

Information and Instructions for Completing a “Resolution Statement” for Divorce or Legal Separation

GENERAL INFORMATION

Arizona Rule of Family Law Procedure 49 (Rule 49) requires both parties to share information in family law cases. It requires each party send to the other party a detailed statement with the specific positions the party proposes to resolve all issues. It also requires parties to exchange detailed facts and documents concerning issues of child support, legal decision-making, parenting time, spousal maintenance, witnesses, attorney fees, property, and debt.

Rule 49 allows full discovery of important facts to avoid “litigation by ambush.” The Rule promotes greater professionalism among counsel, with the ultimate goal of increasing voluntary cooperation and exchange of information. The Rule is also meant to help the parties focus on the problems that are truly in dispute by resolving (by the free exchange of information) issues where they unexpectedly agree. Disclosure rules also encourage the trial courts to deal with discovery abuse in a strong and forthright fashion. Ultimately, obedience to the discovery rules enables a more efficient, less expensive, and more accessible Arizona judicial system.

RESOLUTION STATEMENT

1. What is a “Resolution Statement?” A Resolution Statement is a detailed description of the position a party proposes to resolve all the issues in a Family Law case. The Resolution Statement is one part of the fact sharing process required by Rule 49 of the Arizona Rules of Family Law Procedure.
2. When do I file the “Resolution Statement?” You file the Resolution Statement 30 days after exchanging with the other party your initial disclosure information, or as ordered by the Court.
3. Where do I file the “Resolution Statement?” You file the Resolution Statement with the Clerk of Superior Court, Civil Unit on the 1st floor of Superior Court.
4. Who must file a “Resolution Statement?” Every party involved in a divorce, or any non-divorce case involving paternity, legal decision-making, parenting time or child support must file a resolution statement, unless the court permits otherwise.
5. Do I have to provide the “Resolution Statement” on the other party? Yes. A Resolution Statement must be provided to all parties, or their attorneys. In addition to filing the original statement with the Clerk of Superior Court, a party must provide a file-stamped copy to the assigned judge and provide (either First-Class mail or hand-deliver) a copy on all other parties or their attorneys. You do not need to mail the Resolution statement by means that require a signed receipt.
6. What is the difference between a “Resolution Statement” and a “Disclosure Statement?” The Resolution Statement requests different information than the Disclosure Statement. Also, the Resolution Statement *is filed* with the Clerk of Superior Court, whereas the Disclosure Statement is *not filed* with the Clerk of Superior Court.

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INSTRUCTIONS

How to fill out the "Resolution Statement" in a divorce or legal separation case.

- **HEADING:**

1. In the top left corner of the first page, fill out the following: Your name; address (if not protected); city, state and zip code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security.
2. Fill in the space that says, "Petitioner" and "Respondent."
3. Place one check mark in the box appropriate, Petitioner or Respondent. If you originally first filed for divorce or separation, you are the petitioner.

- **ITEM NUMBERS:**

- Item 1: IV-D Case: Place a check mark in the box or boxes that best describe(s) your situation regarding the listed forms of public assistance, or the state Division of Child Support Enforcement.
- Item 2: Legal Decision-Making (legal custody): List the names, birthdates, and ages of minor children in common with your spouse. Then check the appropriate boxes and fill in the blanks describing how you want to manage the Legal Decision-Making (Legal Custody). If there are no minor or disabled children common to the parties – and – if there were no minor or disabled children from the date the parties separated, skip to Item number 5.
- Item 3: Child Support: If there are no minor or disabled children common to the parties – and – if there were no minor or disabled children from the date the parties separated, skip to Item number 5. Otherwise, on the space provided state your monthly income and that of your spouse. Then check the appropriate boxes regarding your position on the financial factors necessary to calculate child support.
- Item 4: Past Support: check the appropriate boxes and then complete the sentence regarding your position concerning past support.
- Item 5: Spousal Maintenance: Check the box that best describes your position on spousal maintenance.
- Items 6 and 7: Separate Property and Community Liens on Separate Property: Describe what you believe is your separate property, as well as your community interest on your spouse's separate property.
- Item 8: Community Property: Complete the table stating your position on division of your real and personal property, pensions, vehicles and other investments.
- Item 9: Tangible Personal Property: Complete the table stating your position on the value of your personal property. Then use a number to indicate the most to least important item to you.
- Item 10: Debts: Check the appropriate box and fill in the number you believe to represent appropriate division of debt. Then complete the table regarding amounts and to whom debt is owed.
- Item 11: Attorney's Fees: Check the box that represents your position about attorney's fees in your case.
- Item 12: Name Change: If you want your name changed, state the full name you want to be called when the dissolution becomes final.

Item 13: Other Issues: If there are other issues you want decided by the judicial officer, state what the issue is and your position about a solution of the issue.

Item 14: Settlement and Signature: If you intend to settle and resolve the case based on the information you provided, you may sign and date the document.

PROCEDURES

What to do after filling out the "Resolution Statement."

