DIVORCE WITH MINOR CHILDREN

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4

THE COURT ORDER

Part 4: To get the Divorce Decree

(Instructions and Forms)

010126

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Divorce for a non-covenant marriage with minor children

Part 4: The decree / court order

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CHECKLIST

You may use the forms and instructions in this packet if . . .

- ✓ You or the other party filed a *"Petition for Dissolution of a Non-Covenant Marriage (Divorce) With Minor Children",* AND
- ✓ You and the other party have minor children with each other, AND
- ✓ You have paid the filing fee, AND
- ✓ You have attended the Parent Information Program (PIP), and the PIP Provider filed your certificate of attendance with the Clerk of Superior Court, AND
- ✓ You have completed the court papers concerning where the children will live, parenting time for each parent, who will have legal authority to make decisions concerning the children, and child support as well, AND
- ✓ You are either going to a default hearing or you filed a Motion to get a Default Decree without a hearing, or you are going to a divorce trial, AND
- ✓ You are ready to complete the court papers about the final order.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

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Divorce with Minor Children

Part 4 – The Court Order/Divorce Decree

This packet contains court forms and instructions to file for a divorce with minor children. Items in bold are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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You will need to use the FREE online Child Support Calculator to produce the Child Support Worksheet that must accompany this Decree. See the instruction document for more information.

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

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Instructions: How to fill out the forms for your decree of dissolution (divorce) for a non-covenant marriage -- with minor children

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Use these instructions only with the Decree of Dissolution of a Non-covenant Marriage (Divorce) with Minor Children. If there are no minor children, by birth or adoption, common to you and the other party, use the form for a "Decree of Dissolution of a Non-covenant Marriage without Minor Children."

What the Decree Means to You. The Decree is the final Court Order that legally ends your marriage. The Decree, once the judge has signed it, is important because it determines the rights and responsibilities of both you and the other party. It tells the parties what they can and cannot do. If either party does not do what the Decree tells him/her to do, then the other party may ask the Court for help. This is a very important document. Once it has been signed by the judge, your rights and responsibilities are affected forever.

Failure to do what the Decree tells you to do could get you into trouble with the court. This does not mean that the court will police whether you are following the Decree. It does mean you or the other party can request a Contempt Order or an Order to Enforce parts of the Decree if you or the other party fail to do what the Decree tells you to do.

Getting Your Divorce Finalized. Before your divorce can become final, a judge must sign what is called a Decree of Dissolution of Marriage. The Decree tells you who gets the property, who pays the debts, who gets parenting time and legal decision-making of the minor children, who pays support and so forth.

Divorce by Default. <u>If you are proceeding by Default, you must repeat as closely as possible what you requested in your Petition</u>. You cannot mark something different in the Decree from what you asked for in the Petition. If you try to request something other than what you requested in the original Petition, the judge will not sign the Decree. If you want to change your requests to the court, you must file an amended Petition. It is a good idea to have your Petition handy when you follow the instructions to fill out your Decree.

The Decree. Fill out the Decree before you go to your trial or default hearing; before you give it to the judge to sign. Do not fill in the judge's signature and date. If the judge disagrees with anything you have written, he or she will change it before signing the Decree.

If you are filing a Motion and Affidavit for Default Decree without Hearing, see the Instructions and Procedures and forms included in this packet to proceed without a Default Hearing.

Instructions for filling out the Decree.

Type or write in black ink only.

At the top, write in the name of the person filing the document or the lawyer's name, current address, city, state, zip code, and the telephone number. If you are not represented by an attorney, leave the lawyer's state bar number blank, then check the box next to Self, without a Lawyer.

Write in the Name of the Party A and the Name of the Party B and the case number in the space provided. The names should appear the same way it does on the Petition.

The Court finds:

1-2. These sections state that before the judge signs the Decree, they will have determined that the court has the legal power to make the orders in your case.

3. This section states that either Party A and/or Party B lived in Arizona at least 90 days before the Petition for divorce was filed.

4. This section states that the parties have attempted reconciliation, or the Conciliation statute does not apply. This section also states that the marriage is not a covenant marriage pursuant to A.R.S. §§ 25-901 or 25-902.

5. This section states that the couple is unable to get back together and save their marriage.

6. This section relates to issues of minor children, child support and spousal maintenance, division of property and debt, and states that the Court has made orders about those issues.

7. On the lines provided, you must write the name(s) and birthdate(s) of the child(ren) to whom the Decree applies.

8. Pregnancy and Paternity: Place a mark in the proper box to indicate whether a party is or is not pregnant and indicate who the parent of the child(ren) is. Also, write the name of any child(ren) born to the parties before the marriage.

9. Spousal Maintenance/Support. Mark the appropriate box to show which party will receive spousal maintenance/support (alimony).

10. Parent Information Program. Mark the boxes that show which party has completed the Parent Information Program class, and which party has not completed the class. Leave the box empty for the judge to check whether the party who has not taken the Parent Information Program class will be denied any requested relief to enforce or modify the decree until the class has been completed.

11. Domestic Violence. If the Court will enter an order for joint legal decision-making for the minor child(ren), check box "1" or box "2." Then explain in writing why it still in the best interests of the minor child(ren) to grant joint or sole legal decision-making to a party who has committed domestic violence.

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12. Drug or Alcohol Conviction Within the Last Twelve Months. Mark the box that indicates if either party has been convicted of driving under the influence of alcohol or drugs or any drug offense within 12 months of filing the request for legal decision-making, and whether you believe the legal decision-making and/or parenting time arrangement ordered by this Court appropriately protects the minor child(ren).

