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Person Filing: _____

Mailing Address: _____

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Atlas Number (if applicable) _____

☐ **Representing Self (No Attorney) OR** ☐ **Represented by Attorney**

If Attorney, Bar Number: _____

SUPERIOR COURT OF ARIZONA
MOHAVE COUNTY

Regarding the Matter of:

Case Number:_____

_____
(Name of Petitioner)

PETITION FOR LEGAL SEPARATION WITH MINOR CHILDREN

AND

_____
(Name of Respondent)

GENERAL INFORMATION:

1. INFORMATION ABOUT ME, THE PETITIONER:

Name: _____
Address: _____
Date of Birth: _____
Occupation: _____
I have lived in Arizona for _____ years and/or _____ months in a row.

2. INFORMATION ABOUT MY SPOUSE, THE RESPONDENT:

Name: _____
Address: _____
Date of Birth: _____
Occupation: _____
My spouse has lived in Arizona for _____ years and/or _____ months in a row.

3. INFORMATION ABOUT MY MARRIAGE:

Date of Marriage: _____
City and state, or country where we were married:_____

4. CHILDREN OF THE PARTIES WHO ARE LESS THAN 18 YEARS OLD: (Check one box)

☐ There are no children under the age of 18 either born to, or adopted by, the parties.
NOTE: IF YOU CHECKED THIS BOX, STOP! YOU SHOULD BE USING THE PETITION PACKET TO GET A LEGAL SEPARATION WITHOUT CHILDREN.

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☐ The following minor child(ren) are under age 18 and were born to or adopted by my spouse and me: (Attach extra pages if necessary.)

Child's Name: _____

Date of Birth: _____

Address: _____

Length of Time at Address: _____

Child's Name: _____

Date of Birth: _____

Address: _____

Length of Time at Address: _____

Child's Name: _____

Date of Birth: _____

Address: _____

Length of Time at Address: _____

Child's Name: _____

Date of Birth: _____

Address: _____

Length of Time at Address: _____

5. RESIDENCY REQUIREMENT:

When I file this document with the court, either ☐ I **OR** ☐ my spouse lives or are stationed while a member of the Armed Forces, in Arizona. **(WARNING: If this statement is not true, you cannot file for legal separation in Arizona until it becomes true.)**

6. DESIRE TO LIVE SEPARATE AND APART:

My marriage is irretrievably broken (my marriage is over) or I and/or my spouse desire to live separate and apart. (This must be a true statement, or you cannot file a Petition for Legal Separation.)

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

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

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8. PREGNANCY:

☐ Petitioner/Respondent is **not** pregnant, **OR**

☐ Petitioner is pregnant ☐ Respondent is pregnant

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

☐ 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

9. SPOUSAL MAINTENANCE/SUPPORT (Alimony):

☐ 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) below that apply. At least one reason must apply to get spousal maintenance/support.)

☐ Person lacks sufficient property to provide for his or her reasonable needs;

☐ Person is unable to support himself or herself through appropriate employment;

☐ Person is the custodian of minor 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 or herself;

☐ 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 or herself.

INFORMATION ABOUT PROPERTY AND DEBTS:

10. (a) PROPERTY ACQUIRED DURING THE MARRIAGE: (Check one box.)

☐ My spouse and I did not acquire community property during the marriage; **OR**

☐ My spouse and I acquired community property during our marriage, and we should divide it as follows: (List the property and the value of the property, and check the box to tell the court who should get the property.)

WARNING: You must be specific. You must describe the property that should go to you and then check the box, and describe the property that should go to your spouse, and check the box. For example, under household furnishing you could say, blue and white living room sofa, and then check the box to say whether it should go to you or to your spouse. Never list an item and then check both the Petitioner box and the Respondent box.

DESCRIPTION OF PROPERTY/ VALUE OF PROPERTY:	**You (Petitioner)**	**Your Spouse (Respondent)**	**Value**
☐ **Real estate located at:** (street address, city, state) _____	☐	☐	$_____

Legal Description:_____

_____

_____

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DESCRIPTION OF PROPERTY/ VALUE OF PROPERTY Cont'd:	You (Petitioner)	Your Spouse (Respondent)	Value
☐ **Real estate located at:** (street address, city, state) _____	☐	☐	$_____

Legal Description:_____
_____
_____

☐ **Household furnishings and appliances:**			
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
☐ **Other items:**			
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
☐ **Pension/retirement fund/profit sharing/stock plan/401K:**			
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
☐ **Motor Vehicles:**			
Make: _____	☐	☐	$_____
Model: _____			
Year: _____			
VIN: _____			
Lien Holder: _____			
Make: _____	☐	☐	$_____
Model: _____			
Year: _____			
VIN: _____			
Lien Holder: _____			

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10. (b) PROPERTY ACQUIRED BEFORE THE MARRIAGE: (Check all boxes that apply.)

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

Separate Property: (List the property and the value of the property, and check the box to tell the court who should get the property.)

