Reset

FOR CLERK'S USE ONLY

(A) Name of Person Filing: _____
Mailing Address: _____
City, State, Zip Code: _____
Phone Number(s): _____
ATLAS Number (If Applicable):_____
State Bar Number (If Applicable):_____
Representing: ☐ **Self Without a Lawyer**
Attorney for ☐ **Petitioner OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA IN MOHAVE COUNTY

_____
(B) (Name of Petitioner)

_____
(B) (Name of Respondent)

(C) Case Number:_____

DECREE OF LEGAL SEPARATION FOR A NON-COVENANT MARRIAGE WITH MINOR CHILDREN

☐ By Consent (Pg. 11)
☐ By Default
☐ After Trial

(D) THE COURT FINDS:

1. This case has come before this court for a final Decree of Legal Separation. The court has taken all testimony needed to enter a Decree, or the court has determined testimony is not needed to enter the Decree.

2. This court has jurisdiction over the parties under the law and the provisions of this Decree are fair and reasonable under the circumstances, and are in the best interests of the minor child(ren) as to legal decision making, parenting time and support.

3. **SERVICE BY PUBLICATION**:
If Respondent was served by publication and was not personally served, this court cannot make a legal order, with respect to issues of child support, medical and dental insurance, payments, expenses for the minor child(ren), community property or debt, or spousal maintenance/support. The court reserves jurisdiction until personal service is made upon respondent to consider the maintenance/support of either spouse, the disposition of community property or debts, child support, and any other relief requested in the Petition or orders deemed necessary by the court.

4. **The Court finds that:**

a. **Residency Requirement:** At the time this action was filed, the Petitioner or the Respondent lived in Arizona, or had lived in Arizona while a member of the United States Armed Forces.

b. **Conciliation Court:** The provisions relating to the Conciliation Court either do not apply or have been met. This is not a covenant marriage.

c. **Irretrievably Broken or Separate and Apart:** The marriage is irretrievably broken or the parties desire to live separate and apart. The Respondent has not objected to a Decree of Legal Separation.

d. **Legal Decision Making, Support, Spousal Maintenance/Support, Division of Property and Debt:** Where it has the legal power and where it is applicable to the facts of this case, this court has considered, approved, and made Orders relating to issues of legal decision making, parenting time (visitation), child support, spousal maintenance/support (alimony), and the division of property and/or debts.

e. Community Property and Debt:

☐ The parties did **not** acquire any community property or debt during the marriage, **OR**

☐ There IS an agreement as to division of community property and debt, all community property and debt is divided pursuant to this Decree.

☐ There is NO agreement as to division of community property and debt, but all community property and debt is divided pursuant to this Decree.

f. Pregnancy and Paternity:

☐ Wife is **not** pregnant, **OR**

☐ Wife is pregnant, and the husband ☐ **IS** OR ☐ **IS NOT** the father of the child.

☐ The husband is the father of these children born to the parties before the marriage:

Names(s)	Date(s) of Birth
_____	_____
_____	_____
_____	_____

g. Spousal Maintenance/Support (Alimony).

☐ The Petitioner, **OR**

☐ The Respondent lacks enough property, including property given to him or her as part of this separation, to provide for his or her reasonable needs, and is unable to support himself or herself through an appropriate job, or he or she is providing the primary care to a child(ren) of young age or is of a condition that they should not be required to look for work outside the home, or lacks earning ability necessary to support himself or herself, or contributed significantly to the educational opportunities of the other spouse, or had a marriage that lasted a long time and is of an age that may severely limit the possibility of getting a job to support himself or herself.

h. Parent Information Program.

1. Petitioner ☐ has attended the Parent Information Program class as evidenced by the ***"Certificate of Completion"*** in the court file, **OR**
   Petitioner ☐ has not attended the Parent Information Program class and ☐ shall be denied any requested relief to enforce or modify this decree until petitioner has completed the class.