13. Child Support.

14. Legal Decision-making Authority for Minor Child(ren).

    Mark this box only if legal decision-making authority for the minor children was contested (you and the other party did not agree about legal decision-making), or if you and the other party have agreed to joint legal decision-making authority. You must write the reasons in the space provided. See the "Planning for Parenting Time: Arizona's Guide for Parents Living Apart" booklet for help. The Guide may be viewed online and downloaded for free from the state courts' web page.

15. Supervised or No Parenting Time. Mark this box only if you asked for supervised or no parenting time by a parent, or the parties have agreed to this, or the judge has ordered supervised or no parenting time after a trial. You must have a very good reason for such a request, and you must write the reasons in the space provided. See the "Guide for Parents Living Apart" for help.

16. Community Property and Debt. Mark the first box only if you and the other party did not get any property together while you were married and do not owe money to anyone for property or services you got while you were married. If you and the other party agreed to the division of the property and debt, mark the next box. Otherwise, mark the box that tells the court that the parties have not agreed to a division, but the community property and debt is divided pursuant to the Decree.

17. Separate Property and Debt. Mark the first box only if you and the other party did not get any separate property before you were married and do not owe money to anyone for property or services you got before the marriage. If you and the other party agreed to the division of the separate property and debt, mark the next box. Otherwise, mark the box that tells the court that the parties have not agreed to a division, but the separate property and debt is divided pursuant to the Decree.

The Court orders:

1. Marriage is dissolved. This section ends your marriage.

2. Name Restoration. Write in the former name of Party A or Party B here only if Party A or Party B wants to use and/or be called by the former/maiden name. (The law does not require you to use your former/maiden name.)

3. Enforcement of Temporary Orders. If the court ordered temporary payment of child support, spousal maintenance/support (alimony), debt division, or other temporary orders, fill in the dates of all of the temporary orders. This section allows you to enforce nonpayment of those debts.

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4.a-b. Pregnancy and Paternity. If Party A or Party B is pregnant, write in the expected date of birth for the unborn child. In section a, you must also write the names of the minor child(ren) common to the marriage, either natural or adopted, and the child(ren)'s date(s) of birth in the space provided. In section b, check the box if there are any children born prior to the marriage and both Party A and Party B are the parents of the children. Write the names of the minor child(ren) born before the marriage and the child(ren)'s date of birth. Regarding the minor child's birth certificate, place a mark in the box if you want the Clerk to forward a copy of the court order to the State Office of Vital Records. Then write the full name of the parent to be added to the birth certificate as appears on the Social Security card or other government issued official document and as should appear on the children's birth certificate(s).

Name Change: This is optional. If you planned to change the name on this court order, write in the current name of the minor child first, then the new name.

4.c. Minor Child(ren) to Whom This Decree Does Not Apply: Write in the name and birthdate of the child born during the marriage but not common to the parties.

5. Primary Residence, Parenting Time, and Authority for Legal Decision-making

5.a. Primary Residence. Place a mark in the box to indicate whether Party A's, Party B's or neither Party's home is designated as the minor child(ren)'s primary residence. Then write in the name of the child(ren) who will live primarily with either Party A or Party B.

5.b. Parenting Time. Place a mark in the box to indicate the type of Parenting Time decided by the judge. If a party is not awarded any parenting time, place a mark in the box showing whether Party A or Party B is not awarded Parenting Time. Finally, if Supervised Parenting Time is chosen, mark the box to show which party is assigned payment of the cost of Supervised Parenting Time. If applicable, write in any Parenting Time restrictions assigned by the judge. If both parties agree to a Parenting Plan, both must complete the Plan and sign it. If only one party agrees to the Parenting Plan and you have a default divorce hearing, you still must complete the Parenting Plan and tell the Court what you think should be the parenting time arrangement.

5.c. Authority for Legal Decision-making. The legal decision-making authority box you mark should be the same as what you asked for in your Petition for Dissolution, unless you and the other party have signed a Joint Legal Decision-making Agreement and you are attaching it to the Decree OR you have had a trial and the judge has ordered something different than what is in your Petition.

1) For sole legal decision-making, mark who is to have sole legal decision-making authority for the minor child(ren), Party A or Party B.

2) For joint legal decision-making, mark the second box - do not mark box 1 above. Remember, you must attach a copy of the Joint Legal Decision-making Agreement and Parenting Plan as Exhibit B signed by both parents, which the judge must approve if you want Joint Legal Decision-making Authority. The Agreement will be included as part of the Court Order ending your marriage.

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6. Child Support: Attach the Child Support Order to the final divorce decree and mark the first box. Then, mark who is to pay the child support and how much to the other party based on the request in the Petition for Dissolution, or on the party's agreement.

7. Spousal Maintenance (Alimony).

   a. Mark this box if neither party is requesting spousal maintenance.

   b. Mark this box if you requested spousal maintenance (alimony) in the Petition.

   Then mark who is to pay the spousal maintenance and who will receive the spousal maintenance. If the parties agree, put in the amount and the date the spousal maintenance will end. Otherwise, you should leave the amount and number of months of spousal maintenance blank until the judge approves the request. Be prepared to tell the judge what amount you are asking for, for what period, and why.

8. Property, Debts and Tax Returns.

8.a. Mark the first two boxes, if each party will pay the debts that are unknown to the other party. By marking the third box under 8.a., you are telling the Court you do not want to pay for bills the other party incurred after you separated. Write the approximate date you separated on the line provided.

8.b. Mark this box if there is property and debts to be divided, even if you have already divided the property. You can give the Court this information on "Exhibit A: Community Property and Debts" that you must attach to the Decree if you mark this box. Instructions for Exhibit A are included at the end of this instruction.