DESCRIPTION OF PROPERTY/ VALUE OF PROPERTY:	**You** (Petitioner)	**Your Spouse** (Respondent)	**Value**
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

11. (a) DEBTS INCURRED DURING THE MARRIAGE: (Check one box)

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

DESCRIPTION OF DEBT/ AMOUNT OF DEBT:	**You** (Petitioner)	**Your Spouse** (Respondent)	**Value**
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

11. (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**
- ☐ I have separate debt that I incurred prior to the marriage which should be paid by me as described below.
- ☐ My spouse has separate debt that he or she incurred prior to the marriage which should be paid by my spouse as described below.

DESCRIPTION OF DEBT/ AMOUNT OF DEBT:	**You** (Petitioner)	**Your Spouse** (Respondent)	**Value**
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

12. **TAX RETURNS:** After the Judge or Commissioner signs the **Order of Legal Separation**, the parties will file state and federal taxes as follows:

_____
_____
_____
_____

13. **WRITTEN LEGAL DECISION MAKING AGREEMENT:** (Check only if true.)

☐ My spouse and I have a written agreement signed by both of us about the legal decision making, parenting time and child support for our minor child(ren) and I have attached a copy of the written agreement.

OTHER STATEMENTS TO THE COURT: You must tell the court the truth. Lying to the court is a crime and the court can punish you for lying. To file for legal separation, you must be able to tell the court that the following statements are true. Check the box in front of each statement if the statement is true. If you do not understand what the statement means, read the instructions that go along with the Petition for Legal Separation OR seek legal advice.

14. ☐ **TRUE** The conciliation requirements under Arizona law either do not apply or have been met.

15. ☐ **TRUE** This court has jurisdiction to decide child legal decision making matters under Arizona law

REQUESTS TO THE COURT:

A. **LEGAL SEPARATION:** Issue an order of legal separation.

B. ☐ Order spousal maintenance/support to be paid by: ☐ Petitioner or ☐ Respondent in the amount of _____ per month, plus the statutory fee, beginning with the first day of the month after the Judge or Commissioner signs the Legal Separation and continuing until the person receiving the spousal maintenance/support is remarried or deceased, or for _____ months. These payments and a fee for handling will be paid through the Support Clearinghouse.

C. **COMMUNITY PROPERTY:** Make a fair division of all community property as requested in this Petition.

D. **COMMUNITY DEBTS:** Order each party to pay community debts as requested in 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 or her since the party's separation on: _____ (date).

E. **SEPARATE PROPERTY AND DEBTS:** Award each party his or her separate property and debt.

F. **LEGAL DECISION MAKING AND PARENTING TIME:** Award legal decision making and parenting time of the children common to the parties, and less than 18 years old, as follows: (Check either the sole legal decision making box or the joint legal decision making box. If you check the sole legal decision making box, check only one box related to parenting time.)

F.1. ☐ **SOLE LEGAL DECISION MAKING:** Petitioner is awarded the sole legal decision making of _____ and/or Respondent is awarded the sole legal decision making of _____ subject to parenting time as follows:

☐ Reasonable parenting time rights to the parent, who does not have legal decision making, as will be described in the Parenting Plan attached to the Order of Legal Separation.

☐ Reasonable parenting time rights to the parent who does not have legal decision making pursuant to the the Mohave County Legal Decision Making and Parenting Time Guidelines.

☐ Supervised parenting time between the children and the ☐ Petitioner OR
☐ Respondent is in the best interest of the children because: (Explain the reasons for supervision or no parenting time. Use extra paper if necessary.)

a. Name of the person who will supervise: _____

b. Requested restrictions on parenting time: (explain here) _____
_____
_____
_____
_____

c. The cost of supervised parent/child parenting time will be paid by: ☐ the parent being supervised or ☐ the parent having legal decision making or ☐ shared equally by the parties.

☐ No parenting time rights to the parent who does not have legal decision making is in the best interests of the child(ren) because: (Explain the reasons for no parenting time. Use extra paper if necessary.)
_____
_____
_____
_____
_____

F.2. ☐ **JOINT LEGAL DECISION MAKING:** Petitioner and Respondent agree to act as joint custodians of the minor child(ren) as set forth in the Parenting Plan signed by the parties, if the court agrees with the Parenting Plan. (For joint legal decision making, there must have been no "significant" domestic violence. A.R.S. §25-403.03)

G. **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. (I will attach the Child Support Order to the Decree.) Support payments will begin on the first day of the first month following the entry of the decree. These payments plus a fee for handling will be paid through the Support Clearinghouse and collected by automatic wage assignment.

H. **MEDICAL, DENTAL, VISION CARE FOR MINOR CHILDREN:** Order that

☐ **Petitioner** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance

☐ **Respondent** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance

Mother and Father will pay for all reasonable unreimbursed medical, dental, and health-related expenses incurred for the child(ren) in proportion to their respective incomes as described in the ***Parents' Worksheet***, which I will submit with the Decree.

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I. **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 child	Current tax year	Later tax years
☐ Petitioner ☐ Respondent	_____	_____	_____
☐ Petitioner ☐ Respondent	_____	_____	_____
☐ Petitioner ☐ Respondent	_____	_____	_____
☐ Petitioner ☐ Respondent	_____	_____	_____

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

_____

_____

_____

_____

_____

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

Signature: _____ Date: _____

Revised: 1/2019