

**MOTION AND
AFFIDAVIT FOR
DEFAULT
DECREE
WITHOUT A
HEARING**

Packet #11-A

INSTRUCTIONS FOR A DEFAULT DECREE WITHOUT A HEARING

If the other party has not responded to the Application and Affidavit of Default ([Packet 11](#)) within ten (10) business days after the filing, and you seek a Decree that is identical in all terms to your Petition, you may obtain a Default Decree without a hearing by filing a Motion and Affidavit for Default Decree Without a Hearing.

Step 1: Fill out the following forms:

- [] Motion and Affidavit for Default Decree Without a Hearing.
- [] Decree ([Packet 4](#) if children, or [Packet 7](#) if no children)
- [] If you asked for spousal maintenance in the Petition, you must fill out a completed form that is substantially similar to Form 6, Default Information for Spousal Maintenance.

If you did not request a specific amount of spousal maintenance in your Petition, you cannot use this form. You must request a hearing before your assigned judge.

- [] If your case involves children, please also fill out [Packet 8](#) for child support and [Packet 9](#) for a parenting plan.

You must provide a parenting plan. Even if you are not asking for child support, you must also provide a Child Support Worksheet, a Child Support Order and an Income Withholding Order.

Step 2: Deliver or Mail the completed forms to the Clerk of the Court

Make two copies and mail the original and the two copies to the Clerk of Superior Court, 110 W. Congress, Rm 131A, Tucson, AZ 85701. Please include two self-addressed stamped envelopes one for you and one for the Respondent. After your judge has reviewed the papers, the Clerk will mail the conformed copies to you.

All forms are available to you on the Arizona Superior Court, Pima County Website, under Self Service Forms, [Family Law](#)

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

ATLAS Number: _____

Lawyer's Bar Number: _____



ARIZONA SUPERIOR COURT, PIMA COUNTY

Name of Petitioner

Case Number: _____

**MOTION AND AFFIDAVIT
FOR DEFAULT DECREE
WITHOUT A HEARING**

Name of Respondent

- DISSOLUTION OF MARRIAGE**
- LEGAL SEPARATION**
- ANNULMENT**
- MATERNITY/PATERNITY**
- ESTABLISH LEGAL DECISION-
MAKING/PARENTING TIME/
CHILD SUPPORT**

STATE OF ARIZONA)
) ss
COUNTY OF PIMA)

I, _____, being duly sworn, states as follows:
Pursuant to Rule 44.1, Arizona Rules of Family Law Procedure, I request
the entry of a default decree without a hearing, and state as follows:

A. Required Rule 44.1 Statements

- Both parties are competent and sane at this time.
- The requested orders in the default decree are not different from what the petition requested, or for amounts greater than requested in the petition, unless the parties have entered into a written separation agreement under A.R.S. § 25-317.

B. Service and Default

- Respondent has not filed a Response, and has not appeared in the case.
- Respondent was not served by publication.
- I have filed an Application and Affidavit for Default, and it has been more than ten (10) business days since my filing of the Application and Affidavit for Default.
- This case does not involve a military member waiving service.

C. Statements if Requesting Dissolution, Legal Separation or Annulment

If you are seeking a judgment of maternity/paternity or to establish legal decision-making / parenting time/ child support, skip to Section D below.

- Either one or both parties have resided, or been stationed, in Arizona for more than 90 days before the filing of the petition.
- More than 60 days have elapsed since the Petition for Dissolution, Legal Separation, or Annulment was served.
- The conciliation provisions of A.R.S. §25-381.09 have been met or do not apply.

Our marriage is is not a covenant marriage.

Case Number: _____

There is/are or is/are not child(ren) common to the parties. If there are common children, they are as follows:

Name:

Date of Birth:

_____	_____
_____	_____
_____	_____
_____	_____

Neither party is pregnant with a child common to the parties.

Choose only one of the following:

If seeking divorce, the marriage is irretrievably broken with no reasonable prospect of reconciliation.

If seeking legal separation, the parties desire to live separate and apart

If seeking annulment, a condition exists which renders the marriage void or voidable.

Distribution of Property

The distribution in the proposed Decree of community, joint tenancy and other property (including debts) held in common is reasonable, equitable, and not unfair. The amounts or requests are accurate (to the best of my ability).

Spousal Maintenance

Spousal maintenance has or has not been requested.

If spousal maintenance is requested, I have asked for a specific amount and duration (including indefinite) in the Petition, and also have attached a

completed form that is substantially similar to Form 6, Rule 97, Default Information for Spousal Maintenance.

D. Statements Regarding Legal Decision-Making, Parenting Time, and Child Support

If there are children common to the parties, then the following is true and correct:

The child(ren) has (have) lived in Arizona for at least six (6) months before the filing of the Petition, or is less than six (6) months old and has lived in Arizona since birth.

There are or are not proceedings involving the child(ren) that are pending in another court or jurisdiction.

If there are other proceedings, please provide the court name(s) and case number(s) below:

The domestic relations educational requirements have been met or do not apply.

All legal decision-making and parenting time provisions are in the best interest of the child(ren) and are supported by a parenting plan that I have submitted.

If joint legal decision-making is sought, domestic violence has or has not occurred.

As to child support, I have filed a financial affidavit, accurate child support worksheet (to the best of my ability) supporting the amount requested, a proposed Child Support Order, and Income Withholding Order, if applicable.

E. Other Requested Relief

If applicable, I have attached an itemized bill for a reasonable amount of attorney fees to support his request.

I have attached the following document(s), to establish the facts support the request for:

I swear or affirm that the information in this document is true and correct under penalty of perjury.

_____ (signature) _____ (date)

SUBSCRIBED AND SWORN to before me on _____,
by _____.

Notary Public / Clerk of the Court

My commission expires: