

## Procedures: How to file papers with the court to terminate your Decree of Legal Separation by agreement

STEP 1. After you have completed all of these documents, make the following copies:\*

- Notice of Lodging – 1 original, 3 copies
- Stipulation to Terminate Decree of Legal Separation – 1 original, 3 copies
- Stipulated Order Terminating the Decree of Legal Separation – 1 original, 3 copies
- Order Stopping Income Withholding Order (if applicable) – 1 original, 3 copies
- Current Employer Information (if applicable) – 1 original, 3 copies

Note: The case number on these documents is the same number assigned during your original legal separation case. It must match the case number printed on your Decree of Legal Separation entered by the court.

\*Make additional copies if the Arizona Division of Child Support Services (DCSS) is involved in your case.

STEP 2. Separate your documents into four (4) sets\*: (5, if DCSS is involved)

<p>Set 1: To file with Clerk of Superior Court</p> <ul style="list-style-type: none"><li>• ORIGINAL Notice of Lodging Attach to Notice of Lodging:<ul style="list-style-type: none"><li>• ORIGINAL Stipulation to Terminate Decree of Legal Separation</li><li>• COPY Stipulated Order Terminating the Decree of Legal Separation</li><li>• COPY Order Stopping Income Withholding Order (if applicable)</li><li>• COPY Current Employer Information (if applicable)</li></ul></li></ul>	<p>Set 2: For the Judge</p> <ul style="list-style-type: none"><li>• COPY Notice of Lodging</li><li>• COPY Stipulation to Terminate Decree of Legal Separation</li><li>• ORIGINAL Stipulated Order Terminating the Decree of Legal Separation</li><li>• ORIGINAL Order Stopping Income Withholding Order (if applicable)</li><li>• ORIGINAL Current Employer Information (if applicable)</li></ul> <p>You must also provide 2 (two) 9” x 12” business envelopes, one stamped and addressed to each party.</p>
--	--

<p>Set 3: COPIES for You</p> <ul style="list-style-type: none"> <li>• Notice of Lodging</li> <li>• Clerk-stamped copy of Stipulation to Terminate Decree of Legal Separation</li> <li>• Stipulated Order Terminating the Decree of Legal Separation</li> <li>• Order Stopping Income Withholding Order (if applicable)</li> <li>• Current Employer Information (if applicable)</li> </ul>	<p>Set 4: COPIES for the Other Party</p> <ul style="list-style-type: none"> <li>• Notice of Lodging</li> <li>• Clerk-stamped copy of Stipulation to Terminate Decree of Legal Separation</li> <li>• Stipulated Order Terminating the Decree of Legal Separation</li> <li>• Order Stopping Income Withholding Order (if applicable)</li> <li>• Current Employer Information (if applicable)</li> </ul>
<p>Set 5 (if applicable) – COPIES for DCSS: *</p> <ul style="list-style-type: none"> <li>• Notice of Lodging</li> <li>• Clerk-stamped copy of Stipulation to Terminate Decree of Legal Separation</li> <li>• Stipulated Order Terminating the Decree of Legal Separation</li> <li>• Order Stopping Income Withholding Order (if applicable)</li> <li>• Current Employer Information (if applicable)</li> </ul>	
<p>*If the agreement results in the parent who is currently paying child support no longer having to pay, include an Order Stopping Income Withholding Order and Current Employer Information sheet.</p>	

\* NOTE: If the Division of Child Support Enforcement (DCSE) is involved in your case, you must mail a copy of all signed and filed documents to:

Office of the Attorney General  
Child Support Services Section  
180 E. Palo Verde St.  
Yuma, AZ 85364

The Attorney General will file an Acceptance of Service with the Court. You should check to make sure this acceptance has been filed with the Court.

**STEP 3.** File the Stipulation at the Court. Bring all originals and copies.

Go to the Clerk of Superior Court’s Filing Counter: Present the originals and all sets of copies to the Clerk at the filing counter. The Clerk will keep the originals and stamp the extra copies to show that these are copies of papers filed with the Court and return the conformed (stamped) copies to you.

You may file your papers from 8am to 5pm, Monday through Friday, at any of the following Superior Court locations:

Clerk of Superior Court  
250 West Second Street  
Yuma, Arizona 85364

Fees: There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. Cash, AMEX/VISA/MasterCard debit or credit cards, or money order made payable to the “Clerk of Superior Court” are acceptable forms of payment.

If you cannot afford the filing fee, you may request a deferral (payment plan) when you file your papers with the Clerk of Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center.

STEP 4. Take a copy of the filed Stipulation and originals and copies of the other documents to the Judge to review and sign.

