

# DIVORCE WITH CHILDREN PETITION



## Packet #2



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) the users' reliance upon the instructions or information provided.

# Are you the victim of domestic violence?



## ***Important! Read this first...***

Unfortunately, domestic violence may occur in any marriage and may be directed against you personally or against your children.

**You are a domestic violence victim if you or your children have experienced any of the following:**

- Physical acts like hitting, slapping, pushing or kicking
- Threats of physical violence by phone or in person
- Abusive words and/or behavior used to control you or put you in any kind of danger
- Being followed around throughout the day or having your interaction with others monitored
- Being forbidden to leave your house or being taken against your will and kept at any other location
- Having your spouse enter the house against your will, behave in a disorderly manner and/or damage property
- Conduct that involves disobeying court orders, including interfering with your parenting time



- You **DO NOT** need to have been seen at a hospital or at a doctor's office.
- Your spouse **DOES NOT** need to have been convicted of domestic violence or assault.

**You can get an IMMEDIATE Order of Protection to keep your spouse away from you and your children by obtaining a Petition for Order of Protection from the Clerk of the Court on the first floor of the Pima County Superior Court, Room 131A. You may submit the Petition to any of the following court locations between the hours of 8 a.m. and 4:30 p.m.**

Tucson City Court  
103 E. Alameda St.  
520-791-4971

Pima County Juvenile Court Center  
2225 E. Ajo Way  
520-724-2045

Pima County Consolidated Justice Court  
240 N. Stone Avenue  
520-724-3171

Pima Superior Court Clerk's Office  
110 W. Congress, 1<sup>st</sup> floor  
520-724-3210

**To get an Order of Protection after hours or on weekends or holidays, call:**

Tucson Police Department  
520-741-4444

Pima County Sheriff's Department  
520-351-4900

***In case of emergency, call 911.***



**If you are in a protected location or shelter**

**DO NOT put your address or phone number on the court documents!**

**If possible, get a P.O. Box or use another valid mailing address on the papers, and tell the Clerk of the Court about your existing Order of Protection and case number.**

You can ask for a Protected Address with the ***Request for a Protected Address*** form. Both the ***Request for a Protected Address*** and ***Order for a Protected Address*** are included at the end of this packet.

You can find more information about Orders of Protection at the Clerk of Court located on the first floor of Pima County Superior Court (110 West Congress Street, Tucson Arizona 85701). They are open from 8:00 am to 5:00 pm Monday through Friday (except holidays). For more information, call (520) 724-3210.



## General Information & Frequently Asked Questions

This packet contains general information, instructions and court forms for you to complete and file with the court.

### What is a Petition for?

A petition is a written, legal request for a divorce.

### What do “Petitioner” and “Respondent” mean?

Because you are the one asking and filing for divorce, you are called the PETITIONER. Your spouse is the RESPONDENT on all your divorce documents.

### Are there any requirements for filing for divorce in Arizona?

In order to file for a divorce in Arizona, you or your spouse **must have lived** in Arizona for at least 90 days before you file. If you are in the military, then you have to have been stationed in Arizona for at least 90 days.

If you have not lived in Arizona for at least 90 days **DO NOT FILE**. You have to wait until you have lived here at least 90 days.

If the judge needs to decide on matters about children, like parenting time or child support, then Arizona must be your children’s home state (primary place of residence). This means your children must have lived in Arizona for **at least 6 months** before you file.

If you are not sure if Arizona is the home state (primary place of residence) for your children, talk to a lawyer before filing for divorce.

Arizona is a **no-fault divorce state**. You only need to show that the marriage is irretrievably broken (meaning there is no reasonable possibility of getting back together).



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 something is done

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

### **Should I see a lawyer for help?**

Court cases can be very complicated, and even if you are representing yourself you should see a lawyer for legal advice as to how the law applies to you, and what is best in your particular situation. This might save you time, money and trips to court, and help you to avoid serious mistakes.

There are lawyers who will help you. They will only charge you for giving you the help you need, and you can complete the court papers on your own or ask the lawyer for help with your papers. For more information, call the Self-Service Center at (520) 724-8456 and ask how to find an attorney.

### **Where is the Self-Service Center?**

The Self-Service Center is located in the Pima County Law Library, Room 256, on the second floor of the Pima County Superior Court (110 West Congress Street, Tucson, Arizona 85701). It is open from 8 a.m. to 5 p.m. Monday through Friday (except holidays). For more information, call (520) 724-8456 or email [pcll@sc.pima.gov](mailto:pcll@sc.pima.gov).

### **What is “Sensitive Data” and why do I need to fill out a separate form?**

Sensitive data, or sensitive information, is information that you might not want other people to see. Sensitive data includes your social security number, bank account number, credit card number, and other financial account numbers.

Court documents, for the most part, can be seen by anyone. If you need to include any of the types of information listed above in your Petition, you should write “SEE CONFIDENTIAL SENSITIVE DATA FORM” where you would normally put that information. Then you need to fill out the *Confidential Sensitive Data Form*, which is included at the end of this packet. This is where you will write the actual sensitive information.

This is important because the “Confidential Sensitive Data Form” will not be seen by the public.

If you ever need to give the court new information, then you should file an updated sensitive data form. Include all other sensitive data forms that you have already given the court, plus any new sensitive information that you need to tell the court.



**Anyone who includes “sensitive data” in documents filed with the court, other than on a Confidential Sensitive Data Form, does so at their own risk.**

# How Do I get a Divorce?

There are a few steps you have to take in order to get a divorce.



## Step 1. File your divorce papers

To file a Petition for Divorce, use the forms and instructions in this packet. This first set of paperwork is the beginning of the divorce process.

## Step 2. Serve the divorce paperwork

A copy of your petition must be officially served on your spouse. This tells your spouse that you are asking for a divorce and gives your spouse an opportunity to file a Response to your petition. This step is very important! There are specific directions for how to officially serve the Petition on your spouse. Forms and instructions are in Packet #10 *Service of Papers*.

## Step 3. Request a default decision OR go forward with a divorce trial

If your spouse does not file a Response to your Petition through the court within the time limits of the Summons (see Packet #10 *Service on the Other Party*), the divorce can proceed as a Default. A Default means that the court will order everything legally reasonable you asked for in your Petition. Before your divorce can proceed as a Default, you must file an application for Default. Forms and instructions are in Packet #11 *Obtaining a Default Decree*.



If your spouse filed a Response and you cannot reach an agreement, you will need to have a divorce trial. Forms and instruction are in Packet #14 *Trial Preparation*. If this is the case, **you should seek the advice of a lawyer.**

## Step 4. Get a final decision

To make your divorce final, you have to fill out a Decree to be signed by the judicial officer. The Decree is the final order from the court granting you the divorce and deciding the other issues related to the divorce. Forms and instructions are in Packet #4 *Divorce with Children Decree*.



## ***What about my children?***

Because your divorce involves minor children, you and your spouse are required to attend the Domestic Relations Education on Children's Issues Course (Parent Education Class). You must complete this class within the first 45 days after your Divorce Petition was served on you. You are not responsible for your spouse's attendance, but no request regarding Legal Decision-Making or Parenting Time will be granted to a non-attending spouse, and the course must be completed before attending Conciliation Court

Mediation. There is a fee for this class. You can register for the course at

[www.sc.pima.gov/fccc/parented](http://www.sc.pima.gov/fccc/parented) or by calling **520-243-4949**.

## ***What if my spouse and I disagree about the children?***

If you and your spouse cannot agree on a plan for how each of you will spend time with the children or make legal decisions for them, you will eventually be required to attend Conciliation Court Mediation for help in writing a Parenting Plan for your minor children (See Packet #9 *Legal Decision-Making and Parenting Time*). You will both meet with a neutral third party to get help in solving your problems. Mediation does not deal with child support (see Packet #8 *Child Support*), spousal maintenance (alimony), or division of property or debts. You can ask for mediation at any time with Packet #15 *Mediation*.



***Mediation is offered as a free service only through the Conciliation Court.***

# How much will all this cost?

## FEES IN GENERAL

As of May 2014, the cost to file:

- Packet #2 *Divorce with Children Petition*: \$263
- Packet #3 *Divorce with Children Response*: \$194
- Packet #5 *Divorce without Children Petition* \$263
- Packet #6 *Divorce without Children Response* \$194
- Packet #18 *Paternity* \$258
- Packet #19 *Paternity Response* \$189
- Petitions for "post-decree" matters, such as Child Support Modification: \$84



## OTHER EXPENSES INCLUDE:

- The mandatory Parent Education Class fee: \$45 (details on page 7)
- Legal record copies through the Clerk of the Court, per page: \$0.50
- General use copies made in the library, per page: \$0.15

**NOTE:** You have to pay fees to file documents for your divorce. If you can't afford the court fees or other costs for a divorce, you may be able to get a deferral or waiver.

## HOW TO GET A DEFERRAL OR WAIVER

You can apply for a full waiver or deferral of the fees if you cannot pay.

- A **deferral** means that you do not have to pay any fees at the beginning of your case, but you will be expected to pay on a predetermined schedule.
- A **waiver** means that you do not have to pay the fees at all.
- Not everybody who requests a deferral or waiver receives one.
- You file for a deferral or waiver at the same time you file your petition or response.

For more information see Packet #12 *Deferral/Waiver of Fees & Costs*

# Volunteer Lawyers Program Domestic Relations Clinic



Pima County Superior Court has a program through which free assistance is given to people representing themselves in a family law matter.

At the clinic, someone will review your Decrees, Child Support Orders, and Income Withholding Orders to help ensure these documents are complete and legally correct.

***Making use of the Clinic is in your best interest.*** The judicial officer will not sign any documents that are incorrect or incomplete. In such cases, you will have to leave, correct your documents, and then schedule another hearing.

To schedule an appointment call the Pima County Law Library at **520-724-8456**, or go in person to the library on the second floor of the Pima County Superior Court for information.

## **There are lawyers who will help you help yourself**

This means that they will only charge for the help you need, and you can complete the court papers on your own.

Court cases can be quite complicated, and talking to a lawyer can help you avoid serious mistakes and save you time, money and trips to the court.

For more information, call the Self-Service Center at **520-724-8456** and ask how to find an attorney. You can also contact the Pima County Bar Lawyer Referral Service by calling **520-623-4625**. You can have one-half hour with a family lawyer for a small fee or you may be directed to an attorney who will represent you for a reduced fee.

**We encourage you to also make use of the additional resources following this page for more information on finding a lawyer.**

## Additional Resources Available to You

Getting a divorce can be confusing and scary. If you feel you need help with parts of the divorce process, you can hire a “limited-scope attorney” who will only charge for giving the help you need. The Self-Service Center and the Domestic Relations Clinic will help you review your documents if you prefer to complete them on your own.

### To Find a Lawyer:

Pima County Bar Association Lawyer Referral Service: 520-623-4625

Family Law Self-Service Center: 520-724-8456

Southern Arizona Legal Aid: 520-623-9465

### Mediation Services and Parent Education:

Pima County Conciliation Court: 520-724-5590

- Provides free mediation services to residents of Pima County
- Administers Parent Education Classes

### Model Parenting Time Plans:

<http://www.azcourts.gov/portals/31/parentingTime/PPWguidelines.pdf>.

### Child Support Help:

Arizona DES Child Support Enforcement Division website:

[https://www.azdes.gov/az\\_child\\_support](https://www.azdes.gov/az_child_support)

### Child Support Calculator:

<http://www.azcourts.gov/familylaw/2011ChildSupportCalculator.aspx>

### Other resources you may find helpful:

Arizona Revised Statutes (A.R.S.):

<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=25>

Pima County Bar Association Public Resource Page:

<http://www.pimacountybar.org/legal-resources>

State Bar of Arizona:

<http://www.azbar.org/Public>

Law Library website:

<http://www.sc.pima.gov/lawlibrary>

# General Instructions for Completing this Packet



You may type or write on the forms, but you must use black ink.

This packet contains the following nine forms that must be filled out and submitted to the court:

- **Domestic Relations Cover Sheet**
- **Summons**
- **Preliminary Injunction**
- **Petition for Dissolution of Marriage**
- **Confidential Sensitive Data Form**
- **Affidavit Regarding Minor Children**
- **Order to Complete Parent Education**
- **Notice of Right to Convert Health Insurance**
- **Creditor's Notification**

## The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal Information** – Fill in your name, street address, City, State, ZIP code, and telephone number.
- **Case No.** – Leave this blank. The Clerk will fill in this information for you when you file your Petition.
- **Petitioner/Plaintiff** – Enter your name as the Petitioner.
- **Respondent/Defendant** – Enter the name of your spouse as the Respondent.

At the end of the instructions, there are directions on how to file these forms with the court once they are completed. If you need a deferral or waiver, you must file the request for a deferral or waiver with this packet.

For more information see Packet #12 *Deferral/Waiver of Fees & Costs*



## Instructions for Completing the Domestic Relations Cover Sheet

### **PETITIONER'S ATTORNEY and ATTORNEY No**

- Write "none" in both spaces.

### **PETITIONER'S NAME and PETITIONER'S ADDRESSES**

- Fill in your name and address, unless you are requesting a Protected Address.

### **RESPONDENT'S NAME**

- Fill in your spouse's name.

### **CASE PREFERENCE**

- If Legal Decision-Making or Parenting Time is a contested issue, write A.R.S. § 25-407(A).

### **NATURE OF ACTION**

- Check the box that says "Dissolution."
- Leave the rest of the form blank.

**DOMESTIC RELATIONS COVER SHEET**

Complete this form to the best of your ability and include all known petitioners and respondents.

For Court Use Only
DATE FILED: _____
CASE NUMBER: _____
JUDGE: _____

**PLEASE TYPE OR PRINT**

PETITIONER'S ATTORNEY \_\_\_\_\_ ATTORNEY No. \_\_\_\_\_

PETITIONER'S NAME (s) (List All)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PETITIONER'S ADDRESSES (s)  
(Include only if not represented by an attorney)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

RESPONDENT'S NAME (s) (List All)

\_\_\_\_\_

\_\_\_\_\_

CASE PREFERENCE \_\_\_\_\_  
(cite statute or rule)

EMERGENCY ORDER SOUGHT:

- TEMPORARY RESTRAINING ORDER
- PRELIMINARY INJUNCTION
- OTHER \_\_\_\_\_  
(Specify)

**NATURE OF ACTION**

Place an "x" in the box which describes the nature of the case you are filing.  
If more than one, circle the predominant one.

**DISSOLUTIONS (300)**

- Dissolution
- Foreign Decree
- Pre-Judgment OSC
- Post-Judgment OSC
- Special Paternity – Maternity (310)
- Annulment (320)
- Legal Separation (330)
- Reciprocal Support (350)
- Domestic Violence (360)

**UNCLASSIFIED DOMESTIC (370)**

**DOMESTIC CUSTODY**



## Instructions for Completing the Summons Form

- At the top of the form, fill in your name, street address, City, State, ZIP code, and telephone number, unless you are requesting a Protected Address.
- In the space that says “Petitioner,” fill in your name.
- In both spaces that say “Respondent,” fill in your spouse’s name.
- Leave the rest of the form blank.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner/Plaintiff

and

\_\_\_\_\_  
Respondent/Defendant

### SUMMONS (Family Law)

**WARNING. THIS IS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

FROM THE STATE OF ARIZONA TO \_\_\_\_\_

(Name of Respondent)

1. A lawsuit has been filed against you. A copy of the lawsuit and other related court paperwork is served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file a Response in writing with the Court, and you must pay the required filing fee. To file your Response, take or send the papers to: **Office of the Clerk of the Superior Court, 110 West Congress, Tucson, Arizona 85701.** Mail a copy of the Response to your spouse, the Petitioner, at the address listed on the top of this Summons.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Response must be filed within TWENTY (20) CALENDAR DAYS from the date of the service, not counting the day of service. If the papers were served on you outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS, not counting the day of service.
4. Requests for reasonable accommodations for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.
5. Either spouse, or both spouses, may file in the conciliation court a petition invoking the jurisdiction of the court for the purpose of preserving the marriage by effecting conciliation between the parties.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of Pima this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CLERK OF THE SUPERIOR COURT

By \_\_\_\_\_  
Deputy Clerk



## Instructions for Completing the Preliminary Injunction

- At the top of the form, fill in your name, street address, City, State, ZIP code, and telephone number, unless you are requesting a Protected Address.
- In the space that says “Petitioner,” fill in your name.
- In the space that says “Respondent,” fill in your spouse’s name.
- Leave the rest of the form blank.



