DIVORCE WITHOUT CHILDREN DECREE

Packet # 7

These forms must not be used to engage in the unauthorized practice of law. The court is not responsible for (1) actions taken by the users of these forms or (2) users' reliance upon the instructions or information provided.

Updated May 2018

IMPORTANT!

This form ***should only be used*** if your divorce does not involve children. If you and your spouse have minor children together either by birth or adoption, **STOP**. You must use Packet # 4, *Divorce With Children Decree*.

GENERAL INFORMATION & Frequently Asked Questions

What is a Decree?

The Decree is the final step in your divorce. It is a legal order from the court (signed by a judicial officer) that ends your marriage. It also determines the rights and responsibilities between you and your spouse after the divorce.

A decree states:

- Who is given what property
- Which debts will be paid by each person
- Who will pay spousal maintenance and how much

What do I include in my Decree?

The court cannot order something in your Decree that you did not ask for in your Petition.

There are two exceptions:

1. Your spouse has already agreed to the change, or
2. The change is clearly a benefit to your spouse

It is a good idea to have the Petition with you as a guide while you fill out this form.

What if I want something different from what I asked for in my Petition?

If your situation has changed since you filed your Petition, and now you want to make an adjustment, you cannot do so with the Decree.

You must first:

- Fill out and re-file Packet # 5, *Divorce Petition without Children* with your new requests
- Serve the amended Petition on your spouse, just as you did with the original. See Packet # 10, *Service on the Other Party.*

What is "community property"?

Arizona is a community property state. This means that almost all property that you and your spouse get during the marriage probably belongs to both of you. It also means that you are probably both responsible for any debt you take on during the marriage. Community property and debt must be divided between you and your spouse at the time of your divorce.

What is "separate property"?

Separate property is not community property—it only belongs to one spouse. Property received as a gift or inheritance is considered separate property and usually belongs only to the spouse that received the gift or inheritance. Property owned before the marriage is also considered separate property and usually belongs only to the spouse who bought the property before the marriage. "Separate debts" are debts acquired before the marriage. They should be paid by the spouse who brought the debt into the marriage.

Do I need a lawyer's help?

There are times when more complex legal problems will come up, and you may want to get the advice of a lawyer. There are lawyers who will help you help yourself. This means that they will only charge you for giving you the help that you need: you can complete the court forms on your own or ask the lawyer for help.

For more information, call the Self-Service Center at (520) 724-8456.

This symbol is a warning. It can mean a few different things:

- The topic can be confusing and you may need to ask a lawyer for help
- You may need to make sure that something is done

Whenever you see this symbol, ***make sure*** you read the information carefully and understand it fully.

Do I have to obey the Decree?

Yes, you must obey your divorce decree. The decree has the same authority as any other court order and must be taken seriously. If either you or your spouse does not follow the decree, the other party can ask the court for help to enforce the terms.

Any party that does not follow the orders of the divorce decree can be found in "contempt of court." Contempt of court means that you have *disobeyed* or *disrespected* the authority of the court, and you could be ordered to pay a fine or serve time in jail.

Instructions for Completing Divorce Decree (Without Children)

THE CAPTION

- **Personal information –** Fill in your name, street address, city, state, ZIP code, telephone number.
- **Case No. –** Enter your Superior Court "D" Number, as found on your Petition.
- **Petitioner –** Enter your name as the Petitioner.
- **Respondent –** Enter the name of your spouse as the Respondent.

STOP!

If your spouse filed a Response to the Petition for Dissolution, *only complete the caption of these forms.* You cannot complete the decree in advance if you have been ordered to attend a settlement conference or trial.

If your spouse <u>did not</u> file a Response, and you are seeking a divorce decree by default, please continue. But remember, the court cannot order something that you did not ask for in your Petition. It is a good idea to have the Petition with you as a guide while you fill out this form.

THE COURT FINDS AS FOLLOWS:

1, 2, 3a-e.

- These sections state that the court has the legal power, or jurisdiction, to hear the issues in your case and to make orders regarding your divorce, property and debts, and spousal maintenance.On section d. mark if your marriage IS or is NOT a covenant marriage.

3f. As To Property And Debts

Check

- If you and your spouse **did not** gain any property or debts while you were married.
- If you and your spouse **have already agreed** on how your community property and debts should be divided.

    - Describe this agreement in sections 5 and 6, “The Community Property Shall Be Divided As Follows” and “The Community Debts Are Ordered To Be Paid As Follows.”
- If you and your spouse **have not agreed** on how your community property and debts should be divided, but you are asking for a division of property consistent with what you asked for in your Petition.
    - Describe your request in sections 5 and 6, “The Community Property Shall Be Divided As Follows” and “The Community Debts Are Ordered To Be Paid As Follows.”