- Find out which judge is assigned to your case. If you are not sure, look at the court case number in the upper right-hand corner and call Family Administration at 602-506-1561 to ask who your judge is.
- Hand-deliver the documents and the envelopes as indicated below (depending on the location of the court facility at which you choose to file):

Clerk of Superior Court  
250 West Second Street  
Yuma, Arizona 85364

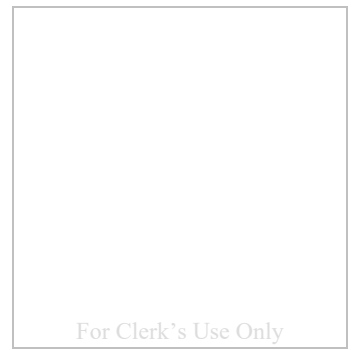
STEP 5. Wait for the Court to let you know whether the Order was signed, or the matter was set for a hearing. If a hearing is scheduled, you will receive written notice of when and where to appear (date, time, and location).

What the court may do:

- Grant the relief you requested;
- Schedule a hearing for you and the other party if the Judge needs additional information;
- Return your paperwork because you did not show good reason for the change requested or the paperwork was incomplete; OR
- Enter other orders the Judge thinks proper.
- NOTE: The order will not be entered immediately upon delivery of the documents to the assigned division.

Do not copy  
or file this page

Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_



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

SUPERIOR COURT OF ARIZONA  
IN YUMA COUNTY

\_\_\_\_\_  
Name of Petitioner/Party A

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

\_\_\_\_\_  
Name of Respondent/Party B

NOTICE OF LODGING  
(ARFLP Rules 30; 43.1; 44.1; 45)

Assigned to: \_\_\_\_\_  
Judicial Officer's Name

PLEASE TAKE NOTICE that, pursuant to the Arizona Rules of Family Law Procedure,

- Petitioner/Party A and/or
- Respondent/Party B and/or
- Third Party/Party C

Lodge the following document(s) with the Court for signature and entry:

Document: \_\_\_\_\_

Document: \_\_\_\_\_

Document: \_\_\_\_\_

Document: \_\_\_\_\_

Document: \_\_\_\_\_

Document: \_\_\_\_\_

Case Number: \_\_\_\_\_

Document: \_\_\_\_\_

Document: \_\_\_\_\_

Document: \_\_\_\_\_

Document: \_\_\_\_\_

Document: \_\_\_\_\_

\_\_\_\_\_  
Signature of Party A or Party A's Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Party B or Party B's Attorney

\_\_\_\_\_  
Date

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

Respondent/Party B's Name or Lawyer's Name: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_

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

SUPERIOR COURT OF ARIZONA  
IN YUMA COUNTY

\_\_\_\_\_  
Petitioner/Party A

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

STIPULATION TO TERMINATE  
DECREE OF LEGAL SEPARATION

\_\_\_\_\_  
Respondent/Party B

Petitioner/Party A, \_\_\_\_\_, and Respondent/Party B,  
\_\_\_\_\_, stipulate and agree to having the Decree of Legal  
Separation entered in this matter terminated under the provisions of A.R.S. § 25-313(C). In  
support of this stipulation, the parties agree and acknowledge the following:

1. The parties were married on \_\_\_\_\_.
2. A Decree of Legal Separation to this marriage was entered in the Superior Court of the State of Arizona, County of \_\_\_\_\_, on \_\_\_\_\_ under this case number.
3. It is the desire of the parties to end their status of “legally separated” and to restore their status to “legally married.”
4. Each party has agreed to this restoration of their legally married status knowingly, intelligently, voluntarily, and without duress, coercion or undue influence.
5. Each party understands that on entry of the Order Terminating Legal Separation, the Decree of Legal Separation shall no longer be in effect.
6. Each party further understands the following:
  - a. Marital Community – On the entry of the Order Terminating Legal Separation, the marital community is re-formed as if the parties became married on the date of the entry of the termination order, at which time the legal separation no longer exists.
  - b. Property – Any property or debts awarded or assigned to either party as sole and separate property or sole and separate debt under the terms of the Decree of Legal Separation as well as any property acquired or debts incurred from the date of the entry of the Decree of Legal Separation through the date of termination of the Decree of Legal Separation are the sole and separate property of the acquiring party and the sole and separate debt of the incurring party.
  - c. Payments – Any property-related payments due from one party to the other under the terms of the Decree of Legal Separation:  
 Are deemed waived and discharged -OR-  
 Are preserved as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - d. Parenting Orders – Any parenting orders entered in the Decree of Legal Separation under Chapter 4 of Title 25 no longer apply.

- e. Child Support – Except as to any sum owed to the State of Arizona pursuant to A.R.S. § 46-407, provisions for child support in the Decree of Legal Separation no longer apply as of the date of the entry of the Termination Order.

Claims for amounts that may remain due and owing for child support, including allocation of child-related expenses, other than any sum owed to the State of Arizona pursuant to A.R.S. § 46-407, during the time period in which the child support terms under the Decree of Legal Separation were in effect:

- Are hereby waived and discharged -OR-  
 Remain due and owing from \_\_\_\_\_ to \_\_\_\_\_ in the total sum of \$\_\_\_\_\_.

- f. Spousal Maintenance – Provisions for spousal maintenance Decree of Legal Separation, if any, no longer apply as of the date of the entry of the Termination Order.

Claims for amounts that may remain due and owing for spousal maintenance during the time period in which the spousal maintenance terms under the Decree of Legal Separation were in effect:

- Are hereby waived and discharged -OR-  
 Remain due and owing from \_\_\_\_\_ to \_\_\_\_\_ in the total sum of \$\_\_\_\_\_.

7. Both parties acknowledge that termination of the Decree of Legal Separation does not impact the rights of creditors that may have relied upon the terms of the Decree of Legal Separation.

Based upon the foregoing, the parties request that the Court enter the Stipulated Order Terminating the Decree of Legal Separation filed with this Stipulation.

Signatures of Both Parties

By signing below, each of us states to the court under penalty of perjury that we have read and understand this document, and that the information contained in the document is true and correct to the best of our individual knowledge and belief.

Petitioner/Party A:

Respondent/Party B:

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

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

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

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

STATE OF \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to or affirmed before me this: \_\_\_\_\_ (date) by \_\_\_\_\_.

Subscribed and sworn to or affirmed before me this: \_\_\_\_\_ (date) by \_\_\_\_\_.

\_\_\_\_\_  
Notarial Officer

\_\_\_\_\_  
Notarial Officer

(Notarial Officer's Stamp or Seal)

(Notarial Officer's Stamp or Seal)

If the Division of Child Support Enforcement (DCSE) is involved in your case, you must mail a copy of all signed and filed documents to:

Office of the Attorney General  
Child Support Services Section,  
1800 E. Palo Verde St.  
Yuma, AZ 85364

I certify that I mailed a copy of this Stipulation to Terminate Decree of Legal Separation to DCSE at the address above as follows:

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

By: \_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

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

Respondent/Party B's Name or Lawyer's Name: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_

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

SUPERIOR COURT OF ARIZONA  
IN YUMA COUNTY

\_\_\_\_\_  
Petitioner/Party A

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

STIPULATED ORDER TERMINATING  
THE DECREE OF LEGAL SEPARATION

\_\_\_\_\_  
Respondent/Party B

The Court has considered the Stipulation of the parties to Terminate the Decree of Legal Separation in accordance with A.R.S. § 25-313(C). The Court finds that the parties have entered into their agreement knowingly, intelligently, voluntarily and without duress, coercion or undue influence.

Good cause appearing,

IT IS ORDERED as follows:

1. Termination of Decree of Legal Separation

The Decree of Legal Separation entered on \_\_\_\_\_ is hereby terminated, effective the date of entry of this Termination Order.

2. Re-forming of Marital Community

As of the date of this order, the marital community of the parties is re-formed as if the parties became legal married on the date of this Termination Order.

3. Property

Any property or debt awarded or assigned to either party as sole and separate property under the terms of the Decree of Legal Separation as well as any property acquired or debts incurred from the date of the entry of the Decree of Legal Separation through the date of termination of the Decree of Legal Separation are the sole and separate property of the acquiring party and the sole and separate debt of the incurring party.

4. Payments

Any property-related payments due from one party to the other under the terms of the Decree of Legal Separation:

Are deemed waived and discharged -OR-

Are preserved as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Parenting Orders

Any parenting orders entered un the Decree of Legal Separation under Chapter 4 of Title 25 no longer apply.

6. Child Support

Except as to any sum owed to the State of Arizona pursuant to A.R.S. § 46-407, provisions for child support in the Decree of Legal Separation no longer apply as of the date of the entry of this Termination Order.

Except as to any sum owed to the State of Arizona pursuant to A.R.S. § 46-407, claims for amounts that may remain due and owing for child support, including allocation of child-related expenses, during the time period in which the child support terms under the Decree of Legal Separation were in effect:

Are hereby waived and discharged -OR-

Remain due and owing from \_\_\_\_\_ to \_\_\_\_\_ in the total sum of \$ \_\_\_\_\_.

7. Spousal Maintenance

Provisions for spousal maintenance Decree of Legal Separation, if any, no longer apply as of the date of the entry of this Termination Order.

Claims for amounts that may remain due and owing for spousal maintenance during the time period in which the spousal maintenance terms under the Decree of Legal Separation were in effect:

Are hereby waived and discharged -OR-

Remain due and owing from \_\_\_\_\_ to \_\_\_\_\_ in the total sum of \$ \_\_\_\_\_.