It is important that you read this form carefully because you will be required to follow these orders after you file the Petition. Among other things, this injunction forbids you and your spouse from taking certain actions affecting your joint property.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner/Plaintiff

and

\_\_\_\_\_  
Respondent/Defendant

### PRELIMINARY INJUNCTION FROM THE COURT AGAINST BOTH PETITIONER AND RESPONDENT

**WARNING TO PETITIONER AND RESPONDENT: 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 AN ATTORNEY FOR LEGAL ADVICE.**

A Petition for Dissolution (Divorce) has been filed with the court by your spouse. As a result, this Order is made at the direction of the Presiding Judge of the Superior Court of Arizona, Pima County, under the authority of Arizona Law, A.R.S. § 25-315 (A). This Order has the same force and effect as an Order personally signed by the Judge. You and your spouse are required to follow this Order. It may be enforced by any remedy available under the law, including an order of CONTEMPT OF COURT.

1. **ACTIONS BY YOU OR YOUR SPOUSE WHICH ARE FORBIDDEN BY THIS ORDER:** From the time this Petition for Dissolution (Divorce) is filed with the court, until a Decree of Divorce is entered, or until further Order of the court, both the PETITIONER AND THE RESPONDENT shall not, by Order of this court, take any of the following forbidden actions:

**NOTE: THE LAW REQUIRES THAT THE EXACT LANGUAGE OF A.R.S. § 25-315(A) BE INCLUDED IN THIS ORDER. FURTHER EXPLANATION OF THE REQUIREMENTS OF THIS ORDER ARE INCLUDED HERE BEFORE THE ACTUAL STATUTE (LAW). READ THE EXPLANATION, WHICH IS FOLLOWED BY THE STATUTE ITSELF. IF YOU HAVE FURTHER QUESTIONS YOU SHOULD CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

- a. **RESTRICTIONS ON YOUR JOINT PROPERTY:** This Order recognizes that since you and your spouse both may have an interest in property acquired or paid for during the marriage, you may not hide earnings or property from your spouse; you may not take out a loan on any of this property; you may not sell it or give it away to someone else, UNLESS you have the written permission of your spouse or permission in writing from the court. The law does recognize that there may be situations where joint or community property may need to be transferred as part of the everyday running of a business, or that occasionally the sale of community property is necessary to meet necessities of life, such as food, shelter, or clothing or court fees and reasonable attorney fees associated with this action.

- b. **RESTRICTIONS ON YOUR BEHAVIOR:** The Order is designed to protect you, your spouse, and your children from actions by your spouse which may be disruptive, or physically or emotionally harmful. While Divorce can be a difficult process, it does not give either spouse the right to either harass or bother the other spouse or the children. The court does not tolerate physical abuse or threats in any form.
- c. **RESTRICTIONS ABOUT YOUR CHILDREN:** This Order specifically states that you cannot take your common children out of the state of Arizona for any reason, without a written agreement between you and your spouse or a court Order, **before** the children are taken from the state. This Order is designed to allow both parents continuing access to and contact with the children.
- d. **RESTRICTIONS ABOUT INSURANCE:** Do not remove or cause to be removed the other party or the 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.

**Arizona Law, A.R.S. § 25-315(A) specifically provides as follows:**

1. The preliminary injunction shall be directed to each party of the action and contain the following orders:
  - a. 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.
  - b. That both parties are enjoined from molesting, harassing, disturbing the peace of or committing an assault or battery on the person of the other party or any natural or adopted child of the parties.
  - c. That both parties are enjoined from removing any natural or adopted child 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.
  - d. That both parties are enjoined from removing or causing to be removed the other party or the children of the parties from any existing insurance coverage, including medical, hospital, dental, automobile and disability insurance. That 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 (the Petitioner) when the Petition was filed with the court. It is effective against the other party (the Respondent) when it is served according to law. If service is made upon the Respondent by registered mail according to the Arizona Rules of Civil Procedure, the Order is effective upon receipt of the Order by the Respondent. This Order shall remain in effect until further order of the court, or the entry of a Decree of Dissolution, Legal Separation, or Annulment is filed or the action is dismissed.
3. **ADDITIONAL ORDER TO PETITIONER:** You must serve a copy of this Order upon the Respondent with the copy of the Petition for Dissolution or Legal Separation and the Summons and other required court papers.

**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 IN DISOBEYING THIS ORDER.**

**YOU OR YOUR SPOUSE MAY FILE A CERTIFIED COPY OF THIS ORDER WITH YOUR LOCAL LAW ENFORCEMENT AGENCY. A CERTIFIED COPY MAY BE OBTAINED FROM THE CLERK OF THE COURT WHICH ISSUED THIS ORDER. IF YOU ARE THE PERSON THAT BROUGHT THIS ACTION, YOU MUST ALSO**

**FILE EVIDENCE WITH THE LAW ENFORCEMENT AGENCY THAT THIS ORDER WAS SERVED ON YOUR SPOUSE.**

**THIS COURT ORDER IS EFFECTIVE UNTIL A FINAL DECREE OF DISSOLUTION OR OF LEGAL SEPARATION IS FILED OR THE ACTION IS DISMISSED.**

**GIVEN UNDER MY HAND AND THE SEAL OF THE COURT** this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

Clerk of the Superior Court

By: \_\_\_\_\_  
Deputy Clerk



# Instructions for Completing the Petition for the Dissolution of Marriage (Divorce) with Children

Use this form **ONLY** if you are getting a divorce and  
there **ARE** children involved!



Make sure your form is titled **PETITION FOR DISSOLUTION OF MARRIAGE  
(DIVORCE) WITH CHILDREN**

- At the top of the form, fill in your name, street address, City, State, ZIP code, and telephone number, unless you are requesting a Protected Address.
  - If you are a victim of domestic violence or are in a domestic violence shelter, you may be able to request a protected, valid mailing address for your divorce papers. See the information about victims of domestic violence at the beginning of this packet.
- In the space that says “Petitioner,” fill in your name.
- In the space that says “Respondent,” fill in your spouse’s name.

## **STATEMENTS MADE TO THE COURT, UNDER OATH OR AFFIRMATION:**

Sections 1 through 10 will give the court basic information about you, your spouse, your marriage and your children.

### **1. ABOUT ME, THE PETITIONER**

This is basic information about you, the Petitioner.

- Fill in your name, address, date of birth, occupation, and how long you have lived in Arizona.

### **2. ABOUT MY SPOUSE, THE RESPONDENT**

This is basic information about your spouse, the Respondent.

- Fill in your spouse’s name, address, date of birth, occupation, and how long your spouse has lived in Arizona.

### 3. ABOUT OUR MARRIAGE

This is general information about your marriage.

- Fill in the date you were married, and the City and State where you were married.
- If you were married outside the United States, list the country where you were married.

### 4. 90-DAY REQUIREMENT

This tells the court that you OR your spouse has lived in Arizona, or has been stationed here while in the Armed Forces, for at least 90 days.

- Check one of the boxes.
  - If you or your spouse has not lived in Arizona for at least 90 days, **you may not file for a divorce in Arizona.** You may file once you have lived in Arizona for 90 days.



### 5. DOMESTIC VIOLENCE

- This tells the court if there was ANY domestic violence in the marriage.
- In regards to domestic violence, it is important that you answer as truthfully as possible.
- Domestic violence can include physical violence against you or your children, such as hitting, slapping, pushing, or kicking. It can also include threats of physical violence made against you and your children, or regular verbal abuse used to control you.
- Your spouse does NOT need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a victim.
- This is important if you will be asking for Joint Legal Decision-Making or Parenting Time.
  - Mark the first box if there has been domestic violence.
  - If domestic violence has not occurred, go to #6 Pregnancy.

### 6. PREGNANCY

- If the wife is not pregnant, check the first box and go to #7.
- If the wife IS pregnant, check the second block and list the date the baby is due.
- Also check the box that explains who the parents are.

## 7. CHILDREN WHO ARE LESS THAN 18 YEARS OLD

- If there are no children under the age of 18 that have been born to or adopted by you or your spouse, you should **STOP!** You should be using Packet #5 *Petition for Dissolution of Marriage (Divorce) Without Children*. 
- Check the second box and provide the name, birth date for each child born to or adopted by you and your spouse. Use additional paper if necessary.
  - Arizona must be your children's home state (primary place of residence). This means your children must have lived in Arizona for **at least 6 months** before you file. If you are not sure if Arizona is the home state (primary place of residence) for your children, talk to a lawyer before filing for divorce.

## 8. LEGAL DECISION-MAKING AND PARENTING TIME (VISITATION)

- Check the first box if you and your spouse agree to act as Joint Legal Decision-Makers of your children.
  - You need to attach a Parenting Plan signed by both parties to this Petition.
  - More information about the Parenting Plan can be found in Packet #9 *Legal Decision-Making and Parenting Time*.
- Check the second box to request Sole Legal Decision-Making. Make sure you indicate whether you, the Petitioner, or your spouse, the Respondent, should be the Sole Legal Decision-Maker.
  - You need to attach a Parenting Plan signed by both parties to this Petition, if possible.
  - More information about the Parenting Plan can be found in Packet #9 *Legal Decision-Making and Parenting Time*.
- Select which type of parenting should apply.
- If you and your spouse cannot agree on a Parenting Plan, each of you will have to submit your own Parenting Plan.

For more information about the Parenting Plan, please refer to Packet #9 *Parenting Plan* and the Pima County Superior Court website, [www.sc.pima.gov](http://www.sc.pima.gov).

## 9. CHILD SUPPORT JURISDICTION

This section gives the court information about your spouse and why the court has the power to order child support.

- Check all the boxes that apply.
  - Information about child support can be found in Packet #1 *General Information* or Packet #8 *Child Support*.

### **INFORMATION ABOUT PROPERTY AND DEBTS:**

Sections 10 through 15 tell the court about your property and debts and how you think they should be divided.

**Community property** is any property you and your spouse bought or earned during your marriage. It doesn't matter who uses the property or who actually paid the money. *Both you and your spouse have a right to about an equal share of community property.*

**Community debts** belong to both spouses. It doesn't matter who spent the money or whose name is on the debt as long as it was created during the marriage. *Community debts should also be divided in half.*

**Separate property** is property that either spouse owned before the marriage or received during the marriage by gift or inheritance. Separate property is not divided during the divorce.

**Separate debts** are debts that either spouse had before the marriage or that happened after the divorce petition was served.

If you have questions, or you have a lot of community property and/or debts, you should consult a lawyer before you file your Petition.



## 10. COMMUNITY PROPERTY (Property Acquired During The Marriage)

This tells the court if you and your spouse have any community property.

- If you DO NOT have any community property, mark the first box and go to #12 Separate Property.
- If you DO have community property, mark the second box.

## 11. DESCRIPTION AND VALUE OF THE PROPERTY

Now you need to tell the court what property should go to you and what property should go to your spouse. The court will try to give both spouses about the same amount, unless there are good reasons not to divide it equally. Think carefully about what you think would be a fair division.

- If you already split the property before the divorce was filed, check “Property in each party’s possession” and check both Petitioner (you) and Respondent (your spouse). You may want to list property of anyway so that the order dividing the property is clear.
  - If you don’t list the property, you can move to #12 Separate Property (Property Acquired Before the Marriage).
- If you did not already split the property, list the specific items of property, about how much they are worth, and who should get them—the Petitioner (you) or Respondent (your spouse). Be as clear and detailed as possible. You can use the brand name and model.

#### **Real Estate (property or home)**

- Write the complete address of the property. Include the legal description of the property, such as “LOT 77, PINE TREE ACRES, according to Book 111 of Maps, etc.” You can find this information on your deed papers.
- Check who should receive it— the Petitioner (you) or Respondent (your spouse). You can ask the court to order it to be sold, with the profit divided between spouses.
  - Cemetery plots are considered real estate.
  - Mobile homes are considered real estate IF you own the land where the mobile home is sitting and the mobile home is permanently attached on that land. If not, a mobile home is a vehicle.

#### **Household furniture and appliances**

This includes sofas, beds, tables, refrigerators, etc.

- Be as clear and detailed as possible and check who should receive it—the Petitioner (you) or Respondent (your spouse).

#### **Household furnishings**

This generally includes things in the house that are not furniture, such as dishes, small appliances, rugs, etc.

- Be as clear and detailed as possible and check who should receive it—the Petitioner (you) or Respondent (your spouse).

**Other (explain)**

- List any items that have not already been included. Be as clear and detailed as possible and check who should receive it—the Petitioner (you) or Respondent (your spouse).

**Pension/Retirement Fund/IRA/Profit Sharing/Stock Plan/401K**

You and your spouse each usually have a right to a share of any spouse’s plan. How much depends on how long you were married and how long the pension or retirement plan was in effect. If you have been together the whole period of the plan, you could receive up to half of the plan.

- Mark this box if you want the court to divide either your or your spouse’s retirement or profit sharing/retirement/401K plan and check who should receive what—the Petitioner (you) or Respondent (your spouse).
  - If you mark this box, you should see an attorney about a document called a Qualified Domestic Relations Order or QDRO. This form is very complicated and difficult to file on your own. It almost always requires the help of a lawyer.
  - If you are not sure whether you or your spouse has a retirement plan, consult a lawyer.

**Motor vehicles**

- List the vehicle identification number, the year and make of the car (Ford, Chevrolet) and the model (Mustang, Camaro), etc.
- List any lien holders who are on the title to the vehicle. A lien holder is usually the finance company who loaned you the money to buy the vehicle.
- Remember, mobile homes NOT permanently attached to land that you own are considered vehicles.
  - Check who should receive the motor vehicle(s)—the Petitioner (you) or Respondent (your spouse).

## **12. SEPARATE PROPERTY (Property Acquired Before the Marriage)**

- If you and your spouse did not bring any property into the marriage and did not receive any gifts or inheritances during the marriage, mark the first box and go to #13 Community Debts (Debts Incurred During the Marriage).
- If you and your spouse have property that either of you brought into the marriage, or if you or your spouse received any gifts or inheritances during the marriage, mark the second box, and list each item and who should get each item—the Petitioner (you) or Respondent (your spouse).

## **13. COMMUNITY DEBTS (Debts Created During the Marriage)**

- If you and your spouse did not acquire any debts during the marriage, mark the first box and go to #14 Separate Debts (Debts From Before the Marriage).
- If you did acquire some debts during your marriage, mark the second box.
  - Tell the court what the debts are and who should pay them—the Petitioner (you) or Respondent (your spouse). Be sure to enter enough information to be clear about each specific debt.
- The court will require a fair split of the debts.
- If you get the property that money is owed on, you probably will also receive the debt.
- It is unusual for the court to order one person to pay all the debts.
- Think carefully about what is a fair split.



Keep in mind that the Divorce Decree will order the debts to be split, but this order is NOT binding on the creditors. For example, if a community debt for a specific credit card was awarded to your spouse, and the spouse does not pay the debt, the creditor can still come after you for payment. You would then have to take your spouse back to court to enforce the decree. For more information, please see the *Creditor Notification Form* which is included in this packet.

## **14. SEPARATE DEBTS (Debts From Before the Marriage)**

- If neither you nor your spouse has separate debts from before you were married (or any debts incurred while you have been separated), mark the first box and go on to #15 Tax Returns.

- If you do have separate debts, mark the second box, list the debts and check who should pay them—the Petitioner (you) or Respondent (your spouse). Be as clear and detailed as possible.

### **15. TAX RETURNS**

- Mark the first box if this is how you want to handle income tax returns.
- Check the “Other” box, if you want a different arrangement. Describe the tax arrangement you want the court to order.

### **16. SPOUSAL MAINTENANCE (Alimony)**

- Spousal maintenance, which used to be known as alimony, is money one spouse pays to the other to provide necessary support.
- Spousal maintenance is usually only for a specific period of time.
- Spousal maintenance is paid separate from child support and is NOT a substitute for or supplement to child support.
- The person who receives spousal maintenance will have to pay income tax on it. Spousal maintenance is tax deductible for the person who pays it.
  - If you think that neither spouse should receive spousal maintenance, mark the first box and go to the next section.
  - If any of the circumstances listed apply to you or your spouse, mark the box for either the Petitioner (you) or Respondent (your spouse). Mark the boxes that apply.

### **17. OTHER STATEMENTS MADE TO THE COURT UNDER OATH**



Each of these statements must be true at the time you file for divorce. If any of these statements are NOT true, you cannot file for divorce until they are true.

One of the spouses must believe that the marriage is “irretrievably broken,” which means that there is no way the marriage can be fixed and that there is no way you will get back together. If you believe your marriage is not irretrievably broken, please see Packet #16 *Conciliation* to request free marriage counseling through the Conciliation Court.

Check any of the statements that you believe are true.

## **REQUESTS I MAKE TO THE COURT:**

In this section, you are telling the court what you want ordered in the final decree.

### **1. DISSOLUTION (DIVORCE)**

This is your request to end your marriage by a Dissolution of Marriage (Divorce).

### **2. LEGAL DECISION-MAKING AND PARENTING TIME**

Order Legal Decision-Making and Parenting Time with Packet #9 *Parenting Plan*.

- You must attach a copy of your proposed Parenting Plan to this Petition. For more information about the Parenting Plan, please refer to Packet #9 *Parenting Plan* and the Pima County Superior Court website, [www.sc.pima.gov](http://www.sc.pima.gov).

### **3. CHILD SUPPORT**

- Mark the boxes to indicate who will pay child support.
- The amount of the support is generally based on the income of the parents and the amount of parenting time that each parent has. It is calculated according to the Arizona Child Support Guidelines.
- The amount of child support does not have to be determined now, but it will need to be decided later so that it can be included in the Decree.
- More information about Child Support can be found in Packet #1 *General Information* and Packet #8 *Child Support*.

### **4. INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN**

- Mark the box that shows which parent should provide insurance for the children.
- The parent who has the most affordable plan should generally provide the insurance.
- Child Support may change depending on the cost of insurance for the children.

### **5. TAX EXEMPTION**

Unless you and your spouse come to another agreement, the tax exemption should be divided between the two of you according to the percentages of your incomes. For example, if you both make the same wage, and have two children, each would get one exemption. If you only have one child, each would get the exemption every other year. If you make twice the amount your spouse makes, then you would receive the exemption two times out of three. More details can be found in Packet #8 *Child Support*.

## **6. SPOUSAL MAINTENANCE (ALIMONY)**

- If neither party is requesting spousal maintenance, mark the first box and go to #7 Community Property.
- If you are asking the court to order one spouse to pay spousal maintenance to the other spouse, mark the correct boxes and write in the amount of spousal maintenance and for how long it should be paid.
  - You may request that Spousal Maintenance be processed through a separate agency called The Support Payment Clearing House by checking the appropriate box.

## **7. COMMUNITY PROPERTY**

This asks the court to order the division of property that you requested in this Petition.

## **8. COMMUNITY DEBTS**

This asks the court to order the division of debt that you requested in this Petition.

If you or your spouse has acquired additional debts since you separated, and you want those debts to be considered separate and not community debts, write in the date of separation. Otherwise, the court will use the date of service of the Petition to determine the date community debt ended.

## **9. SEPARATE PROPERTY**

This asks the court to order you and your spouse to keep the separate property you each owned before you were married, or that you each received during the marriage by gift or inheritance, as described in this Petition.

## **10. SEPARATE DEBTS**

This asks the court to order you and your spouse to each be responsible for debts that each of you had from before the marriage, as described in this Petition.

## **11. NAMES**

If you want to be legally known by a maiden or former name, mark the correct box.

- Write in the new last name on the space provided.

- You may not require your spouse to be known by another name without your spouse's consent.

## **12. OTHER ORDERS THAT I AM REQUESTING**

This is where you ask the court anything else you want ordered in your Divorce that has not been covered already in your Petition.

- If you are not asking for any other orders, write "None."

## **OATH AND VERIFICATION OF PETITIONER:**

Sign this form in front of a notary. By doing so you are telling the court that everything in the Petition for Dissolution is true. Generally, you should sign all papers that you are filing at the Superior Court Clerk's Office. The Clerk will notarize the papers.

Now you need to read the **Notice of Right to Convert Health Insurance**, the **Creditor Notification Form** and the **Order to Complete Parent Education**.

Also, if applicable, fill out the **Order** and **Request for a Protected Address** located at the end of this packet.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Petitioner

and

\_\_\_\_\_  
Respondent

Case No. \_\_\_\_\_

### PETITION FOR DISSOLUTION OF MARRIAGE (DIVORCE) WITH MINOR CHILDREN

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

**1. ABOUT ME, THE PETITIONER**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Occupation: \_\_\_\_\_

Length of time I have lived in Arizona : \_\_\_\_\_

**2. ABOUT, MY SPOUSE, THE RESPONDENT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Occupation: \_\_\_\_\_

Length of time my spouse has lived in Arizona : \_\_\_\_\_

**3. ABOUT OUR MARRIAGE**

Date of Marriage: \_\_\_\_\_

City and state or country where we were married: \_\_\_\_\_

**4. 90-DAY REQUIREMENT**

Either I and/or  my spouse, has lived or been stationed, while a member of the Armed Forces, in Arizona for at least 90 days before I filed this petition. (WARNING TO PETITIONER: IF THIS STATEMENT IS NOT TRUE, YOU CANNOT FILE FOR A DIVORCE UNTIL IT BECOMES TRUE).

**5. DOMESTIC VIOLENCE:** For the court to order Joint Legal Decision Making and/or Equal Parenting Time, there must have been NO SIGNIFICANT domestic violence in marriage. Check which box is true: Significant domestic violence  HAS or  HAS NOT happened during this marriage.

**6. PREGNANCY**

Wife is not pregnant OR  
 Wife is pregnant and the baby is due on \_\_\_\_\_ and (check one box):  
 My spouse and I are the parents of the child, OR  
 I am not the parent of the child, OR  
 My spouse is not the parent of the child.

**7. CHILDREN OF THE PARTIES WHO ARE UNDER THE AGE OF 18:**

There are no children under the age of 18 either born to or adopted by the parties. NOTE: If you check this box STOP! You should use the packet DIVORCE WITHOUT CHILDREN PETITION.  
 The following children are under age 18 and were born to or adopted by my spouse and me, either BEFORE or DURING our marriage and the children reside in Arizona and/or Arizona is their home state.

Name \_\_\_\_\_  
Birth date \_\_\_\_\_

**8. LEGAL DECISION MAKING AND PARENTING TIME (VISITATION):** Award legal decision making and parenting time of the children common to the parties and less than 18 years old as follows:

**JOINT LEGAL DECISION MAKING:** Petitioner and Respondent agree to act as joint Legal Decision Makers of the child(ren) as set forth in the Joint Parenting Agreement or Parenting Plan signed by the parties, and attached to this Petition.

**SOLE LEGAL DECISION MAKING** for the minor child(ren) by:  Petitioner **or**  Respondent, subject to parenting time as follows:

**Reasonable parenting time** as set forth in the Parenting Plan attached to this Petition **or**

**Supervised parenting time** between the child(ren) and the Respondent is in the best interest of the child(ren) because: \_\_\_\_\_

The cost of supervised parenting time will be paid by  the parent being supervised; OR  the parent not being supervised; OR  shared equally by the parties.

OR

**No parenting time** to the Respondent is in the best interest of the child(ren) because:

\_\_\_\_\_

\_\_\_\_\_

**9. CHILD SUPPORT JURISDICTION** – This Court has jurisdiction under A.R.S. § 25-623 to order the other party to pay child support because:

- That person is a resident of Arizona
- I believe I will personally serve that person in Arizona
- That person agrees to have the case decided here and will file a response
- That person resided with the child in Arizona
- That person resided in Arizona and provided pre-birth expenses or support for the child.
- The child resides in Arizona as a result of the acts or directives of that person
- That person had sexual intercourse in Arizona and the child may have been conceived by that act of intercourse
- That person signed a birth certificate that is filed in Arizona
- That person did other acts which substantially connect that person with the State of Arizona

**10. COMMUNITY PROPERTY (PROPERTY ACQUIRED DURING THE MARRIAGE)** - check one box

- My spouse and I did not acquire any community property during the marriage.
- My spouse and I did acquire community property during our marriage, and it should be divided as follows:

**11. DESCRIPTION AND VALUE OF THE COMMUNITY PROPERTY AND HOW IT SHOULD BE DIVIDED.**

**TO PETITIONER                      TO RESPONDENT**

Property in each party's possession                      

Real estate at: \_\_\_\_\_                         
 Legal Description (from the Deed): \_\_\_\_\_

Real estate at: \_\_\_\_\_                         
 Legal Description (from the Deed): \_\_\_\_\_

Household furniture and appliances:  
 (For example: Bedroom furniture: \$250)

\_\_\_\_\_                      

\_\_\_\_\_

_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

Household furnishings:  
 (For example: lamp: \$30)

_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

Other items:

_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

Retirement Funds: Pension/Profit Sharing/Stock Plan/401K/IRA:

_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

Motor	vehicle:_____	<input type="checkbox"/>	<input type="checkbox"/>
_____ Make:			
_____ Model:			
VIN:_____ Lien Holder:_____			

Motor	vehicle:_____	<input type="checkbox"/>	<input type="checkbox"/>
_____ Make:			
_____ Model:			
VIN:_____ Lien Holder:_____			

Motor	vehicle:_____	<input type="checkbox"/>	<input type="checkbox"/>
_____ Make:			
_____ Model:			
VIN:_____ Lien Holder:_____			

Motor	vehicle:_____	<input type="checkbox"/>	<input type="checkbox"/>
_____ Make:			
_____ Model:			
VIN:_____ Lien Holder:_____			

**12. SEPARATE PROPERTY (PROPERTY ACQUIRED BEFORE THE MARRIAGE) - check one box**

- My spouse and I do not have any property either of us brought into the marriage.
- My spouse or I have property that either of us brought into the marriage and it should be awarded as follows:

Description of Separate Property	PETITIONER	RESPONDENT
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

**13. COMMUNITY DEBTS (DEBTS INCURRED DURING THE MARRIAGE) - check one box**

- My spouse and I did not incur any community debts during the marriage.
- My spouse and I did incur community debts during the marriage and responsibility for these debts should be divided as follows:

Description and Amount of Community Debt	PETITIONER	RESPONDENT
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

**14. SEPARATE DEBTS (DEBTS INCURRED BEFORE THE MARRIAGE) - check one box**

- My spouse and I do not have any debts that were incurred before the marriage.
- My spouse or I have separate debts that were incurred before the marriage and the responsibility for these debts should be divided as follows:

Description and Amount of Separate Debt	PETITIONER	RESPONDENT
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

**15. TAX RETURNS - check one box**

- After the Judicial Officer signs the Decree of Dissolution of Marriage (Divorce), my spouse and I will pay federal and state taxes as follows: the years we were married but not including the year the Decree was signed, my spouse and I will file joint federal and state income tax returns. For these

previous years, my spouse and I will also pay and hold the other harmless from 1/2 of all additional income taxes, if any, and all other costs, and share equally in any refunds. For the calendar year that the decree was signed and 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 - describe any other tax arrangements you wish the Court to award:

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**16. SPOUSAL MAINTENANCE (ALIMONY) - check the box that applies to you**

- Neither party is entitled to spousal maintenance (alimony).
- Petitioner OR  Respondent is entitled to spousal maintenance because: (check ANY boxes that apply. At least one must apply to get spousal maintenance)
  - 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 a child or children whose age or condition is such that 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
  - Person 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

**17. OTHER STATEMENTS MADE TO THE COURT UNDER OATH - To obtain a divorce, you must be able to tell the Court that each of the following statements is true. If any of the statements is not true you cannot file for divorce until all the statements are true.**

- TRUE My marriage is irretrievably broken and there is no reasonable prospect of reconciliation.
- TRUE My marriage is not a covenant marriage.
- TRUE The conciliation requirements under Arizona law either do not apply or have been met.
- TRUE This court has jurisdiction to decide child legal decision - making/parenting time under Arizona law.

**REQUESTS I MAKE TO THE COURT**

1. **DISSOLUTION (DIVORCE):** Dissolve the marriage and return each party to the status of a single person.
2. **LEGAL DECISION-MAKING AND PARENTING TIME:** Order Legal Decision-Making and Parenting Time as set forth in the Parenting Plan attached to this Petition.
3. **CHILD SUPPORT:** Order that child support shall be paid **by:**  
 Petitioner **or**  Respondent **to**  Petitioner **or**  Respondent in a reasonable amount as determined by the court under the Arizona Child Support Guidelines (Child Support Order to be attached to Decree).

Support payments to begin:

- On the first day of the month after the Judge or Commissioner signs the Decree of Dissolution of Marriage **or**

- On the first day of the month after service of the Petition **or**
- On the first day of the month after our separation on (date: ) \_\_\_\_\_

NOTE: All payments, plus the statutory handling fee, to be paid through **The Support Payment Clearinghouse**, PO Box 52107, Phoenix, Arizona 85072-7107 to be paid by Income Withholding Order.

4. **INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN:** Order that  
 Petitioner **or**  Respondent shall pay for health, medical, and dental insurance coverage for the child(ren) common to the parties and less than the age of 18 years old. Petitioner and Respondent will pay for all reasonable unreimbursed medical, dental, health-related expenses incurred for the child(ren) in proportion to their respective incomes as described on the Parents' Worksheet, which shall be submitted with the Decree.

5. **TAX EXEMPTION:** The parties shall claim as income tax dependency exemptions on federal and state income tax returns as follows:

<b>Parent entitled to claim</b>	<b>Name of child</b>	<b>Current tax year</b>	<b>Later tax years</b>
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____	_____

6. **SPOUSAL MAINTENANCE (ALIMONY):**  
 Neither party is entitled to spousal maintenance.  
 Order spousal maintenance to be paid **by:**  Petitioner  Respondent **--- to ---**  
 Petitioner  Respondent in the amount of \_\_\_\_\_ per month beginning on  
 the first day of the month after the Judge or Commissioner signs the Decree of Dissolution of Marriage **or**  
 the first day of the month following the service of the Petition for Dissolution of Marriage, and continuing until the person receiving the spousal maintenance is remarried or deceased, or for \_\_\_\_\_ months, whichever occurs first.  
 Payments to be made directly to the person receiving the spousal maintenance, **or**  
 Payments, plus the statutory handling fee, to be paid through **The Support Payment Clearinghouse**, PO Box 52107, Phoenix, Arizona 85072-7107.