3g. Pregnancy

Check

- If the wife **is not** pregnant
- If the wife **is** pregnant
    - Check whether the husband “IS” or “IS NOT” the father of the child

3h. Check and complete only if spousal maintenance is ordered Check

- “Petitioner” if you will receive spousal maintenance (alimony).
- “Respondent” if you will give spousal maintenance (alimony).

THE COURT ORDERS THAT:

1. This statement means that when the judge signs your decree, your marriage is ended.

2. CHANGE OF NAME

Check

- “Petitioner” if you want your name restored to what it was before the marriage
- “Respondent” if your spouse wants his or her name restored to what it was before the marriage. *You cannot put this in the decree for your spouse unless your spouse asks for it in writing.*
- Write the restored last name on the line

3. ENFORCEMENT OF TEMPORARY ORDERS

- Enter the dates of all temporary orders that were made by the court for spousal maintenance (alimony). This allows you to make sure your spouse pays everything that the court has decided.

4. SPOUSAL MAINTENANCE

Check

- That neither spouse will pay the other spousal maintenance, if you **did not ask** for spousal maintenance (alimony) in your Petition
- "Petitioner" if you believe you should pay spousal maintenance
- "Respondent" if you believe your spouse should pay spousal maintenance
    - Then check the box for which spouse will receive the payments

- If you asked in your Petition for **a specific dollar amount** of spousal maintenance for a specific time period, write that information in the blanks.
- If you asked for spousal maintenance **but not a specific dollar amount for a specific time period**, do not write any information in the blanks.
    - Be prepared to tell the court how much spousal maintenance you think you should receive and for how long. You should also be prepared to tell the court why you think you should receive spousal maintenance.
- Check if you prefer the spousal maintenance payments be paid directly to "Petitioner," "Respondent," or the "Support Payment Clearinghouse."

5. COMMUNITY PROPERTY:

In this section, you will mark how the community property should be divided.

- If you and your spouse **did not gain** any property or debts while you were married, leave this section blank.
- If you and your spouse **have already agreed** upon the division of community property and debts (as checked in number 3e), describe that agreement here and in number 6.
- If you and your spouse **have not agreed** upon the division of community property and debts (as checked in number 3e), mark sections 5 and 6 so that they match your Petition.

REMEMBER, the court cannot order something in your Decree that you did not ask for in your Petition. The Decree can include less, but it cannot include more.

Property in each party's possession: This refers to personal property items (clothes, furniture, vehicles, household items, etc.) currently in each party's possession that should remain in that party's possession. You can check the box for "Petitioner," "Respondent," or both, or you don't have to check any boxes.

DO NOT check:

- “Respondent” if there are items in your spouse’s possession that should be awarded to you
- “Petitioner” if there are items in your possession that should be awarded to your spouse

Real estate: Include the address of the real estate in the first blank and the legal description of the property (found on the deed) on the lines. Check the box for the party who will keep the real estate. There is space in the form for two separate pieces of real estate. If you need to include additional real estate, attach a separate piece of paper.

Household furniture & appliances: List furniture and large appliances (e.g., refrigerator) and their estimated values on the lines. For each item, check the box for the party who will keep that property. If you need to include additional items, write them in the “Other Items” section.

Household furnishings: List household items (other than furniture and large appliances) and their estimated values on the lines. For each item, check the box for the party who will keep that property. If you need to include additional items, write them in the “Other Items” section.

Other items: List any other items and their estimated values on the lines. For each line, check the box for the party who will keep that property.

Retirement Funds: List any pensions, profit sharing, stock plans, 401Ks, IRAs, etc. and their estimated values on the lines. For each line, check the box for the party or parties who will be awarded these funds.

Motor Vehicles: Include the make, model, VIN number, and name of the lien holder (if any) for each vehicle on the lines. Check the box for the party who will keep the vehicle. The form has space for three separate vehicles. If you need to include information for additional vehicles, attach a separate piece of paper.

6. COMMUNITY DEBTS:

List community debt sources and amounts (e.g., Visa card, $2000). For each line, check the box for the party or parties who will pay the debt.

7. SEPARATE PROPERTY:

This section confirms separate property that you or your spouse brought into the marriage or received through gift or inheritance during the marriage. List the property items and their estimated values (e.g., bike, $75). For each line, check the box to show who owns the item.