8.c. This states that you and the other party get to keep property that you owned from before the marriage or that was a gift to you during the marriage. You also can keep any personal items, clothing, and any other property you own that is not considered community property. This section also states that you and the other party are each responsible for any debt that you acquired from before the marriage.

8.d. This means either party can record the Decree if there is a transfer of title to certain property, like a house. This section also requires each party to sign documents to transfer other property, like titles to cars, and so forth. If you have a quit claim deed that transfers property from one party to the other party, attach a copy of the deed to the Decree, and check this box. Write in the date that both parties shall transfer all real and personal property.

8.e. Mark this box and tell the court whether the parties will file joint or separate tax returns for previous years if taxes have not been filed. For this calendar year, and future calendar years neither you nor the other party can file joint tax returns. According to the IRS, State law governs whether you are married, divorced, or legally separated. If you are divorced under a final decree by the last day of the year, you are considered unmarried for the whole year. See a lawyer or accountant for advice if you are not sure which box to check OR call the IRS at 1-800-829-4477 or visit their INTERNET site for help.

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9. Financial Information Exchanges: This shows that the parties must share/exchange financial information every 24 months. This information is important in determining amounts of child support or other related issues.

10. Other Orders. List any other orders that are not described in the Decree.

    Final Appealable Order. This Decree/Order/Judgment is a final order and may be appealed.

Signatures:

- Do not sign or date the Decree for the judge
- If the Arizona Division of Child Support Services is involved in your case, they must agree to the amount of child support, and sign the form before you submit it to the judge.
- If there is a Default Decree, you must mail a copy of the Decree to the last known address of the other Party after the judge has signed it.

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"Exhibit A: Community Property and Debt"

Remember: If you are getting a default divorce, the division of property must be identical to the list in your petition. You cannot add new property to the list, although you can give the other party more property than is listed on your petition. Make sure it is very clear who gets what property. Describe the property in detail and then designate whether Party A or Party B gets that property.

1. Division of Community Property. Mark the first box about community property, if each Party is going to keep the personal property in his/her possession. Mark the second box if community property is going to be awarded to each party according to section 2.

2. List of Community Property. Mark the box next to each type of community property you own and describe the property. The mark the box showing to which Party the property is being given.

3. Retirement, Pension, Deferred Compensation. Decide what you want to do about these assets. Generally, each party is entitled up to a one-half interest in the pension or retirement or deferred compensation benefits of the other party based upon the length of time the parties were married. This is very complicated, and very important to both parties. If you are entitled to any interest in the other party's retirement assets, you may be required to file a Qualified Domestic Relations Order. This is a very important document. The Court and the Law Library Resource Center do not have this document. See a lawyer for help. Check the box that describes what you asked for in the Petition or what the parties have agreed to.

4. Division of Real Property: Use this section if you own a home or real estate together. This information, including the address and legal description should also be the same as what you provided in the Petition. Decide which party gets the property, or whether it should be sold, and any proceeds divided.

5. Division of Debts: List all debts you listed on your Petition for Dissolution. You can update the amounts owed, only if the amounts are less than those amounts in the Petition or the parties agree to update the amounts. Then put which debts are to be the responsibilities of which party.

6. Also, decide if you want the order to divide debts incurred by a party that are not listed to be paid by the party who incurred the debt. Remember, just because the Decree orders either party to pay debts does not mean that the creditor cannot pursue collection from the other party, even after the divorce decree.

7. Separate Property. List your separate property and the other party's separate property. Then check the box to say who gets the property.

8. Separate Debt. List your separate debt and the other party's separate debt. Then check the box to say who pays the debt.

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Other important papers in this packet

Parenting Plan

Fill out the Parenting Plan to let the Court know details about what you want for legal decision-making authority and parenting time. It is important to be specific when filling out the Parenting Plan. You may refer to the "Planning for Parenting Time: Arizona's Guide for Parents Living Apart" to help make your parenting plan. The Guide may be viewed online and downloaded for free from the State Courts' webpage.

After completing the Parenting Plan, include it with your Decree.

Other important papers to be completed **not** in this packet

Child Support Worksheet and Order

You can use the free online child support calculator at the website listed below to complete a Child Support Worksheet, Child Support Order, and Current Employer Information sheet.

ezCourtForms https://www.superiorcourt.maricopa.gov/ezcourtforms2/

To complete the child support worksheet, you will need to know:

- Your case number.
- Your monthly gross income and that of the other parent.
- The monthly cost of medical insurance for the minor children who are the subject of this action.
- Monthly childcare amounts paid to others.
- The number of days the minor child(ren) spend with the non-primary residential (custodial) parent.
- Monthly obligations of yourself and the other parent for child support or court-ordered spousal maintenance/support

After completing the child support calculator, print out the Child Support Worksheet, Child Support Order, and Current Employer Information sheet and include them with your Decree.

Spousal Maintenance Worksheet (If applicable)

Use the free online spousal maintenance calculator at the following website to complete a spousal maintenance worksheet:

https://www.superiorcourt.maricopa.gov/app/selfsuffcalc/

After completing the worksheet, print it out and file it with your papers.

Education Order (If applicable)

(ONLY required prior to January 1, 2025.) After this date, an Education Order is not required unless otherwise ordered by the Court.

You can find this document on the Law Library Resource Center website on the Family Department page.

Use only one: Sole Education Order or Joint Education Order. The Education Order you choose must match the type of legal decision-making you are asking for in your Parenting Plan.

- Read each numbered paragraph. Fill in the information requested.
- Do not sign or date the judicial officer section at the end of the document.

