of the child(ren) despite any such violence according to Arizona law, A.R.S. § 25-403.03)

D. **CHILD SUPPORT:** Tell the court who you think should pay child support. The person who has sole legal decision making (sole custody) of the minor child(ren), **or** who has physical care of the minor child(ren) more than 50% of the time, is the person who should receive the support. The other spouse, often called the "non-custodial" parent, must pay the support. The income of the parties generally determines the amount of the support according to the child support guidelines. Check only one box.

E. **INSURANCE AND HEALTH CARE EXPENSES FOR MINOR CHILDREN:** Check only one box. Tell the court which parent should provide insurance for the minor children. Whichever parent has the most affordable insurance plan available through work, generally should pay for insurance. Adjustments can be made to child support to reflect the costs of insurance for the children.

F. **TAX EXEMPTION.** Decide how you and your spouse will declare the tax dependency exemptions, for which child(ren), for which years. Federal Tax law also determines this for you. If you are not sure, see a lawyer and/or an accountant for help.

G. **SPOUSAL MAINTENANCE/SUPPORT (ALIMONY).** This tells the court that you or your spouse should pay money to the other spouse on a monthly basis to help with living expenses. You can check a box **only if** you checked the same box in the spousal maintenance/support section on page 5, paragraph 11.
If you believe **neither** you nor your spouse should pay spousal maintenance: Do **not** check a box; Proceed to next section. **Check the first box if YOU** (the Petitioner) will be paying spousal maintenance. Check the second box if **YOUR SPOUSE** (the Respondent) will be paying. If you request spousal maintenance, choose what you believe to be a reasonable monthly amount and tell the court how long the money should be paid. Base the amount of any request on the receiving party's need and the income of the party paying this money.

Spousal maintenance is not a substitute for, or a supplement to, court ordered child support.

H. **COMMUNITY PROPERTY.** This tells the court that your division of the property is fair.

I. **COMMUNITY DEBT.** This tells the court that your division of the debt is fair, and that the court should divide the debts as requested by you in your Petition. If you have been separated from your spouse long enough that you or your spouse may have additional debts, write down the date of your separation on the line provided if you want each spouse to pay his/her debts incurred after you separated.

J. **SEPARATE PROPERTY and DEBTS.** This states that you will keep the property you owned before the marriage and that your spouse will keep the property he/she owned before the marriage. It also says that you will pay your separate debts and your spouse will pay his/her separate debts.

K. **OTHER ORDERS:** Tell the court anything else you may want ordered that has not been covered in your Petition.

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OATH OR AFFIRMATION AND VERIFICATION OF PETITIONER: Sign this form in front of a Clerk of the Superior Court or a notary public. By doing so, you are telling the Court that everything contained in the Petition is true, under penalty of perjury.

NOTICE OF RIGHT TO CONVERT HEALTH INSURANCE: This is an important document that explains what to do about health care coverage for yourself and your minor child(ren). Read it carefully, and be sure a copy is served on your spouse, along with the other divorce papers.

AFFIDAVIT REGARDING MINOR CHILDREN: You must complete this document. Fill in the information completely and to the best of your knowledge.

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. This is a very exciting and wonderful class. It was designed to help you. 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 have on minor children involved in a divorce, paternity, or custody case. This 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 custody, parenting time or support, and to all other domestic relations cases if ordered by the court. **Make sure you read this order and notice and serve the other party with it.**

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.

OTHER IMPORTANT PAPERS IN THIS PACKET: Before you get an order from the Judge you must complete the court papers on what you want the Judge to order about child custody and parenting time, and for child support. The court papers you need, with guidelines and/or instructions, are included in packet four, the court order packet. These court forms, and those prepared by the other party, are what the Judge will use when it is time to sign the order about legal decision making (custody), parenting time and support. You can complete the papers about legal decision making, parenting time and support now, and serve or provide copies to the other party. Or, you can complete the papers before the final court hearing date. The online child support calculator is available at the Arizona Courts webpage and will perform the child support calculations for you and produce a neat, legible Parents Worksheet for Child Support and Child Support Order as well.

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SELF-SERVICE CENTER

PROCEDURES: HOW TO FILE PAPERS WITH THE COURT FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) – WITH MINOR CHILDREN

STEP 1: **Complete the "*Family Court / Sensitive Data Coversheet With Children*".**
(Do not copy this document.)

STEP 2: **Make 2 copies of the following documents after you have filled them out:**

- ***"Summons"***
- ***"Preliminary Injunction"***
- ***"Petition for Dissolution of Non Covenant Marriage (Divorce)With Minor Children"***
- ***"Notice of Right to Convert Health Insurance"***
- ***"Order and Notice for the Parent Information Program"***
- ***"Notice Regarding Creditors"***
- ***"Affidavit of Minor Children"***

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STEP 3: **SEPARATE YOUR DOCUMENTS INTO THREE (3) SETS:**

SET 1 - ORIGINALS FOR CLERK OF COURT:	SET 2 - COPIES FOR SPOUSE:
• ***"Family Court / Sensitive Data Cover Sheet With Children"*** • ***"Summons"*** • ***"Preliminary Injunction"*** • ***"Petition for Dissolution of Marriage…"*** • ***"Notice of Right to Convert Health Insurance"*** • ***"Order and Notice for Parent Information Program"*** • ***"Affidavit of Minor Children"*** • ***"Notice Regarding Creditors"*** •	• ***"Summons"*** • ***"Preliminary Injunction"*** • ***"Petition for Dissolution of Marriage…"*** • ***"Notice of Right to Convert Health Insurance"*** • ***"Order and Notice for Parent Information Program"*** • ***"Affidavit of Minor Children"*** • ***"Notice Regarding Creditors"***
SET 3 – COPIES FOR YOU: • ***"Summons"*** • ***"Preliminary Injunction"*** • ***"Petition for Dissolution of Marriage…"*** • ***"Notice of Right to Convert Health Insurance"*** • ***"Order and Notice for Parent Information Program"*** • ***"Affidavit of Minor Children"*** • ***"Notice Regarding Creditors"***	

STEP 4: **FILE THE PAPERS AT THE COURT:**
GO TO the Clerk of Court filing counters at one of the following locations: 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.**

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Graham Clerk of the Superior Court
800 W. Main Street
Safford, AZ 85546

FEES: A list of current fees is available from the Self Service Center and the Clerk of the 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 the Court. Deferral Applications are available at no charge from the Self-Service Center.

PAPERS: 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 5:

Read the packet at the Self-Service Center called "Service of Court Papers" that applies to your situation. This will explain how to serve the other party. Remember to file your Affidavit, Waiver or Acceptance of Service as soon as the Respondent is served.

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PETITION FOR DISSOLUTION OF NON-COVENANT MARRIAGE (DIVORCE) WITH MINOR CHILDREN

CHECKLIST

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

- ✓ You want to file a petition for divorce, **AND**,
- ✓ You do **not** have a "covenant" marriage (These papers will ***not*** work for a covenant marriage)*** AND**,

***What is a "Covenant Marriage"? As of August 21, 1998, the Arizona Legislature created a new type of marriage called "covenant" marriage. To have a covenant marriage, both husband and wife would have had to:**

1. **sign papers *requesting* to have 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.

- ✓ You and your spouse have minor children with each other OR the wife is pregnant by the husband **AND**,
- ✓ The minor child(ren) resided (lived) in Arizona at least 6 months before you file the petition or you talked to a lawyer who advised you that you could pursue the case in Arizona **AND**,
- ✓ Either spouse lived in Arizona at least 90 days before you file the Petition, or is a member of the armed forces and is stationed in Arizona at least 90 days before you file **AND**,
- ✓ You believe that the marriage is irretrievably broken (you and your spouse cannot make this marriage work) **AND**,

You or your spouse have either tried to resolve your marital problems through Conciliation Services, or there is no point in trying to resolve your marital problems.

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 Self-Service Center website.

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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 GRAHAM COUNTY

_____
Petitioner

_____
Respondent

Case No. _____

ATLAS No. _____

FAMILY COURT / SENSITIVE DATA COVERSHEET WITH CHILDREN
(CONFIDENTIAL RECORD)

Fill out. File with Clerk of Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43(G)(1).

A. Personal Information:	**Petitioner**	**Respondent**
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		
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 - Check only one category.

Check only if no other category applies

Interpreter Needed: ☐ **Yes** ☐ **No**

☐	**Dissolution (Divorce)**	☐	**Paternity**	**If yes, what language?**
☐	**Legal Separation**	☐	***Legal Decision Maker (Custody)/Visitation**	
☐	**Annulment**	☐	***Child Support**	☐ **Register Foreign Order**
☐	**Order of Protection**	☐	**Other**	

DO NOT COPY OR FILE THIS DOCUMENT. DO NOT SERVE THIS DOCUMENT TO THE OTHER PARTY.

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09/15/2015-A4
SDS

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 GRAHAM COUNTY

_____
Name of Petitioner

Case No.: _____

And

_____
Name of Respondent

SUMMONS

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 Respondent

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 taken against you without your input, you must file an *"Answer"* or a *"Response"* in writing with the court, and pay the filing fee. If you do not file an *"Answer"* or *"Response"* the other party may be given the relief requested in his/her Petition or Complaint. To file your *"Answer"* or *"Response"* take, or send, the *"Answer"* or *"Response"* to the:**

Graham County Clerk of the Court
800 West Main Street
Safford, Arizona 85546

Mail a copy of your *"Response"* or *"Answer"* to the other party at the address listed on the top of this Summons.

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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 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. 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, from the Clerk of the Superior Court's Customer Service Center at:**

Graham County Clerk of the Court
800 West Main Street
Safford, Arizona 85546

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 (custody) and parenting time issues regarding minor children.**

6. **Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least ten (10) judicial days before your scheduled court date.**

7. **Requests for an interpreter for persons with limited English proficiency must be made to the office of the judge or commissioner assigned to the case at least ten (10) judicial days in advance of your scheduled court date.**

SIGNED AND SEALED this date _____

DARLEE MAYLEN, CLERK OF COURT

By_____
Deputy Clerk

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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 GRAHAM COUNTY

_____
Name of Petitioner

Case Number:_____

PRELIMINARY INJUNCTION

AND

_____
Name of Respondent

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**
- ✓ 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.

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Case No. _____

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 the jurisdiction of the court 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 Order shall remain in effect until further order of the court, or the entry of a Decree of Dissolution, Annulment, or Legal Separation.

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 the 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.

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 the Superior Court

By:_____, Deputy Clerk

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PIN

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 GRAHAM COUNTY

_____
Petitioner

Case Number: _____

ATLAS Number: _____
(if applicable)

_____
Respondent

PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITH MINOR CHILDREN

STATEMENTS THE COURT, UNDER OATH OR AFFIRMATION:

1. INFORMATION ABOUT ME, THE PETITIONER

Name: _____
Address: _____
Date of Birth: _____
Job Title: _____
I have lived in Arizona for ____ years and/or ____ months

2. INFORMATION ABOUT, MY SPOUSE, THE RESPONDENT:

Name: _____
Address: _____
Date of Birth: _____
Job Title: _____
Respondent has lived in Arizona for ____ years and/or ____ months

3. INFORMATION ABOUT MY 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 divorce in Arizona **AND** ***you must check the boxes*** to indicate that the statements are true *or your case may not proceed*.

☐ **We do not have a covenant marriage** (If not sure, refer to the INSTRUCTIONS for information)**.**

☐ **Our marriage is broken beyond repair** ("irretrievably broken") **and there is no hope of reconciliation.**

☐ **We have tried to resolve our problems through Conciliation Services or going to Conciliation Services would not work.**

☐ **This court has jurisdiction to determine physical custody and authority for legal decision-making (legal custody) over our minor child(ren) common to the parties because the minor child(ren) has/have lived with Petitioner or Respondent in Arizona for at least the past 6 months.**

4. 90 DAY REQUIREMENT: (This statement MUST be true before you can file for divorce in Arizona.)

☐ I OR ☐ my spouse have lived in Arizona or have been stationed in Arizona while a member of the Armed Forces, for at least 90 days before I filed this action.

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5. DOMESTIC VIOLENCE: (*If you intend to ask for joint legal decision-making authority (joint custody),* there must have been **no** significant domestic violence in your marriage. A.R.S. 25-403.03. Check the box to make a true statement:

Significant domestic violence ☐ ***has*** **or** ☐ ***has not*** **occurred during this marriage.**

6. CHILDREN OF THE PARTIES WHO ARE LESS THAN 18 YEARS OLD:

Listed below are children still under the age of 18 born to or adopted by my spouse and me during our marriage, ***or where indicated, born before***. Husband is the father of children listed.

Child's Name:	_____	
Birthdate:	_____	☐ Born prior to marriage
Address:	_____	
Length of Time at Address:		

Child's Name:	_____	
Birthdate:	_____	☐ Born prior to marriage
Address:	_____	
Length of Time at Address:		

Child's Name:	_____	
Birthdate:	_____	☐ Born prior to marriage
Address:	_____	
Length of Time at Address:		

Child's Name:	_____	
Birthdate:	_____	☐ Born prior to marriage
Address:	_____	
Length of Time at Address:		

Child's Name:	_____	
Birthdate:	_____	☐ Born prior to marriage
Address:	_____	
Length of Time at Address:		

7. PREGNANCY and PATERNITY: (Check one box.)

☐ Wife is **not** pregnant, OR

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

- ☐ The Petitioner and Respondent are the parents of the child, OR
- ☐ Husband is **not** the parent of the child, OR.

☐ **The Petitioner and Respondent are the parents of the child, OR**

- ☐ **Petitioner is not the parent of the child, OR.**
- ☐ **Respondent is not the parent of the child.**

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☐

☐ **A minor child or minor children were born <u>before</u> the marriage. The husband is the father of that minor child/those minor children named below:**

_____ _____

_____ _____

_____ _____

8.a. COMMUNITY PROPERTY: (Check one box.)

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

☐ My spouse and I acquired community property during our marriage, and we should divide it as follows:

☐ **Real estate located at:** **Petitioner** **Respondent** **Value**

_____ ☐ ☐ $_____

Legal Description: (Quote from the DEED) _____

_____

_____

☐ **Real estate located at:** **Petitioner** **Respondent** **Value**

_____ ☐ ☐ **$**_____

Legal Description: (Quote from the DEED)_____

_____

☐ **Household furniture and appliances:** **Petitioner** **Respondent** **Value**

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

☐ **Household furnishings:** **Petitioner** **Respondent** **Value**

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

☐ **Other items:** **Petitioner** **Respondent** **Value**

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

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

Petitioner **Respondent** **Value**

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

_____ ☐ ☐ $_____

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☐ **Motor vehicles:**

	Petitioner	Respondent	Value
Make _____ **Year:**____ Model _____ VIN _____ Lien Holder_____	☐	☐	$_____
Make_____ **Year:**____ Model _____ VIN_____ Lien Holder_____	☐	☐	$_____

8.b. SEPARATE PROPERTY: (Check all boxes that apply.)

☐ I do not have any property that I brought into the marriage or separate property.
☐ My spouse, the Respondent does not have any property that he or she brought into the marriage or separate property.
☐ I have property that I brought into the marriage or I have separate property. I want this property awarded to me as described below.
☐ My spouse, the Respondent, has property that he or she brought into the marriage or has separate property. I want this property awarded to my spouse as described below.

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

Description of Separate Property	Petitioner	Respondent	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

9.a. COMMUNITY DEBTS: (Check one box)

☐ My spouse and I did not incur any community debts during the marriage, OR
☐ We should divide the responsibility for the debts incurred during the marriage as follows:

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

9.b. SEPARATE DEBTS: (Check all boxes that apply.)

☐ My spouse and I do **not** have any debts that were incurred prior to the marriage or separate debt;
☐ I have separate debt or debt that I incurred prior to the marriage that should be paid by me as described below;
☐ My spouse has separate debt or debt that he or she incurred prior to the marriage that should be paid by my spouse as described below.

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

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10. TAX RETURNS: (Check this box if this is what you want).

☐ After the judge or commissioner signs the Decree of Dissolution of Marriage (Divorce), we will, subject to IRS Rules and Regulations, pay federal and state taxes as follows: For previous years (the years we were married, **not** including the year the Decree was signed), the parties will file joint federal and state income tax returns. In addition, 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. For the calendar year (the year that the Decree is signed) and all future calendar years, each party will, subject to IRS Rules and Regulations, file separate federal and state income tax returns. Each party will give the other party all necessary documentation to do so.

11. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY) (check the box that applies to you):

☐ Neither party is entitled to spousal maintenance/support (alimony), OR

☐ Petitioner OR ☐ Respondent is entitled to spousal maintenance/support because: (Check one or more of the box(es) on the next page that apply. At least one reason must apply to get spousal maintenance/ support.)

- ☐ Person lacks sufficient property to provide for his/her reasonable needs;
- ☐ Person is unable to support himself/herself through appropriate employment;
- ☐ Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
- ☐ Person lacks earning ability in the labor market adequate to support himself/herself; and
- ☐ Person contributed to the educational opportunities of the other spouse or had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself/herself.

12. WRITTEN AGREEMENT: (Check box only if true.)

☐ My spouse and I 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 (legal custody), parenting time, and child support, **and**

☐ I have attached a copy of the written agreement.

REQUESTS TO THE COURT:

A. DISSOLUTION (DIVORCE):

☐ **Dissolve our marriage and return each party to the status of a single person;**

RESTORE NAME:

I took the name of my spouse at the time of marriage and I want to restore my last name to the name I used before this marriage or to my maiden name. My complete married name is:

I want my name restored to: (List complete maiden or legal name before this marriage):

WARNING: If you are not the person who is requesting to have your former name restored, the court must have a written request from the party who wants his or her name restored to change the name.

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B. PATERNITY and MINOR CHILD(REN)'S NAMES: Declare the husband to be the father of the following named minor child(ren) born before the marriage and (optional) change the legal name of those minor children to the name listed on the right, below**:**

Current Legal Name		**(OPTIONAL) Change the name of the child to: New Name**

C. PRIMARY RESIDENTIAL PARENT, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION MAKING (CUSTODY): Declare which parent shall be "Primary Residential Parent" for each minor child as follows:

☐ Declare **Mother** as primary residential parent for the following named children:

_____

☐ Declare **Father** as primary residential parent for the following named children:

_____

subject to parenting time, as follows:

C.1. PARENTING TIME: Award parenting time as follows:

☐ **Reasonable parenting time** rights to the non-primary residential parent, **OR**

☐ **Supervised parenting time** between the children and ☐ Mother OR ☐ Father, **OR**

☐ **No parenting time** rights to the ☐ Mother OR ☐ Father.

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:
☐ Mother
☐ Father, **OR**
☐ Shared equally by the parties.