8. SEPARATE DEBTS:

This section confirms separate debts that you or your spouse acquired before the marriage. List the debt sources and amounts (e.g., student loans, $15k). For each line, check the box to show which party is responsible for the debt.

9. THE PARTIES WILL FILE THEIR FEDERAL AND STATE INCOME TAX RETURNS AS FOLLOWS:

This section states that you and your spouse have already filed or will file joint income tax returns for the years of your marriage, except for the year during which you get divorced. For the year you get divorced, and for all of the years after, you will file separate and individual returns.

- If you have a different agreement about the manner you and your spouse will file taxes, write it on the lines for "Other."

10. ADDITIONAL ORDERS:

This section is optional. You may leave it blank.

- If there is something extra that you want the judicial officer to order, you can describe it here.

11. LIMITATION ON JURISDICTION:

This statement confirms that the Respondent was personally served with the Petition. The court CANNOT sign a decree for spousal maintenance or the division of community property and debts if the Petition was not served personally. For more information, see Packet # 10, *Service on the Other Party*.

SIGNATURES

Leave the first date line and the Judge/Commissioner line blank. The judicial officer will sign and date the Decree at the end of the hearing.

- Sign the "Petitioner" line and date it.
  - If the Respondent is agreeing to the terms of the Decree, then the Respondent should also sign and date the form.

Name: _____
Address: _____
City, State, ZIP: _____
Daytime Telephone No: _____
Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No. _____

_____
Petitioner

DECREE OF DISSOLUTION OF MARRIAGE (WITHOUT CHILDREN)

_____
Respondent

THE COURT FINDS AS FOLLOWS:

1. This case has come before this court for final orders. The court has either taken all testimony needed to enter a final Decree of Divorce/Dissolution, or has determined that no testimony need be taken to enter the final Decree of Divorce/Dissolution.

2. This court has jurisdiction over the parties under the law, and the provisions of this Decree are fair and reasonable under the circumstances.

3. The court finds that:

   a. At the time this action was filed, one of the parties had lived in Arizona for more than 90 days, or had lived in Arizona while a member of the United States Armed Forces for more than 90 days.

   b. The provisions of A.R.S. § 25-381.09 relating to the Conciliation Court either do not apply or have been met.

   c. The marriage is irretrievably broken.

   d. ☐This is NOT a covenant marriage OR ☐This IS a covenant marriage

   e. Where it has the legal power to do so and where it is applicable to the facts of this divorce, this court has considered, approved, and made Orders relating to issues of spousal maintenance (alimony), and the division of property and/or debts.

   f. As to property and debts,

      ☐ The parties did not acquire any community property or debts during the marriage.

      OR

      ☐ The parties have agreed to a division of community property and debt as evidenced by their signatures on the bottom of this document and as described in sections 5 and 6 of this order.

      OR

      ☐ There is no agreement as to division of property and debt, but all community property and debt is divided pursuant to sections 5 and 6 of this order.

   g. Wife is

      ☐ NOT pregnant

      ☐ IS pregnant, and the husband ☐ IS or ☐ IS NOT the father of the child(ren).

h. **Check and complete only if spousal maintenance is ordered.**

☐ Petitioner OR ☐ Respondent lacks enough property, including property given to him or her as part of this divorce, to provide for his or her reasonable needs, and is unable to support himself or herself through an appropriate job or is of a condition that he or she should not be required to look for work outside of 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 which may severely limit the possibility of getting a job in order to support himself or herself.

THE COURT ORDERS THAT:

1. The marriage of the parties is dissolved and the parties are restored to the legal status of single persons.

2. **CHANGE OF NAME:**

☐ Petitioner's OR ☐ Respondent's last name is restored to _____.

3. **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) _____ shall be 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, together with the highest legal interest allowed by law.

4. **SPOUSAL MAINTENANCE:**

☐ Neither party has to pay spousal maintenance (alimony) to the other party

OR

☐ Petitioner OR ☐ Respondent is **ordered to pay TO** ☐ Petitioner OR ☐ Respondent the sum of $ _____ month spousal maintenance **BEGINNING THE FIRST DAY OF THE MONTH** after this decree is signed and by the first day of each month thereafter until receiving party is remarried or deceased or until _____ (date). All payments shall be made directly to ☐ Petitioner OR ☐ Respondent OR ☐ the Support Payment Clearinghouse, until all required payments have been made under this Decree or until remarriage or of the recipient or death of either party.

5. **THE COMMUNITY PROPERTY AND DEBTS SHALL BE DIVIDED AS FOLLOWS:**

	PETITIONER	RESPONDENT
Property in each party's possession	☐	☐
Real Estate at: _____	☐	☐

Legal Description (from the Deed): _____

_____

_____

	PETITIONER	RESPONDENT
Real Estate at: _____	☐	☐

Legal Description (from the Deed): _____

_____

_____

Household furniture and appliances: (For example: Bedroom furniture, $250)	PETITIONER	RESPONDENT
1. _____	☐	☐
2. _____	☐	☐
3. _____	☐	☐
4. _____	☐	☐
5. _____	☐	☐
6. _____	☐	☐
7. _____	☐	☐
8. _____	☐	☐
9. _____	☐	☐
10. _____	☐	☐

Household furnishings: (For example: Lamp, $30)	PETITIONER	RESPONDENT
1. _____	☐	☐
2. _____	☐	☐
3. _____	☐	☐
4. _____	☐	☐
5. _____	☐	☐
6. _____	☐	☐
7. _____	☐	☐

8. _____ ☐ ☐

9. _____ ☐ ☐

10. _____ ☐ ☐

Other items:	PETITIONER	RESPONDENT
1. _____	☐	☐
2. _____	☐	☐
3. _____	☐	☐
4. _____	☐	☐
5. _____	☐	☐
6. _____	☐	☐
7. _____	☐	☐
8. _____	☐	☐
9. _____	☐	☐
10. _____	☐	☐

Retirement Funds: Pension/Profit Sharing/Stock Plan/401K/IRA:	PETITIONER	RESPONDENT
1. _____	☐	☐
2. _____	☐	☐
3. _____	☐	☐
4. _____	☐	☐
5. _____	☐	☐
6. _____	☐	☐
7. _____	☐	☐

8. _____ ☐ ☐

9. _____ ☐ ☐

PETITIONER **RESPONDENT**

Motor vehicle: _____ ☐ ☐

Make: _____ Model: _____

VIN: _____ Lien Holder: _____

Motor vehicle: _____ ☐ ☐

Make: _____ Model: _____

VIN: _____ Lien Holder: _____

Motor vehicle: _____ ☐ ☐

Make: _____ Model: _____

VIN: _____ Lien Holder: _____

6. **Community Debts Shall Be Paid As Follows:** **PETITIONER** **RESPONDENT**
(For example: Visa card, $2000)

1. _____ ☐ ☐
2. _____ ☐ ☐
3. _____ ☐ ☐
4. _____ ☐ ☐
5. _____ ☐ ☐
6. _____ ☐ ☐
7. _____ ☐ ☐
8. _____ ☐ ☐
9. _____ ☐ ☐
10. _____ ☐ ☐

7. **Separate Property is Confirmed as Follows:** **PETITIONER** **RESPONDENT**
(For example: bike, $75)

1. _____ ☐ ☐
2. _____ ☐ ☐
3. _____ ☐ ☐
4. _____ ☐ ☐
5. _____ ☐ ☐
6. _____ ☐ ☐
7. _____ ☐ ☐
8. _____ ☐ ☐
9. _____ ☐ ☐
10. _____ ☐ ☐

8. **Separate Debt is Confirmed as Follows:** **PETITIONER** **RESPONDENT**
(For example: student loans, $15k)

1. _____ ☐ ☐
2. _____ ☐ ☐
3. _____ ☐ ☐
4. _____ ☐ ☐
5. _____ ☐ ☐
6. _____ ☐ ☐
7. _____ ☐ ☐
8. _____ ☐ ☐
9. _____ ☐ ☐
10. _____ ☐ ☐

9. THE PARTIES WILL FILE THEIR FEDERAL AND STATE INCOME TAX RETURNS AS FOLLOWS:

After the judicial officer signs the Decree of Dissolution of Marriage (Divorce), the parties have paid or will pay federal and state taxes as follows: For the years they were married but not including the year the Decree was signed, the parties have already filed or will file joint federal and state income tax returns. For these previous years, the parties will also pay and hold the other harmless from ½ of all additional income taxes, if any, and all other costs, and share equally in refunds. For the calendar year that the Decree was signed, and for all future years, each party will file separate federal and state income tax returns and each will give the other party all necessary documentation to do so.

Other: _____

_____

_____

10. ADDITIONAL ORDERS:

The Court further orders that _____

_____

_____

_____

_____

11. LIMITATION ON JURISDICTION:

This court cannot make a legal order, without personal service on Respondent, with respect to issues of community debts or property or spousal maintenance.

DATED: _____ _____

Judge/Commissioner of the Superior Court

Submitted by Petitioner: _____ Date: _____

Approved by Respondent (if applicable): _____ Date: _____