Reminders:

1. Be sure to attach "Exhibit A" about property and debts to your decree.

2. Be sure to include a quit claim deed, if a quit claim deed has been signed.

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PARENTING PLAN INFORMATION

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A.R.S. § 25-401 defines legal decision-making and parenting time as follows:

1. **"Legal Decision-Making"** means the legal right and responsibility to make all nonemergency legal decisions for a child including those regarding education, health care, religious training and personal care decisions.

2. **"Joint Legal Decision-Making"** means both parents share decision-making and neither parent's rights nor responsibilities are superior except with respect to specified decisions as set forth by the Court or the parents in the final judgment or order.

> **PARENTS PLEASE NOTE:** Per A.R.S § 25-403.09, an award of joint legal decision-making or a substantially equal parenting time plan does not diminish the responsibility of either parent to provide for the support of the child. Also note that joint legal decision-making does not necessarily mean equal parenting time. A.R.S. § 25-403.02(E)

3. **"Sole Legal Decision-Making"** means one parent has the legal right and responsibility to make major decisions for a child.

4. **"Parenting Time"** means the schedule of time during which each parent has access to a child at specified times. Each parent during their scheduled parenting time is responsible for providing the child with food, clothing and shelter and may make routine decisions concerning the child's care.

> You may view the "Parenting Time Guidelines" online at the Arizona Supreme Court's website.

Drafting a Parenting Plan:

The written parenting plan pays attention to how the parents will make decisions pertaining to the child(ren)'s education, health care, religious training, and personal care; it is a blend of specific information with generalized plans of action. It should reflect what the parents are currently doing or what they actually plan to do. It should reflect a commitment to the minor child(ren)'s needs as predominant.

If the parents cannot agree on a plan for legal decision-making or parenting time, each parent must submit a proposed parenting plan. A.R.S. § 25-403.02(A)

In order for the Court to approve a parenting plan, A.R.S. § 25-403.02 requires the Court to make the following findings:

a. The best interests of the minor child(ren) are served;
b. The plan designates legal decision-making as joint or sole;
c. The plan sets forth each parent's rights and responsibilities for the personal care of the minor child(ren) and for decisions in areas such as education, health care, and religious training;
d. The plan provides a practical schedule of parenting time for the child, including holidays and school vacations;

e. The plan includes a procedure for exchanges of the child, including location and responsibility for transportation;
f. The plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved, which may include the use of Conciliation Services or private counseling;
g. The plan includes a procedure for periodic review (e.g., parents agree to review the terms of the agreement every 12 months.);
h. The plan includes a procedure for communicating with each other about the child, including methods and frequency;
i. The plan includes a statement that each party has read, understands, and will abide by the notification requirements of A.R.S. § 25-403.05(B). (A parent must immediately notify the other parent if the parent knows that a convicted/registered sex offender or a person who has been convicted of a dangerous crime against children may have access to the child. Notice must be provided (i) by first class mail, return receipt requested, (ii) by electronic means to an e-mail address the recipient provided to the parent for notification purposes, or (iii) by other communication accepted by the Court.)

The following questions may be used as a starting place when drafting a parenting plan:

1. **The geographical location of the parents:** Where do parents live relative to one another? What are their addresses? Permanent or temporary?

2. **Arrangements regarding the residential requirements of the minor child(ren):** How much time will the minor child(ren) spend with each parent? Be as specific as possible, including days and times.

3. **Arrangements for holidays and vacations:** What are your plans for summer vacation and school breaks? List specific details including dates and times.

4. **Arrangements for education:** How will decisions be made for educational matters? For example, if preschool age, what school will the minor child(ren) attend? If private school, who pays what?

5. **Additional transportation arrangements:** Will any additional transportation arrangements be needed? If so, what will be the responsibilities of each parent?

6. **Determinations regarding minor child(ren)'s health care:** For example, how will medical decisions be made? Who will provide insurance? How are non-insured expenses paid? Who decides on seeking non-emergency treatment? Is there a dental plan? If not, who will pay what?

7. **Arrangements regarding extraordinary expenses:** For example, what financial arrangements are made for the minor child(ren) (such as each sharing extraordinary expenditures and the parent with whom the minor child(ren) resides bearing the ordinary ones during the minor child(ren)'s residency)? A fixed amount per month?

8. **Arrangements for minor child(ren)'s religious training, if any:** For example, how will decisions be made for religious training? What, if any, are the plans for religious training?

9. **Any other factors:** What other arrangements (such as music lessons, sports/activity fees, camp or Scouts) are needed?

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How to complete a Child Support Worksheet

Use the **free** online child support calculator to produce the Child Support Worksheet that must be turned in along with your other court papers.

Using the online calculator is free (access to the Internet and a printer required).

If you do not have access to the Internet and/or a printer, you may use the computers at any Law Library Resource Center location. There is a small, per-page charge for printing. The online calculator is available at:

ezCourtForms https://www.superiorcourt.maricopa.gov/ezcourtforms2/

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Advantages of Using the Online Child Support Calculator

- The online calculator is free.
- The online calculator does the math for you.
- The online calculator produces a neater, more readable worksheet.
- The online calculator produces a more accurate child support calculation, **and**
- **You don't have to go through 35 pages of Guidelines and Instructions.**

If you want to perform the calculations yourself, you will need an additional 60 or more pages of guidelines, instructions, and the Child Support Worksheet form. These are available for separate purchase from the Law Library Resource Center as part of the "How to Calculate Child Support" packet, or may be downloaded for free from the Law Library Resource Center's web page (https://superiorcourt.maricopa.gov/llrc/family-court-forms/).

When you have completed all needed forms, go to the "Procedures" page and follow the steps.

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How to complete a Spousal Maintenance Worksheet (Applies only to cases in which the original petition for dissolution or legal separation was filed on or after September 24, 2022)

In a dissolution of marriage (divorce) or legal separation, one party may request that the court order the other party to pay "spousal maintenance." This is financial support paid by one party to the other party. The court considers certain statutory factors to decide whether a party is eligible for spousal maintenance. In these cases, either party may request that the other pay spousal maintenance.

Spousal Maintenance Guidelines:

For a case filed on or after September 24, 2022, if a person is eligible for spousal maintenance, then the court uses the Arizona Spousal Maintenance Guidelines to determine the amount and duration of the award for spousal maintenance.

The Guidelines can be found here: https://www.azcourts.gov/familylaw/Child-Support-Family-Law-Information/Spousal-Maintenance-Guidelines.

Spousal Maintenance Calculator:

In any dissolution of marriage or legal separation case that was originally filed on or after September 24, 2022, when a party requests spousal maintenance, or requests to change a past spousal maintenance court order, a completed Spousal Maintenance Worksheet ***must*** be included when filing an Application for Entry of a Default Decree and the party seeking default proceeds by motion without a hearing (Rule 44.1, ARFLP).

The worksheet is created using the FREE online Spousal Maintenance Calculator. Access to the internet is required. The online Spousal Maintenance Calculator can be found here: https://www.superiorcourt.maricopa.gov/app/selfsuffcalc/.

If you do not have access to the internet and/or a printer, you may use the computers at any Law Library Resource Center location. There is a small, per-page charge for printing.

Next Steps:

After completing the Spousal Maintenance Calculator, print out the Spousal Maintenance Worksheet in order to file it with your other paperwork.

When you have completed all necessary forms, go to the "Procedures" page and follow the steps.

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Procedures: How to submit your Decree of Dissolution when you request a hearing

Requirements:

A decree is your final court order that states that you are legally divorced. Before you get the decree, the following requirements must be completed.

- ✓ Parent Information Program: The court must have a copy of your "Certificate of Completion" showing that you attended the Parent Information Program.

- ✓ Fees: Your court fees must be paid. This includes all filing fees. If you were granted a deferral (Payment plan), the payments must be current. Please note: you must attach to the decree, proof of payment for fees in the form of a receipt, or a copy of the Order Regarding Deferral or Waiver of Court Fees and Costs.

- ✓ Time Frame: It has been at least 10 business days since your Application and Affidavit for Entry of Default was filed, and no response has been filed by the other party.

If you completed the above requirements, follow the steps below.

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Procedures:

Step 1: Complete the forms in the packet:

- Decree of Dissolution, including the completed Exhibit A about the division of property and debt.
- Parenting Plan, signed by you.
- If applicable (required prior to January 1, 2025): Education Order (Choose only one: Sole Education Order or Joint Education Order. The Education Order you choose must match the type of legal decision-making you are asking for in your Parenting Plan.)

You will need to include a copy of the fee receipt for payment of your filing fee, or a copy of the Order Regarding Deferral or Waiver of Court Fees and Costs to show the "Paid" status of your case.

Step 2: Complete:

- The Child Support Worksheet, Child Support Order, and Current Employer Information sheet online via

ezCourtForms http://www.superiorcourt.maricopa.gov/ezcourtforms2/.

Print out 1 copy of the completed Child Support Worksheet, Child Support Order, and Current Employer Information sheet.

- If applicable, the Spousal Maintenance Worksheet online at the following site:

  https://www.superiorcourt.maricopa.gov/app/selfsuffcalc/

  Print out 1 copy of the completed Spousal Maintenance Worksheet.

Step 3: If you are asking for a default hearing

A. Drop off your original documents at the information desk. The documents to provide include:
   1. Decree of Dissolution with "Exhibit A" about the division of property and debt, if it is not part of the decree
   2. Spousal Maintenance Worksheet (if applicable)
   3. Parenting Plan
   4. Education Order (if applicable)
   5. Child Support Worksheet
   6. Child Support Order
   7. Current Employer Information
   8. Fee receipt (if applicable), or a copy of the Order Regarding Deferral or Waiver of Court Fees and Costs (if applicable)

B. Be sure to also provide Family Department Administration with:
   1. Income information or wage paystubs for both parties.
   2. Information about costs for children's day care, medical insurance, special needs, etc.
   3. Be sure your certification of attendance at a Parent Information Program class has been filed.

C. Family Department Administration will review the forms to see if you are ready to proceed to a default hearing.
   - If you present your forms in person, Family Department Administration may review the forms while you are present.
   - If you email your forms or the Family Department Administration is not able to review them with you present, they will review them within 3 business days of receipt.
   - After the review, they will contact you by phone.

Do not copy or file this page

If your forms are hearing-ready, the Family Department Administration will schedule a default hearing and provide any further instructions. If there are issues with your documents, the Family Department Administration will provide you information about what to fix. You will then need to resubmit your corrected documents.

The default hearing will be set at least 60 days from the date the responding-party was served the divorce or legal separation papers. (A.R.S. § 25-329)

Hearings are usually by video. Do not be late for your hearing. If you are late, your hearing will be rescheduled to a different day.

Do not copy or file this page

Instructions and Procedures for a Default Decree by Motion, without a Hearing

Requirements

Sometimes a court hearing is not required to get a default decree. If you meet the following requirements, you may use this "no hearing" process to request a default decree:

- ✓ All parties must be legally competent and sane.
- ✓ The Summons and Petition were served to the other party, other than by publication.
- ✓ The Petition requests to the Court are the same as the requests proposed in the default order.

This means, you cannot use this process if . . .

- the responding party was served by publication,
- if the other party is insane or incompetent, or
- if the other party has filed a response, or made an appearance in the cases, or
- the requests to the Court in the proposed default order are not the same as those requested in the Petition.

You must have already filed and mailed to the other party an Application and Affidavit for Default. Also, it must be at least ten (10) court (business) days since you filed and mailed the Application.

If you filed for divorce or legal separation, it must also have been at least 60 calendar days since service of the Summons and Petition was completed.

Instructions

Complete the Motion and Affidavit for Default Decree without a Hearing.

1. Complete the top part of the page with your personal information, name of parties, and case number.

2. On the upper page right, mark the box that describes the kind of court order you are requesting (i.e., divorce, annulment, etc.).

3. SECTION A:

   - Read the information carefully.
   - Mark the boxes in front of the statements that are true.

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4. SECTION B: (To be completed only by parties seeking a decree of dissolution, legal separation, or annulment)

   - Mark the boxes that best apply to your situation.
   - Note: Attachments. If you marked a box next to a statement that requires an "attachment," be sure to attach the required document at the end of the original Motion and Affidavit for Default Decree without a Hearing. If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.

5. SECTION C: (To be completed only by parties seeking a judgment of paternity/maternity, and/or legal decision-making, parenting time or child support.)

   - Mark the boxes that best apply to your situation.
   - If the statement next to the box asks for an explanation, write it clearly in black ink.
   - Note: Attachments. If you marked a box next to a statement that requires an "attachment," be sure to attach the required document at the end of the original Motion and Affidavit for Default Decree without a Hearing. If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.

6. SECTION D: To be completed if it applies to you.

   Note: Attachments. If you marked a box next to a statement that requires an "attachment," be sure to attach the required document at the end of the original Motion and Affidavit for Default Decree without a Hearing. If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.

7. OATH or Affirmation: Sign and date this in front of the Clerk of Superior Court or Notary, with a picture identification.

8. Copy: Make three (3) copies of the original Motion and Affidavit for Default Decree without a Hearing. (Make additional copy if the Arizona Division of Child Support Services (DCSS) is involved in your case.)

After completing instructions above, you are ready to complete the Decree/Judgment/Order, also in this packet.

Do Not Copy or File This Page

Before you request a Default Decree by Motion without a Hearing, CHECK TO BE SURE THAT YOU:

- Properly served the Petition, Summons and other papers to other party and filed the proof of service. (Service cannot be done by publication if you are using this method (without a hearing)); AND
- Completed and filed the Application and Affidavit for Default, with all the required attachments and mailed a copy to the other party; AND
- If the other party is on active duty in the United State Military, you completed and notarized Service Member Civil Relief Act Waiver; AND
- Waited at least 61 days after the completion of service, if you filed for divorce or legal separation.

Do NOT Copy or File This Page

Complete the Default Decree/Judgment/Order.

1. See the instructions in this packet to complete the Default Decree/Judgment/Order.

2. If children are involved, there will be additional forms to complete, such as a Parenting Plan, Education Order (if applicable), Child Support Worksheet, Child Support Order, and Current Employer Information Sheet. See additional instructions in this packet.

3. Copy:
   - Make two (2) copies of the original Decree/Judgment/Order, plus attachments and any additional required forms. (Make additional copy if DCSS is involved in your case.)
   - Note: If you are missing an attachment or any required form, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.

If you will eFile your forms, you may not need as many paper copies. You will need a paper set of the filed forms to serve on the other party, Division of Child Support Services if they are involved in your case, and one for your judge or Family Administration (when required). For more information about how to eFile your papers, read the eFiling instructions:

https://superiorcourt.maricopa.gov/media/7448/dref93i.pdf.

Procedures

Step 1: Separate your papers into 4 sets: (Make additional copy if DCSS is involved in your case.)

<table>
<tr>
<td>Set 1: For Clerk of Superior Court:

• Motion and Affidavit for Default Decree without a Hearing</td>
<td>Set 2: For Judge:

• COPY Motion and Affidavit for Default Decree without a Hearing
ORIGINAL:
• Default Decree/Judgment/Order (plus any attachments)
• Parenting Plan (if applicable)
• Education Order (if applicable)
• Child Support Worksheet (if applicable)
• Child Support Order (if applicable)
• Spousal Maintenance Worksheet (if applicable)
• Current Employer Information Sheet (if applicable)</td>
</tr>
<tr>
<td>Set 3: Your copies:

• Motion and Affidavit for Default Decree without a Hearing
• Default Decree/Judgment/Order (plus any attachments)
• Parenting Plan (if applicable)
• Education Order (if applicable)
• Child Support Worksheet (if applicable)
• Child Support Order (if applicable)
• Spousal Maintenance Worksheet (if applicable)
Current Employer Information Sheet (if applicable)</td>
<td>Set 4: Copies for the Other Party:

• Motion and Affidavit for Default Decree without a Hearing
• Default Decree/Judgment/Order (plus any attachments)
• Parenting Plan (if applicable)
• Education Order (if applicable)
• Child Support Worksheet (if applicable)
• Child Support Order (if applicable)
• Spousal Maintenance Worksheet (if applicable)
• Current Employer Information Sheet (if applicable)</td>
</tr>
<tr>
<td colspan="2">Set 5: Copies for DCSS (if applicable)

• Motion and Affidavit for Default Decree without a Hearing
• Default Decree/Judgment/Order (plus any attachments)
• Parenting Plan (if applicable)
• Education Order (if applicable)
• Child Support Worksheet (if applicable)
• Child Support Order (if applicable)
• Spousal Maintenance Worksheet (if applicable)
• Current Employer Information Sheet (if applicable)</td>
</tr>
</table>

Do NOT Copy or File This Page

Step 2: File the original Motion and Affidavit for Default Decree without a Hearing, and two copies at one of the Clerk of Superior Court locations.