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

8. **COMMUNITY DEBTS:** Order each party to pay community debts as requested above in this 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 parties separated on (date: ) \_ or from the date of service of this Petition on Respondent.

9. **SEPARATE PROPERTY:** Award each party his or her separate property as requested above in this Petition.

10. **SEPARATE DEBTS:** Order each party to pay his or her separate debts as requested above in this Petition.





## Instructions for Completing the Affidavit Re: Minor Children

- At the top of the form, fill in your name, street address, City, State, ZIP code and telephone number unless you are requesting a Protected Address.
  - In the space that says “Petitioner,” fill in your name.
  - In the space that says “Respondent,” fill in your spouse’s name.
1. Check "Dissolution."
  2. Check whether the wife is pregnant.
  3. Check whether there are minor children of either or both parents who are in the custody of either or both parents. If there are no minor children, STOP using this packet. Please use Packet #5
  4. Check whether there were prior cases involving Legal Decision-Making or Parenting Time for your minor children in this or any other state. If there were other cases, mark the first box and give as much information as possible. This information could affect you or your children's rights in this case.
  5. Check whether there are any pending cases involving Legal Decision-Making or Parenting Time for your minor children in this or any other state. If there are other cases, mark the first box and give as much information as possible. This information could affect you or your children's rights in this case.
  6. Check whether you know of another person or agency (such as Department of Child Safety), other than your spouse, who has or claims to have Legal Decision-Making or Parenting Time, or other legal authority, over any of the children. If you know of such a person or agency, mark the first box and put the information here, including the child's name and the person or agency who claims to have these rights.
  7. List the mother’s last known mailing address.
  8. List the father’s last known mailing address.
  - 9a. List each minor child's name, birth date and birthplace. Use additional paper if necessary.

9b. List where the minor children from your marriage have been living **for the past 5 years**; if any children are under age 5, simply include information since their birth.

- List the dates of the child's residence, the address where the child resided, the name and present address of the person with whom the child resided during that period, and the relation of that person to the child.

Sign this document before the Clerk of the Court or a Notary Public and check the box labeled "Petitioner"



6. I  do  do not know of any person not a party to this proceeding who has legal decision-making authority or claims to have parenting time (custody) or visitation rights with respect to any child mentioned below. (If you do have such knowledge, state the name and address of the person, whether that person is claiming legal decision-making or parenting time, or is claiming visitation rights, and the name of the child involved.)

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7. Mother's mailing address is: \_\_\_\_\_

8. Father's mailing address is: \_\_\_\_\_

9. a) The minor child(ren) affected or of this action are:

<u>NAME</u>	<u>BIRTHDATE</u>	<u>BIRTHPLACE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

b) All the children have resided together at the following locations during the last five years:

DATES OF RESIDENCE	ADDRESS OF CHILD DURING PERIOD	NAME AND PRESENT ADDRESS OF PERSON HAVING LEGAL DECISION-MAKING OR PARENTING TIME (PHYSICAL CUSTODY) DURING RESIDENCE PERIOD	RELATION TO CHILD
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

NOTE: If any of the children have lived separately, give specific information for that child on an additional page.

\_\_\_\_\_  
 Petitioner     Respondent

**SUBSCRIBED AND SWORN** to before me this \_\_\_\_\_ day, 20 \_\_\_\_\_ by \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



## Instructions for Completing the Confidential Sensitive Data Form



About the Confidential Sensitive Data Form:

**The Divorce Petition and Response are public documents.** This means the public can see them in person or electronically.

**The Confidential Sensitive Data Form is not made available to the public.**

Sensitive data includes:

- Social security number
- Bank account number
- Credit card number
- Other financial account numbers



Use the Confidential Sensitive Data Form to provide sensitive data. This form will not be available to the public.

- At the top of the form, fill in your name, street address, City, State, ZIP code and telephone number unless you are requesting a Protected Address.
- In the space that says “Petitioner,” fill in your name.
- In the spaces that say “Respondent,” fill in your spouse’s name.
- Provide all other information pertaining to you, your spouse and your children, to the best of your ability.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No. \_\_\_\_\_

\_\_\_\_\_ Petitioner

and

\_\_\_\_\_ Respondent

### CONFIDENTIAL SENSITIVE DATA FORM

A. Personal Information:

Name	Date of Birth	Social Security Number
Petitioner: _____	_____	_____
Respondent: _____	_____	_____
Child: _____	_____	_____
Child: _____	_____	_____
Child: _____	_____	_____
Child: _____	_____	_____

B. Financial account numbers (including credit cards, financial institution accounts, investments, debts):

Financial Institution	Type of Account	Name(s) on Account	Account #
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

C. Pension and retirement accounts (including IRAs, 401ks):

Financial Institution	Type of Account	Name(s) on Account	Account #
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

D. Life insurance policies:

Insurance Company	Type of Policy	Name(s) on Policy	Policy #
_____	_____	_____	_____
_____	_____	_____	_____

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

### ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Petitioner  
and  
\_\_\_\_\_  
Respondent

CASE NO. \_\_\_\_\_

#### ORDER TO COMPLETE COURSE IN DOMESTIC RELATIONS EDUCATION ON CHILDREN'S ISSUES

#### THIS IS AN OFFICIAL COURT ORDER IF YOU FAIL TO COMPLY WITH THIS ORDER, YOU MAY BE FOUND IN CONTEMPT OF COURT

THE COURT FINDS that this case involves minor children and is an action for one of the following:

- Dissolution of Marriage
- Paternity Proceeding with Request to Determine Legal Decision-Making and/or Parenting Time or Child Support
- Legal Separation
- The Modification or Enforcement of Parenting Time or Legal Decision-Making

THEREFORE, PURSUANT TO A.R.S. § 25-352, **IT IS ORDERED:**

1. You must attend and complete a course in Domestic Relations Education on Children's Issues (Parent Education Program).
2. In an action for Petition for Dissolution of Marriage or Legal Separation:
  - a. The Petitioner must complete this course within 45 days of filing the Petition.
  - b. The Respondent must complete the course within 45 days of being served with or accepting service of the Petition for Dissolution of Marriage or Petition for Legal Separation. **The Respondent must pay the course fee, register for and complete the course whether or not a Response to the Petition for Dissolution of Marriage is filed.**
3. In an action or proceeding involving Paternity with a request that the Court determine legal decision-making or parenting time, or child support, or the modification or enforcement of parenting time or legal decision-making, the course must be completed by the  Petitioner  Respondent within 45 days of receipt of the Court Order.
4. Each party shall pay the required parent education fee to the Clerk of the Superior Court, 110 W. Congress St., Tucson AZ 85701. Upon receiving a receipt from the Clerk's office, parties may register for the parent education course offered through the Pima County Family Center of the Conciliation Court by calling (520) 724-4949 or register online at [www.sc.pima.gov/fccc/parented](http://www.sc.pima.gov/fccc/parented). You must have your court case number and your parent education fee receipt number in order to register.
5. Parties should attend the parent education class in person. On line classes will not be accepted unless previously ordered by the assigned Judge due to special circumstances in the case.
6. Upon completion of the course, the Conciliation Court shall send the original certificate of completion to the Clerk of the Court. Each party shall receive a copy of the certificate of completion for their records.