2. Respondent ☐ has attended the Parent Information Program class as evidenced by the ***"Certificate of Completion"*** in the court file, **OR**
   Respondent ☐ has **not** attended the Parent Information Program class and ☐ shall be denied any requested relief to enforce or modify this decree until respondent has completed the class.

i. Deviation from Child Support. The court, having considered the best interests of the minor child(ren), deviates from the guidelines for the following reasons:

☐ Application of the guidelines is inappropriate

☐ Application of the guidelines is unjust

The court makes the following finding regarding the deviation:

☐ The child support order would have been $_____

☐ The child support order after deviation is $_____

j. Ability to Pay Child Support: The court finds that the person responsible for paying child support has the ability to pay child support:

☐ In the amount entered on Line 34 of the Worksheet for $_____

☐ In an adjusted amount calculated using the self-support reserve on line 35 of the Worksheet for $_____.

k. **Legal Decision Making of Minor Child(ren)**. (Check/complete only if legal decision making is not contested or joint legal decision making is ordered.)

☐ The legal decision making order or agreement is in the best interests of the minor child(ren) for the following reasons: (List the reasons.)

REASONS: _____

_____

_____

l. **Supervised or No Parenting Time:** (Check and complete only if supervised or no visitation is ordered.)

☐ **Supervised Parenting Time** between the minor children and ☐ petitioner, **OR** ☐ respondent, **OR**

☐ **No Parenting Time** by ☐ Petitioner, **OR** ☐ Respondent, is in the best interests of the minor child(ren), for the following reasons: (Explain the reasons)

REASONS: _____

_____

_____

m. **Domestic Violence.** If the court enters an order for joint legal decision making of the minor child(ren), check box "1" or box "2" and explain.

1. ☐ Domestic violence has not occurred during this marriage, **OR**
2. ☐ Domestic violence has occurred, but the domestic violence **has not** been significant. Explain why joint legal decision making is in the best interest of the minor child(ren) even though domestic violence has occurred.

_____

_____

_____

(E) THE COURT ORDERS:

1. THE PARTIES ARE LEGALLY SEPARATED.

2. ENFORCEMENT OF TEMPORARY ORDERS:

All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of ALL temporary orders here) _____

(Dates of Temporary Orders Continued):

_____

_____

are satisfied in full or ☐ judgment is awarded against the party with the obligation up to the amount due and owing as of the date of this Decree, with the highest legal interest allowed by law, for the total amount of $_____.

3. LEGAL DECISION MAKING, PARENTING TIME, AND CHILD SUPPORT:

a. PREGNANCY AND PATERNITY:

☐ A child who is common to the parties is expected to be born this date _____. All orders below as to legal decision making, parenting time (visitation), support, and medical insurance/expenses include this minor child and all other minor children named below.

1. **MINOR CHILDREN:** This Decree includes all minor children common to the parties as follows:

Name(s) of Minor Child(ren):	**Date(s) of Birth:**
_____	_____
_____	_____
_____	_____
_____	_____

2. ☐ **PATERNITY: the husband is declared to be the father of the minor children named below, born before the marriage:**

Children Born BEFORE the Marriage:	**Date(s) of Birth:**
_____	_____
_____	_____
_____	_____
_____	_____

b. LEGAL DECISION MAKING:

1. ☐ **SOLE LEGAL DECISION MAKING:** Sole legal decision making of the minor child(ren) is awarded to:

☐ Petitioner, **OR** ☐ Respondent, subject to visitation as follows:

☐ Parenting time according to the terms of the Parenting Plan attached as Exhibit B and made a part of this Decree, **OR**

☐ Supervised parenting time to ☐ Petitioner, **OR** ☐ Respondent according to the terms of the Parenting Plan attached as Exhibit B. Parenting time may only take place in the presence of another person named below or otherwise approved by the court.

Name of supervisor:_____
The cost of supervised visitation will be paid by ☐ Petitioner, **OR** ☐ Respondent, **OR** ☐ shared equally by the parties **OR,**

☐ No parenting time rights to ☐ Petitioner **OR** ☐ Respondent.