- The Clerk of Superior Court will keep the original Motion and all the attachments, as well as date-stamp the copy, and return both copies to you.

  Clerk of Superior Court
  250 W. Second St.
  Yuma, Arizona 85364

Step 3: Hand-deliver or mail the following documents as indicated below to the Family Department:

- One (1) file-stamped copy of the Motion and Affidavit for Default Decree.
- The original and two (2) copies of the Decree/Judgment/Order and related forms and attachments for signature by the Judge.
- Two (2) 9" x 12" envelopes with sufficient postage, one addressed to you, and one addressed to the other party.
- If the Division of Child Support Enforcement (DCSE) is involved in your case, you must include and extra copy of each form and stamped envelope addressed to:

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

Do NOT Copy or File This Page



* Staple and group the documents according to the page numbers and document sections. Do not combine or staple all documents together. Each document should be stapled separately and kept in the correct page-number order.

* Please look for the line in the corner of each page. This line indicates where the documents should be separated and stapled.

* If you have any questions or need clarification, please contact the Law Library at 928-817-4165

Step 4: The Judge will review your file and the documents you have submitted.

- If the Judge determines that everything is in order, they will sign the final Decree/Judgment/Order. The Clerk will file-stamp your copies and they will be mailed to you and the other party in the envelopes you have provided.
- If the Judge finds anything wrong with your court file or paperwork, your documents will be returned to you in the envelope you have provided along with a coversheet describing the deficiency, and in most cases, how it can be corrected.
- In some cases, the Judge may set a hearing. The court will send you notice of the hearing date and time.

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Common reasons why your paperwork may be rejected:

- Incomplete: The Decree/Judgment/Order was not fully completed.
  - Not all applicable boxes were marked.
  - An explanation(s) was missing.
  - An attachment(s) was missing.

- Different Requests: Items asked for in the Decree/Judgment/Order were not the same as the items asked for in the Petition.

- Missing Documents: The original Decree/Judgment/Order and copies were not submitted with the Motion and Affidavit for Default Decree without Hearing.

- Overlooked True Statements: You did not mark all boxes on the Motion and Affidavit for Default Decree without Hearing as true statements.

- No notarized Waiver: Did not provide a notarized Service Members Civil Relief Act Waiver, if required.

Arizona Rules of Family Law Procedure (ARFLP), Rule 44.1, allows for application for a default decree without hearing in Family cases for divorce, legal separation, annulment, maternity or paternity, money judgments, attorney fees, and spousal maintenance, but be WARNED:

- There are special legal requirements involved in qualifying for an annulment, and a default decree with no hearing.

- If your court papers do not fully explain how you meet those requirements, it could result in your case being delayed or dismissed.

Consulting an experienced attorney about whether your situation and your papers indicate you qualify for an annulment or a default decree, may help you to avoid unnecessary expense, delay, and disappointment.

Person Filing:_____

Address (if not protected):_____

City, State, Zip Code:_____

Telephone:_____

Email Address:_____

Lawyer's Bar Number:_____

For Clerk's Use Only

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

SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

In the Marriage of

_____
Name of Petitioner/Party A

and

_____
Name of Respondent/Party B

Case No. _____

MOTION AND AFFIDAVIT FOR DEFAULT DECREE WITHOUT HEARING for:

☐ DISSOLUTION OF MARRIAGE (Divorce)
☐ LEGAL SEPARATION
☐ ANNULMENT
☐ MATERNITY/PATERNITY
☐ ESTABLISH LEGAL DECISION-MAKING/PARENTING TIME/CHILD SUPPORT A.R.F.L.P. 44.1

I am the Petitioner/Party A, and I am asking the Court to enter a Decree of Dissolution of Marriage, Legal Separation, Annulment, or Maternity/Paternity, or an Order establishing legal-decision-making by default without a court hearing.

SECTION A.
I have marked each box in front of the statements below that are true and I understand that if any statement is not true, I cannot get a default decree without a hearing.

☐ I have read this Motion and Affidavit for Default Decree without a Hearing and to the best of my knowledge everything I have said is true.

☐ I have paid the filing and service fees, or the filing and service fees were waived or deferred. A copy of the receipt showing payment or a copy of the Order showing that the fees were waived or deferred is attached.

☐ To the best of my knowledge, both Party A and Party B are competent and sane at this time (even if "legal incompetence" or "insanity" at the time of the marriage is listed as a ground for an annulment).

☐ At least 60 days have passed since the other Party (Respondent) was served with the dissolution or legal separation papers, OR my case is for annulment or to establish maternity/paternity and/or legal decision-making/parenting time/child support and there is no 60-day waiting period.

☐ Service was not done by publication.

☐ Party B has not made an appearance in this matter or filed a Response. I filed the Application and Affidavit for Default, and Default has been entered against the other Party.

☐ At the time this action was filed, Party A or Party B was domiciled in Arizona or was stationed in Arizona while a member of the United States Armed Forces. If this is an action for dissolution of marriage (divorce) or annulment, Party A or Party B was domiciled or stationed in Arizona for more than 90 days, at the time the Petition was filed.

☐ My case does not involve a member of the military waiving service OR I have submitted a notarized Service Members Civil Relief Act Waiver completed by the other party.

SECTION B.
I am requesting Judgment of DISSOLUTION, LEGAL SEPARATION, or ANNULMENT.