**If due to a disability, you need special accommodations for your attendance at this program such as auxiliary aids or materials in alternative formats, please inform the parent education program when you register by calling (520) 724-4949.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Presiding Family Law Judge

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

**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 or your children may continue to be covered under your spouse's health insurance policy. Arizona law allows the dependent spouse and 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 to 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.

Form approved by State of Arizona  
Department of Insurance

# NOTICE TO CREDITORS

In your property settlement agreement or decree of dissolution or legal separation, the court may assign responsibility for certain community debts to one spouse or the other. Please be aware that a court order that does this is binding on the spouses only and does not necessarily relieve either of you from your responsibility for these community debts. These debts are matters of a contract between both of you and your creditors (such as banks, credit unions, credit card issuers, finance companies, utility companies, medical providers and retailers).

Since your creditors are not parties to this court case, they are not bound by court orders or any agreements you and your spouse reach in this case. On request, the court may impose a lien against the separate property of a spouse to secure payment of debts that the court orders the spouse to pay.

You may want to contact your creditors to discuss your debts as well as the possible effects of your court case 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. Within thirty days after receipt of a request from a spouse who is party to a dissolution of marriage or legal separation action, which includes the court and case number of the action, creditors are required by law to provide information as to the balance and account status of any debts for which the requesting spouse may be liable to the creditor. You may wish to use the following form, or one that is similar to contact your creditors.

\*\*\*\*\*

## Creditor Notification

Date: \_\_\_\_\_

Creditor Name:  
\_\_\_\_\_

Creditor Address:  
\_\_\_\_\_

Account #: \_\_\_\_\_

Within thirty days after receipt of this notice, you are requested to provide the balance and account status of any debt identified by account number for which the requesting party may be liable to you.

Name:  
\_\_\_\_\_

Address:  
\_\_\_\_\_

Signature:  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Petitioner

and

\_\_\_\_\_  
Respondent

Case No. \_\_\_\_\_

### REQUEST FOR PROTECTED ADDRESS

I reasonably believe that physical or emotional harm may result to me or my minor child(ren) if my address is not protected from disclosure, and I request that the court order that my address be protected from public disclosure, for the following reasons:

I have a valid Order of Protection against a party in this case issued by the following court (a copy is attached if available):

\_\_\_\_\_

I have a valid Order of Protection against a party in this case issued by this court:

\_\_\_\_\_

I have a valid Order of Protection against a person not involved in this case issued by the following court (a copy is attached if available):

\_\_\_\_\_

I do not have a valid Order of Protection, but want my address protected for the following reasons:

\_\_\_\_\_

My address is currently unknown to the other party. I have listed my address on a separate sheet of paper for court use.

I understand that I have a continuing duty to provide the clerk of the court with a current and correct mailing address where I can be served with process until one of the following events stated in Rule 7(D), Arizona Rules of Family Law Procedure, occurs.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Requestor's Signature

PERSON WHOSE ADDRESS IS PROTECTED:

\_\_\_\_\_  Petitioner  Respondent

ADDRESS TO BE PROTECTED:

Street:

\_\_\_\_\_

City:

\_\_\_\_\_

State, Zip Code:

\_\_\_\_\_

Telephone Number:

\_\_\_\_\_

**ARIZONA SUPERIOR COURT, PIMA COUNTY**

\_\_\_\_\_  
Petitioner

Case No. \_\_\_\_\_

and

\_\_\_\_\_  
Respondent

**ORDER FOR  
PROTECTED ADDRESS**

Upon request of  Petitioner  Respondent, and good cause appearing,

IT IS ORDERED that:

The address of  Petitioner  Respondent shall be protected from public disclosure until further order of this court.

The Clerk of the Court shall protect the address of  Petitioner  Respondent from public disclosure until further order of this court.

The Clerk and the parties hereto shall comply with the requirements of Rule 7, Arizona Rules of Family Law Procedure, as follows:

Any person required under these rules to serve a response or other document upon a person whose address is ordered protected from disclosure under this rule may serve the same by delivering true and correct copies of the documents to be served, together with the proper fee established by administrative order to cover the cost of service, to the clerk of the court. The clerk shall promptly mail the documents by regular first-class to the most recent protected address provided to the clerk, and service shall be deemed complete upon mailing. The clerk shall promptly file a written statement verifying the documents that were mailed and the date of mailing to the protected address signed by the clerk or deputy clerk who mailed the documents. All documents mailed to a protected address shall bear the clerk's return address, and a notation of any process returned as undeliverable shall be made in the court file.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer



# Checklist and Instructions for Filing the Petition and Serving Your Spouse

**NOTE: No double-sided pages**

## 1. Make copies of the following completed documents:

You will need the original plus **two** copies of the following documents:

- Summons
- Preliminary Injunction
- Petition for Dissolution of Marriage
- Affidavit Re: Minor Children
- Order to Complete Course in Domestic Relations Education on Children's Issues

You will need the original plus **one** copy of the following documents:

- Notice of Right to Convert Health Insurance
- Domestic Relations Cover Sheet
- Confidential Sensitive Data Form
- Creditor's Notification
- Deferral/Waiver of Fees/Costs Form (if applicable)
- Request for Protected Address (if applicable)

## 2. Separate the documents into 3 sets.

- **Set 1** (Original Documents) goes to the **Clerk of the Court**
  - Domestic Relations Cover Sheet
  - Summons
  - Preliminary Injunction
  - Petition for Dissolution of Marriage
  - Affidavit Re: Minor Children
  - Confidential Sensitive Data Form
  - Deferral/Waiver of Fees/Costs
  - Request for Protected Address

- **Set 2** will go to **your spouse**
  - Summons
  - Preliminary Injunction
  - Petition for Dissolution of Marriage
  - Notice of Right to Convert Health Insurance
  - Affidavit Re: Minor Children
  - Creditor Notification
  - Order to Complete Course in Domestic Relations Education on Children's Issues
  
- **Set 3** is **your set** of copies
  - Same as **Set 2**, plus the Confidential Sensitive Data Form, The Domestic Relations Cover Sheet, the Deferral/Waiver of Fees/Costs Form, and Request for Protected Address Form if applicable

### 3. File the papers at the Court.

- Take your packet to the **Clerk of the Superior Court**  
*First Floor, Superior Court Building  
110 West Congress  
Tucson, AZ 85701  
8 am to 5 pm Monday through Friday (except legal holidays).*
  
- Arrive at the court at least one hour before it closes.
  - There is a filing fee for all Petitions and there are Service Fees. If you qualify, you may request a Deferral or Waiver of the filing fees at the time you file your papers with the Clerk of the Court. You must get a waiver or deferral approved BEFORE you can file or serve the Petition. See Packet #12 *Deferral or Waiver of Fees or Costs* for more information.
  
- MAKE SURE YOU LEAVE WITH:
  - Your set of copies
  - Your spouse's set of copies
  - Your original summons

### 4. Serve the court papers on your spouse

- Use Packet #10 *Service of Papers on the Other Party*.



## Next Steps

1. Wait to see if your spouse responds to the Petition.
  - If you serve your spouse in Arizona, you must wait 21 days
  - If you serve your spouse outside of Arizona, you must wait 31 days
  - If you serve your spouse by Publication within Arizona, you must wait 51 days
  
2. If your spouse does not file a Response to your Petition through the court the divorce can proceed as a Default. A Default means that the court will order the reasonable and lawful requests you asked for in your Petition. Before your divorce can proceed as a Default, you must file an application for Default. Forms and instructions are in Packet #11 *Obtaining a Default Decree*.

If your spouse files a response and you cannot reach an agreement, you will need to have a divorce trial. Forms and instruction are in Packet #14 *Family Law Cases Trial Preparation*. If this is the case, **you should seek the advice of a lawyer**.
  
3. Prepare and submit final paperwork for the judicial officer to sign. The final decree from the court makes your divorce final. The forms and instructions for the final decision are in Packet #4 *Divorce with Children Decree*.
  
4. Mail a copy of your signed decree to your spouse within three judicial days.