8. Rights of Creditors

Termination of the Decree of Legal Separation does not impact the rights of creditors that may have relied upon the terms of the Decree of Legal Separation.

9. Final Order

There are no further matters that remain pending before the court and this judgment is a final order under Rule 78(c) of the Arizona Rules of Family Law Procedure.

DONE IN OPEN COURT this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge of the Superior Court

Approved:  
Petitioner/Party A:

Respondent/Party B:

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

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

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

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

STATE OF \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to or affirmed before me this: \_\_\_\_\_ (date) by \_\_\_\_\_.

Subscribed and sworn to or affirmed before me this: \_\_\_\_\_ (date) by \_\_\_\_\_.

\_\_\_\_\_  
Notarial Officer

\_\_\_\_\_  
Notarial Officer

(Notarial Officer's Stamp or Seal)

(Notarial Officer's Stamp or Seal)

If the Division of Child Support Enforcement (DCSE) is involved in your case, you must mail a copy of all signed and filed documents to:

Office of the Attorney General  
Child Support Services Section,  
1800 E. Palo Verde St.  
Yuma, AZ 85364

I certify that I mailed a copy of this Stipulation to Terminate Decree of Legal Separation to DCSE at the address above as follows:

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

By: \_\_\_\_\_

Printed Name

\_\_\_\_\_  
Signature

CURRENT EMPLOYER\* INFORMATION

You may also fill out this form online at the Family Support Center Website.



This form must be completed for:

- An Income Withholding Order
- Order to Stop an Income Withholding Order
- Notification of a Change of Employer (Or Other Payor)

Case Number: \_\_\_\_\_ ATLAS Number: \_\_\_\_\_

Name of Person Ordered to Make Payments: \_\_\_\_\_

List the name of the employer\* and the address of the payroll or financial department (for the person named above) where the income withholding order or stop order should be mailed.

Employer\* Name: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Employer\* Telephone: \_\_\_\_\_

Employer\* Fax: \_\_\_\_\_

\*or other payor or source of funds

---

FOR COURT USE ONLY. DO NOT WRITE BELOW THIS LINE.

WA/FSC

WA/LOG ID: \_\_\_\_\_

TYPE OF W/A: \_\_\_\_\_

DATE: \_\_\_\_\_

AMOUNT OF ORDER: \_\_\_\_\_

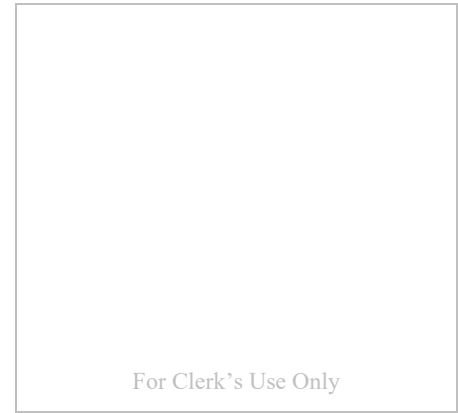
EMPLOYER STATUS: \_\_\_\_\_

ENTERED BY: \_\_\_\_\_

NEW W/A: \_\_\_\_\_ SUB: \_\_\_\_\_

AG: \_\_\_\_\_ DCSE: \_\_\_\_\_

Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_



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

SUPERIOR COURT OF ARIZONA  
IN YUMA COUNTY

(1) \_\_\_\_\_  
Name of Petitioner/Party A  
(in original case)

(3) Case No. \_\_\_\_\_

(4) ATLAS No.: \_\_\_\_\_

ORDER STOPPING INCOME WITHHOLDING  
ORDER (AND ALL YUMA COUNTY  
SUPPORT ORDERS) A.R.S. § 25-504

(2) \_\_\_\_\_  
Name of Respondent/Party B  
(in original case)

To the employer(s) or other payor(s) of:

(5) Name of Employee: \_\_\_\_\_

Do not write below this line. Court personnel will complete the form.

IT IS ORDERED stopping the Income Withholding Order dated (6) \_\_\_\_\_

with the same case number as in (3) above. The employer(s) or other payor(s) is/are ordered to stop withholding monies pursuant to the Income Withholding Order immediately upon receipt of the Order.

IT IS FURTHER ORDERED terminating all Yuma County child support and/or spousal maintenance orders in this case number and declaring all child support and/or spousal maintenance orders fully paid and satisfied, including all past due support, arrearage judgments and interested.

IT IS FURTHER ORDERED that a Support Payment Clearinghouse shall release any monies currently in its possession and future monies received to the person ordered to pay, less and fees owed to the Clearinghouse.

FINAL APPEALABLE ORDER. There are no further matters that remain pending before the court and this judgment is a final order under Rule 78(c) of the Arizona Rules of Family Law Procedure.

Dated: \_\_\_\_\_

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