1. Fill out the "Resolution Statement" and sign it.
2. Make 3 copies.
3. File the original and 3 copies with the Clerk of Superior Court. The Clerk will keep the original and give you back 2 copies.
4. Mail and/or hand-deliver a copy to Judge assigned to your case and the opposing party or his/her attorney. If you choose to mail a copy, you just need to mail it by First-Class mail. You do not need to mail the Resolution Statement by means that requires a signed receipt. Keep a copy of the statement for your records.

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

ATLAS Number: _____

Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

ARIZONA SUPERIOR COURT IN PIMA COUNTY

Petitioner

Case No. _____

ATLAS No. _____

Respondent

PROPOSED DIVORCE / LEGAL SEPARATION RESOLUTION STATEMENT OF:

Petitioner

Respondent

Date of Marriage: _____

I, the person signing this document (or his or her attorney), believe the issues in this case should be resolved as follows: (BE SPECIFIC)

1. **IV-D Case:**

I receive or have received public assistance which may include AFDC, TANF, or AHCCCS for my child(ren) or me.

I have a case with the Division of Child Support Services.

Not applicable.

2. **Legal Decision-Making (legal custody) and Parenting Time:** The parties have the following natural or adopted child(ren) in common. (If the parties have no minor/disabled children in common, skip to #5)

Child's Name	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The child(ren) should live primarily with Petitioner Respondent and have parenting time with the other parent as follows: (check all that apply):

Generally, in accordance with Pima County Guidelines for reasonable parenting time.

Model Parenting Time Plan.

Every other weekend from

_____ at _____ a.m./p.m. to
(day of week)

_____ at _____ a.m./pm..
(day of week)

One-half of the holidays on an alternating basis.

For _____ weeks in the summer from _____
to _____ (inclusive).

Spring Break from school.

Other: _____

This should be a sole OR joint legal decision-making (legal custody) arrangement.

Petitioner OR Respondent OR both parents should make decisions about the child(ren), such as schools, doctors, etc.

3. Child Support: (If there are no minor or disabled children common to the parties and were no minor or disabled children from the date the parties separated, skip to # 5.)

My position on the financial factors necessary to calculate child support under the statewide child support guidelines is as follows:

Petitioner's Gross Monthly Income: \$ _____

Respondent's Gross Monthly Income: \$ _____

Petitioner has _____ other child(ren) not listed above whom he/she is supporting who live(s) in his/her household.

Petitioner has _____ other child(ren) not listed above for whom he/she pays court-ordered child support in the amount of \$ _____ per month.

Respondent has _____ other child(ren) not listed above whom she/he is supporting live(s) in her/his household.

- Respondent has _____ other child(ren) not listed above for whom she/he pays court-ordered child support in the amount of \$_____per month.
- Medical Insurance should be paid by Petitioner Respondent. The monthly cost for the child(ren) is \$_____.
- Dental Insurance should be paid by Petitioner Respondent. The monthly cost for the child(ren) in this case is \$_____.
- Vision Care Insurance should be paid by Petitioner Respondent. The monthly cost for the child(ren) in this case is \$_____.
- Neither parent has insurance which is accessible and available at a reasonable cost.
 Petitioner Respondent should pay cash medical support in the amount of \$_____per month.
- Monthly Child Care Costs for child(ren) in this case is \$_____.
- Extra Education Expenses or Extraordinary Child Adjustments - I believe the Court should add the following to the child support calculation (leave blank if none claimed):

Description	Monthly Amount
_____	_____
_____	_____

- Uninsured Medical/Dental/Vision Expenses should be paid:
 - Pro rata based upon each party's income, as provided in the guidelines; or
 - Other: _____% paid by Petitioner and _____% paid by Respondent.
- Tax Exemptions for the child(ren) should be divided:
 - Pro rata based upon each party's income, as provided in the guidelines; or
 - Other: _____

4. **Past Support** should be paid by Petitioner Respondent for the period of _____ through _____ in the amount of \$_____.

5. **Spousal Maintenance:** My position on spousal maintenance is:

No spousal maintenance need be paid by either me or my spouse.

OR

I should pay my spouse \$_____per month for_____months.

OR

I should receive from my spouse \$_____per month for_____months.

6. **Separate Property:** I believe the following property is my sole and separate property (describe):

7. **Community Liens on Separate Property:** I believe I have a community interest in the following sole and separate property of my spouse:

8. **Community Property:** I want to divide all of the community property (except tangible personal property) as follows:

Directions:

Column 1: List short description of each item of real and personal property.

Column 2: List your estimate of the fair market value of each item of property. List the loan or encumbrance amount(s) on the line directly below its value.

Column 3: List the amount of net value of each item you propose for Party A.

Column 4: List the amount of net value of each item you propose for Party B.