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C.2. AUTHORITY FOR LEGAL DECISION MAKING (CUSTODY)**: Award legal authority to make decisions concerning the child(ren) as follows:**

☐ **AWARD SOLE AUTHORITY FOR LEGAL DECISION-MAKING to**: ☐ **Mother** ☐ **Father**

OR

☐ **AWARD JOINT LEGAL DECISION MAKING AUTHORITY to BOTH PARENTS.**
Mother and Father will agree to act as joint legal decision makers concerning the minor child(ren) and will submit a Parenting Plan and Joint Legal Decision Making Agreement signed by the both parties.
(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)

D. CHILD SUPPORT: Order that child support will be paid by: ☐Petitioner, OR ☐ Respondent in a reasonable amount as determined by the court under the Arizona Child Support Guidelines. Support payments will begin on the first day of the first month following the entry of the divorce decree. These payments, and a fee for handling, will be paid through the Support Payment Clearinghouse and collected by an automatic Income Withholding Order.

E. MEDICAL, DENTAL, VISION CARE FOR MINOR CHILDREN: Order that
☐ **Mother** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.
☐ **Father** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

Petitioner and Respondent will pay for all reasonable unreimbursed medical, dental, and health-related expenses incurred for the child(ren) in proportion to their respective incomes.

F. TAX EXEMPTION: The parties will claim the 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
☐Mother	☐ Father	_____	_____
☐Mother	☐ Father	_____	_____
☐Mother	☐ Father	_____	_____
☐Mother	☐ Father	_____	_____
☐Mother	☐ Father	_____	_____

☐ **Pattern shall repeat for subsequent years.**

G. SPOUSAL MAINTENANCE (ALIMONY): ☐Order spousal support to be paid by ☐Wife, or ☐ Husband 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 remarries or either party is deceased, or for a period of _____months. These payments, and a fee for handling, will be paid through the Support Payment Clearinghouse.

H. COMMUNITY PROPERTY: Make a fair division of all community property.

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I. COMMUNITY DEBTS: Order each party to pay community debts as requested in the 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 him/her since the parties' separation on _____ or the date the Respondent was served with the Petition for Dissolution.

J. SEPARATE PROPERTY and DEBT: Award each party his/her separate property and make each party pay his/her own separate debt.

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

_____

_____

_____

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

Sworn to or Affirmed before me this: _____ by _____
(date) Printed Name

Seal/My Commission Expires: _____ _____
Deputy Clerk or Notary Public

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NOTICE OF YOUR RIGHTS ABOUT HEALTH INSURANCE COVERAGE WHEN A PETITION FOR DISSOLUTION (DIVORCE) IS FILED (A.R.S. §20-1377 and §20-1408)

Petitioner _____

Respondent _____ **Case #**_____

WARNING: THIS IS AN IMPORTANT LEGAL NOTICE. YOUR RIGHTS TO HEALTH INSURANCE COVERAGE COULD BE AFFECTED AFTER YOUR DIVORCE IS FINAL. READ THIS NOTICE CAREFULLY. IF YOU DO NOT UNDERSTAND THIS NOTICE, YOU SHOULD CALL AN ATTORNEY FOR ADVICE ABOUT YOUR LEGAL RIGHTS AND OBLIGATIONS.

IMPORTANT INFORMATION IF YOU ARE ON YOUR SPOUSE'S INSURANCE PLAN: When a Petition for Dissolution of Marriage (papers for a divorce decree) is filed, you and/or your children may continue to be covered under your spouse's health insurance policy. Arizona law allows the dependent spouse and/or children to continue to be covered, but you must take some steps to protect your rights.

WHAT INSURANCE COVERAGE APPLIES TO YOU, AND HOW TO GET IT: If you are covered by your spouse's health insurance, and you want to continue to be covered after the divorce is final, you **must** contact the insurance company as soon as possible, and you **must** start to pay the monthly insurance premium within 31 days of the date the insurance would otherwise stop.

If you decide you want to be covered, the insurer can choose whether to continue coverage under the current policy, or to change the policy to your name. If the policy is changed to your name, it is called a "converted"; policy. If the policy is converted by the insurer, the insurer must provide you the same or the most similar level of coverage available, unless you ask for a lower level of coverage.

WHAT COVERAGE APPLIES TO YOUR CHILDREN: If you choose to continue coverage as a dependent spouse, you can also choose to continue coverage for your dependent children if you are responsible for their care or support.

PREEXISTING CONDITIONS OR EXCLUSIONS FROM INSURANCE COVERAGE: Whether the insurance is continued or converted, the insurance must be provided to you without proof of insurability and without exclusions for coverage other than what was previously excluded before the insurance was continued or converted.

LIMITS ON RIGHTS TO INSURANCE COVERAGE FOR YOU AND YOUR CHILDREN: You may **not** be entitled to continued or converted coverage if you are eligible for Medicare or for coverage by other similar types of insurance which together with the continued coverage would make you over-insured. However, dependent children of a person who is eligible for Medicare may be covered by a continuance or a conversion. If you have questions about coverage, check with the insurer and/or the spouse's employer.

WARNING TO THE SPOUSE FILING THE PETITION FOR DISSOLUTION (DIVORCE): This Notice must be served on your spouse together with the Petition for Dissolution, the Summons, and the Preliminary Injunction.

SUPERIOR COURT OF ARIZONA
IN GRAHAM COUNTY

Case Number _____

_____
Name of Petitioner

_____
Name of Respondent

ORDER AND NOTICE TO ATTEND PARENT INFORMATION PROGRAM CLASS

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;
- ☐ Legal Separation, or
- ☐ 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 Class.

2. **WITHIN 45 DAYS**. Both the Petitioner and the Respondent **must** complete this class within 45 days from the date the Respondent is served with, or accepts service of, the Petition/Complaint. The Respondent must register for and complete the course whether or not a "***Response***" or "***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 Court 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.

4. **FILE CERTIFICATE OF COMPLETION**. Both the Petitioner and the Respondent must each file a "***Certificate of Completion***" with the Clerk of the Court immediately after completing the class and prior to receiving the final judgment/order/decree in the case.

5. **FAILURE TO ATTEND CLASS**. If you file a Petition/Complaint or ***"Response"*** or ***"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***" or "***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.

/S/ D. COREY SANDERS
PRO-TEM SUPERIOR COURT JUDGE

DR12F 070915

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09/15/2015-A4

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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 GRAHAM 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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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 GRAHAM COUNTY

_____
Name of Petitioner

Case Number:_____

NOTICE REGARDING CREDITORS

_____
Name of Respondent

ARIZONA LAW REQUIRES all actions for DIVORCE or LEGAL SEPARATION to include this NOTICE and for the person filing for Divorce or Legal Separation to SERVE this NOTICE on the other party. (ARS §25-318(F)).

YOU AND YOUR SPOUSE ARE RESPONSIBLE FOR COMMUNITY DEBTS. The court usually requires/orders one spouse or the other to pay certain community debts in, or through, the Decree of Dissolution or Legal Separation. A court order that does this is binding on the spouses **only, not the creditors**. You and your spouse are legally responsible for these community debts whether you are married, divorced, or legally separated. These debts are matters of contract between **both of you** and your creditors (such as banks, credit unions, credit card companies, utility companies, medical providers and retailers). On request, the court may impose a lien against the separate property of a spouse to secure payment of certain community debts.

CONTACT CREDITORS: You may want to contact your creditors to discuss the debts and the effects of your divorce/legal separation 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. The credit report will help you identify accounts, account numbers and account balances. In addition, 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 provide information as to the balance and account status of any debts for which you or your spouse may be liable to the creditor.

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 No. _____

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 Graham County

Case Name:_____

Case Number:_____

Pursuant to Arizona State Law (ARS §25-318), this letter requests the balance and account status of any debt for which the following individuals may be liable to you. (Arizona law requires that you provide this information within thirty (30) days of receipt of this letter.)

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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