Restrictions on parenting time (if applicable): _____

_____

_____

_____

_____

2. ☐ **JOINT LEGAL DECISION MAKING:** Petitioner and Respondent agree to act as joint custodians of the minor child(ren), as set forth in the Joint Legal Decision Making Agreement/Parenting Plan by the parties, signed by both parties and attached to this Decree as ***"Exhibit B."*** There have been no significant acts of Domestic Violence by either parent. The court adopts the terms of the Joint Legal Decision Making Agreement/Parenting Plan describing the legal decision making and parenting time agreement between the parties. By attaching the Joint Legal Decision Making Agreement/Parenting Plan to the Decree, the Agreement becomes part of the Decree and carries the same legal weight as the Decree.

c. **CHILD SUPPORT:** ☐ Petitioner, **OR** ☐ Respondent shall pay child support to the other party in the amount of $_____ per month, beginning **THE FIRST DAY OF THE MONTH** following the date this Decree is signed by the judge until further order of the court. Child Support is based on the information in the Child Support Worksheet attached hereto and incorporated by reference. All child support payments shall be made through the Support Payment Clearinghouse and must include the statutory fee by the Order of Assignment signed this date. Payments will be in equal installments made on the 1st and 15th of each month.

d. **MEDICAL AND DENTAL INSURANCE, PAYMENTS, AND EXPENSES:**
☐ **Petitioner** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.
☐ **Respondent** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

Medical, dental, and vision care insurance, payments and expenses are based on the information in the Parent's Worksheet for Child Support attached and incorporated by reference. The party ordered to pay must keep the other party informed of the insurance company name, address and telephone number, and must give the other party the documents necessary to submit insurance claims.

Non-Covered Expenses. Petitioner is ordered to pay _____%, AND Respondent is ordered to pay _____% of all reasonable uncovered and/or uninsured medical, dental, vision care, prescription and other health care charges for the minor child(ren), including co-payments.

4. SPOUSAL MAINTENANCE/SUPPORT (Alimony):

a. ☐ Neither party shall pay spousal maintenance/support (alimony) to the other party, **OR**

b. ☐ The ☐ Petitioner, **OR** ☐ Respondent is ordered to pay the other party the sum of $_____ per month spousal maintenance **BEGINNING THE FIRST DAY OF THE MONTH** after this Decree is signed. Each payment shall be made by the first day of each month. after that and shall continue until the receiving party is remarried or deceased or until (date)_____. All payments shall be made through the Support Payment Clearinghouse by automatic wage assignment, until all required payments have been made under this Decree. Payments made shall be included in receiving spouse's taxable income and is tax deductible from the paying spouse's income as required by law. Spousal maintenance/support payments end if the receiving party is remarried or deceased.

5. PROPERTY, DEBTS AND TAX RETURNS:

a. ☐ Petitioner is ordered to pay all debts unknown to Respondent, **AND**

☐ Respondent is ordered to pay all debts unknown to Petitioner, **AND**

☐ Each party is ordered to pay his or her debts from the following date, _____.

b. ☐ Other orders and relief relating to property or debt are contained in Exhibit A, which is attached and incorporated into this Decree.

c. ☐ Each party is assigned his or her separate property and Petitioner must pay his/her separate debt, and Respondent must pay his/her separate debt.

d. ☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of title ordered in this Decree, such as motor vehicles, houses, and bank accounts. The parties shall transfer all real and personal property as described in Exhibit A to the other party on or before (date) _____, by 5:00 p.m.

If the party required to transfer the property has not transferred the property to the party entitled to receive the property on or before the date and time listed above, the party entitled to receive the property is entitled upon application to a Writ of Assistance or Writ of Execution to be issued by the Clerk of the Court commanding the sheriff to put him or her in possession of the property.

e. ☐ For previous calendar years, pursuant to IRS rules and regulations, the parties will file:

☐ joint federal and state income tax returns and hold the other harmless from half of all additional income taxes and other costs, if any, and each will share equally in any refunds, **OR**

☐ separate federal and state income tax returns, **AND**

☐ This calendar year and continuing thereafter, each party will file separate federal and state income tax returns, **AND**

☐ Each party shall give the other party all necessary documentation to file all tax returns.

6. FINANCIAL INFORMATION EXCHANGES: The parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every twenty-four months.

7. TAX EXEMPTION: The parties shall claim as income tax dependency exemptions on federal and state tax returns as follows. A party required to pay child support is only entitled to claim minor child(ren) as an income tax dependency exemption if that parent has paid all of the child support due and owing for the year that party is entitled to the exemption:

Parent entitled to claim		Name of child	Tax year
☐ Petitioner	☐ Respondent	_____	_____
☐ Petitioner	☐ Respondent	_____	_____
☐ Petitioner	☐ Respondent	_____	_____
☐ Petitioner	☐ Respondent	_____	_____
☐ Petitioner	☐ Respondent	_____	_____

8. MINOR CHILDREN TO WHOM THIS DECREE DOES NOT APPLY: It is ordered that

☐ Petitioner, **OR**

☐ Respondent has no legal obligation or right to the minor child(ren) listed below, born during the marriage but **not** common to the marriage. These minor children include: (Use additional paper if necessary)

Name: _____ Birth date: _____

Name: _____ Birth date: _____

Case No._____

Name: _____ Birth date: _____

Name: _____ Birth date: _____

Child expected to be born this date: _____

9. OTHER ORDERS. (Leave blank for Judicial Officer.)

_____

_____

_____

10. FINAL APPEALABLE ORDER. Pursuant to Arizona Revised Statutes §25-325, this final judgment/decree is settled, approved and signed by the court and shall be entered by the clerk.

(F) DONE IN OPEN COURT: _____ (Date)

_____

JUDGE OR COURT COMMISSIONER

If this Decree was issued as a "Default," and the Petitioner served the papers to begin this case by any means other than by publication, a copy of this Decree shall be mailed or delivered to the Respondent within 24 hours of the court hearing as follows:

Respondent's Name: _____

Mailing Address: _____

City, State, Zip Code: _____

By Petitioner: _____

Date: _____

Case No._____

EXHIBIT A: PROPERTY AND DEBTS

1. DIVISION OF COMMUNITY PROPERTY:

☐ Award each party the personal property in his or her possession, **OR**
☐ The following community property is awarded to each party as follows:

2. LIST OF COMMUNITY PROPERTY, Be specific

		AWARD TO: Petitioner	Respondent
☐	Household furniture/furnishings		
	_____	☐	☐
	_____	☐	☐
	_____	☐	☐
	_____	☐	☐
☐	Appliances		
	_____	☐	☐
	_____	☐	☐
	_____	☐	☐
	_____	☐	☐
☐	DVD/DVR/VCR (be specific)		
	_____	☐	☐
	_____	☐	☐
☐	TV		
	_____	☐	☐
	_____	☐	☐
☐	Personal computer	☐	☐
☐	Stereo	☐	☐
☐	State Income Tax Refund	☐	☐
☐	Federal Income Tax Refund	☐	☐
☐	Motor vehicle _____	☐	☐
☐	Motor vehicle _____	☐	☐
☐	Motor vehicle _____	☐	☐
☐	Cash, bonds of $ _____	☐	☐
☐	Other: _____	☐	☐
☐	Other: _____	☐	☐
☐	Other: _____	☐	☐
☐	Other: _____	☐	☐
☐	**Continued on attached list.**		

3. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION

(WARNING. You should see a lawyer about your retirement, pension, deferred compensation, 401K plans and/or benefits. If you do not see a lawyer regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. Only a lawyer can help you prepare these documents.)

☐ Award each party his or her interest in any retirement benefits, pension plans, or other deferred compensation described as:
Petitioner's: _____
Respondent's: _____

OR

☐ The Plan Administrator and the parties have approved the Qualified Domestic Relations Order (QDRO) attached as Exhibit(s) _____. Do not check this box without first seeking the help of a lawyer.

OR

☐ Each party **WAIVES AND GIVES UP** his or her interest in any retirement benefits, pension plan, or other deferred compensation of the other party:

OR

☐ Neither party has a retirement, pension, deferred compensation, 401K Plan and/or benefits.

4. **DIVISION OF REAL PROPERTY**. Section A is for one piece of property. Section B is for another piece of property. If you own more than two pieces of property, check the box below and attach another sheet of paper with the information requested in A and B.

☐ More than 2 pieces of property are involved. See attached sheet listing the same information as in A and B.

A. Real property located at (address) _____which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____
_____
_____
_____

The real property as described above is:

☐ Awarded to ☐ Petitioner, **OR** ☐ Respondent as his or her sole and separate property.

OR

☐ Shall be sold and the proceeds divided as follows:
_____% or $_____ to Petitioner.
_____% or $_____ to Respondent.

☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of titles ordered in this Decree, such as motor vehicles, houses, and bank accounts.

☐ _____ is appointed real estate commissioner to sell this real property.

B. Real property at (address) _____which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

Case No._____

LEGAL DESCRIPTION: _____
_____
_____
_____

The real property as described above is:

☐ Awarded to ☐ Petitioner OR ☐ Respondent as his or her sole and separate property.

OR

☐ Shall be sold and the proceeds divided as follows:
_____% or $_____to Petitioner.
_____% or $_____to Respondent.

☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of titles ordered in this Decree, such as motor vehicles, houses, and bank accounts.

☐ _____ is appointed real estate commissioner to sell this real property.

5. **DIVISION OF COMMUNITY DEBTS**. (You should see a lawyer about how to divide secured and unsecured debts.) ☐ The following community debts shall be divided as follows:

Creditor(s)	Amount owed	Petitioner	Respondent
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____

☐ **Continued attached list.**

6. ☐ Any debts or obligations incurred by either party before the Respondent was served with the Petition for Dissolution that are not identified in the list above or attached shall be paid by the party who incurred the debt or obligation and that party shall indemnify and hold the other party harmless from such debts.

7. **SEPARATE PROPERTY.** The following separate property is awarded as follows: (Be specific)

Description of Property. Be specific.	Petitioner	Respondent
_____	☐	☐
_____	☐	☐
_____	☐	☐
_____	☐	☐
_____	☐	☐

8. **SEPARATE DEBT.** The parties are each ordered to pay his or her separate debt as follows

Creditor(s)	Amount owed	Petitioner	Respondent
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____

<u>COMPLETE THIS PAGE ONLY IF THIS IS A CONSENT DECREE.</u> If you are filing a Consent Decree, please review the following information. Both petitioner and Respondent must initial the appropriate boxes below.

1. NON-COVENANT MARRIAGE. We do not have a covenant marriage.
   [ ] Petitioner [ ] Respondent

2. RIGHT TO TRIAL IS WAIVED. I understand that by signing this Consent Decree, I am waiving my right to a trial before a judge.
   [ ] Petitioner [ ] Respondent

3. NO DURESS OR COERCION. COMPLETE AGREEMENT. I am not under any force, threats, duress, coercion, or undue influence from anyone, including the other party, to sign this Consent Decree. This Decree with attachments, if any, that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in the Decree.
   [ ] Petitioner [ ] Respondent

4. LEGAL ADVICE. I understand that even if I am representing myself without an attorney, I have the right to be represented by an attorney. I have the right to call an attorney and get legal advice before I sign this Consent Decree.
   [ ] Petitioner [ ] Respondent

5. IRRETRIEVABLY BROKEN MARRIAGE. I agree that our marriage is irretrievably broken. There is no reasonable prospect of reconciliation *[or we desire to live separate and apart if this is a Legal Separation case}.*
   [ ] Petitioner [ ] Respondent

6. DIVISION OF PROPERTY. The agreement about division of property and debts is fair and equitable.
   [ ] Petitioner [ ] Respondent

This is a Consent Decree. By signing this Exhibit and subscribing and swearing to same (or affirming to same) before a Notary Public, both parties affirm that the information is true and correct, including the six statements listed above.

Case No._____

SIGNATURE SECTION:

STATE OF ARIZONA)
)ss.
COUNTY of Mohave)

Approved by Petitioner:_____Date:_____

Subscribed and sworn to me by the Petitioner, on this_____ day of _____, 20
.

My Commission Expires:_____

_____
Notary Public / Deputy Clerk

STATE OF ARIZONA)
)ss.
COUNTY of Mohave)

If you are filing a Consent Decree, the Respondent must also sign:

Approved by Respondent:_____Date _____

Subscribed and sworn to me by the Respondent, on this_____ day of _____, 20_____.

My Commission Expires:_____

_____
Notary Public / Deputy Clerk

If either party is represented by a lawyer, the lawyer must also sign:

Approved by Petitioner's Lawyer:_____ Date _____

Approved by Respondent's Lawyer:_____ Date _____

If a Guardian Ad Litem is appointed, the Guardian Ad Litem must approve on behalf of the child and sign below:

Approved by Guardian Ad Litem:_____ Date _____

If the Attorney General is involved in this case, the Attorney General must approve the child support amount only and sign below:

Approved by Attorney General:_____ Date _____