1. Real Property Description (real estate, land, houses, etc.)	2. Fair Market Value (Less Encumbrances)	3. Proposed for Petitioner	4. Proposed for Respondent
a)	\$		
Amount owed on this property:	-	\$	\$
b)			
Amount owed on this property:	-	\$	\$
c)			
Amount owed on this property:	-	\$	\$
d)			
Amount owed on this property:	-	\$	\$

1. Personal Property Description (e.g. stocks, bonds, life insurance, etc.)	2. Fair Market Value (Less Encumbrances)	3. Proposed for Petitioner	4. Proposed for Respondent
a)	\$		
Amount owed on this property:	-	\$	\$
b)	\$		
Amount owed on this property:	-	\$	\$
c)	\$		
Amount owed on this property:	-	\$	\$
d)	\$		
Amount owed on this property:	-	\$	\$

1. Pensions including Survivor Benefits, IRAs, Roth IRAs	2. Fair Market Value (Less Encumbrances)	3. Proposed for Petitioner	4. Proposed for Respondent
a)	\$		
Amount owed on this property:	-	\$	\$
b)	\$		
Amount owed on this property:	-	\$	\$
c)	\$		
Amount owed on this property:	-	\$	\$

1. Vehicle(s)	2. Fair Market Value (Less Encumbrances)	3. Proposed for Petitioner	4. Proposed for Respondent
a)	\$		
Amount owed on this property:	-	\$	\$
b)	\$		
Amount owed on this property:	-	\$	\$
c)	\$		
Amount owed on this property:	-	\$	\$
1. Boat(s)	2. Fair Market Value (Less Encumbrances)	3. Proposed for Petitioner	4. Proposed for Respondent
a)	\$		
Amount owed on this property:	-	\$	\$
b)			
Amount owed on this property:	-	\$	\$

9. Tangible Personal Property. I believe that the value of the tangible personal property (household furniture, furnishings, jewelry etc.) in the possession of each party is as follows:

Petitioner has tangible personal property in his/her possession valued at approximately \$ _____

Respondent has tangible personal property in her/his possession valued at approximately \$ _____

My preference to divide the tangible personal property is: (**List your order of preference, 1 – 4,** with 1 being most important and 4 being the least):

_____ Each party should keep the tangible personal property currently in his/her possession with the exception of the following items I want from my spouse:

_____ An equalization payment/credit should be made based upon the above values so each of us gets the same value.

_____ We should make a list of all the tangible personal property and alternately select items from the list until all the property is divided.

_____ One of us should make two (2) lists of tangible personal property both equal in value, and the other one be awarded all property on the list of his or her choice.

_____ **Other:** _____

10. Debts: The community debts should be divided as follows (complete in detail):

- All of the debt should be paid _____% by Petitioner and _____% by
- Respondent; or Each of us should pay the following debts and amounts:

Amount To Be Paid By Petitioner	Amount To Be Paid By Respondent	Creditor	Total Amount
\$	\$		\$
\$	\$		\$
\$	\$		\$
\$	\$		\$
\$	\$		\$

11. **Attorney's Fees:** If the case is settled today, I request the Court to order (choose one):

- Each of us is to pay his/her own attorney's fees and costs.
- My spouse should pay \$_____ of my attorney's fees and costs within _____ days.
- I should pay \$_____ to my spouse for attorney's fees and costs within _____ days.

12. **Name Change:** I want to be restored to my former name of (List full name you want restored):

13. **Other Issues:** Briefly state the other issues that you believe must be resolved to fully settle this case:

14. **Settlement:** I understand that I am required to personally meet and confer with the opposing party and their counsel at least five court days before my court date to resolve as many issues as possible unless there is a current court order prohibiting contact or a significant history of domestic violence between us. I verify that the above statements are true based on my best information and belief, and I am willing to settle and resolve this case based upon my positions as provided above. I will be prepared to show documentation to support my positions at the time of the conference or hearing.

Date

Signature of Petitioner Respondent

Attorney for Petitioner Respondent

This page must be completed and attached to the LAST page of your Document

- I filed the ORIGINAL of the attached document(s) with the Clerk of Superior Court in Pima County on:

Month Date Year

- I mailed/delivered (**circle one**) a COPY of the attached document(s) to the Judicial Officer assigned to my case, Judge (or Commissioner): _____ on

(Judicial Officer assigned to your case)

Month Date Year

- I mailed/delivered (**circle one**) a COPY of the attached document(s) to the Office of the Attorney General (The State of Arizona) on this date (if applicable):

Month Date Year

Address

- I mailed/delivered (**circle one**) a COPY of the attached document(s) to the Opposing Party and/or his/her Attorney on:

Month Date Year

Name of Other Side

Name of Other Side's Lawyer

Address

Lawyer's Address

City, State, Zip

City, State, Zip

(You must mail or hand deliver a copy of all documents to the other side and his/her lawyer)

By signing below, I state to the Court, under penalty of law, that the information stated on these pages is true and correct to the best of my knowledge and belief.

I further state that I have filed/mailed the attached document(s) as shown above. I understand that if I do not file/mail the attached document(s) as shown above, the Judge in my case will not read the attached document.

Your signature