☐ NO - If NO, skip to Section C.

☐ YES - If YES, answer each question below.

☐ Conciliation Services provisions have been met since the filing of the Petition, or the provisions do not apply. This must be true to proceed. (A.R.S. § 25-381.09).

Covenant Marriage: Our marriage ☐ IS or ☐ IS NOT a covenant marriage.

Pregnancy: ☐ Neither party ☐ Party A ☐ Party B is pregnant with a child common to the parties.

Choose only one that applies:
☐ If seeking divorce, the marriage is irretrievably broken.
☐ 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.

Spousal Maintenance: (choose only one)

☐ Party A or Party B has made a claim for spousal maintenance/support, and Default Information for Spousal Maintenance form and the Spousal Maintenance Worksheet are attached to this Motion and Affidavit.

☐ Party A or Party B has NOT made a claim for spousal maintenance/support, and the claim is deemed waived by both parties.

Property and Debt: (choose all that apply)

☐ There was no property or debt obtained during the marriage.

☐ Does not apply because (explain): _____

_____

_____

☐ All of the allegations, including those concerning property and debts listed in the Petition, were true at the time filed and remain true as of the date of the filing of this motion and affidavit, OR any changes are explained below:

_____

_____

_____

☐ I attached a list of all community property and debt (obtained or incurred during the marriage), including personal property, motor vehicles, bank accounts, retirement assets, life insurance, and real property, including the value and the party to whom the property or debt is to be awarded. The attached list also includes any requests for the award of sole and separate property and debt.

☐ Everything in the Petition for Dissolution of Marriage, Legal Separation, or for Annulment, concerning who gets the property and who pays the bills/debts is fair and reasonable.

☐ I have requested reasonable attorney fees and support for this request is attached to this Motion and Affidavit.

☐ Same as Petition: The requests in this form and relief to be awarded in the Decree are the same as the relief I requested in the underlying Petition, OR if the relief to be awarded is different, it has been approved by both parties, as reflected in a notarized statement from the other party or a Decree containing the notarized signatures of both parties. This must be true to proceed.

SECTION C.

I am requesting a Judgment of MATERNITY or PATERNITY and/or an Order for LEGAL DECISION-MAKING/PARENTING TIME/CHILD SUPPORT.

☐ NO - If NO, skip to Section D.

☐ YES - If YES, answer each question below.

☐ The name and date of birth of each child is:

Name:_____ Date of Birth:_____

Name:_____ Date of Birth:_____

Name:_____ Date of Birth:_____

Name:_____ Date of Birth:_____

Name:_____ Date of Birth:_____

☐ The factual basis for the finding of maternity/paternity is: _____

_____

_____

_____

☐ The child(ren) live with: _____

☐ Length of Residence: The child has 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 no proceedings involving the child that are pending in another jurisdiction.

OR

☐ There are other proceedings involving the child that are pending in another jurisdiction and I have listed the court name(s) and case number(s) below:

Court Name(s) _____

Case Number(s) _____

☐ There are no proceedings involving the child that are pending in another court. OR

☐ There are other proceedings involving the child that are pending in other courts and I have listed the court name(s) and case number(s) below:

Court Name(s) _____

Case Number(s) _____

State of Arizona Request:

☐ Does not apply. OR
☐ The State of Arizona has requested the default judgment of paternity. The factual basis for the finding of paternity is described above.

Child Support:

☐ I have attached the required Child Support Worksheet. Child Support is based on the following:
☐ The Arizona Child Support Guidelines OR
☐ A deviation from the Arizona Child Support Guidelines because: _____

_____

_____

☐ Other: _____

_____

_____

☐ The basis for determining the gross income of the defaulting party is: _____

_____

_____

SECTION D. (Check all that apply.)

☐ Attorney Fees: I have attached an itemized bill for a reasonable amount of attorney fees to support this request.

☐ Money Judgment(s): I have attached the calculations to establish the sum of requested money to support this request.

☐ Other requested relief. I have attached the following document, to establish the facts supporting the request: _____

_____

_____

Case No. _____

This signature page belongs to the form titled "Motion and Affidavit for Default Decree without Hearing" and cannot be used with any other documents.

OATH OR AFFIRMATION AND VERIFICATION

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

_____ _____

Signature Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(Date)

_____.

(Notarial Officer's Stamp or Seal) _____

Notarial Officer

Person Filing:_____

Address (if not protected):_____

City, State, Zip Code:_____

Telephone:_____

Email Address:_____

Lawyer's Bar Number:_____

For Clerk's Use Only

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

SUPERIOR COURT OF ARIZONA
INYUMA COUNTY

Case Number: _____

_____
Petitioner/Party A

ATLAS Number: _____
(if applicable)

_____
Respondent/Party B

DECREE OF DISSOLUTION OF A NON-COVENANT MARRIAGE WITH MINOR CHILDREN

THE COURT FINDS:

1. This case has come before this Court for a final Decree of Dissolution of Marriage. The Court has taken all testimony needed to enter a Decree, or the Court has determined testimony is not needed to enter the Decree.

2. This Court has jurisdiction over the parties under the law and the children under the provisions of A.R.S. § 25-1301. The provisions of this Decree are fair and reasonable under the circumstances and are in the best interests of the minor child(ren) as to authority for legal decision-making, parenting time, and support.

3. 90 DAY REQUIREMENT: At the time this action was filed, one or both parties had lived in, or been stationed in Arizona while a member of the United States Armed Forces, for more than 90 days.

4. Conciliation and Covenant Marriage: The provisions of A.R.S. § 25-381.09 relating to Conciliation Court either do not apply or have been met. This marriage is not a covenant marriage.

5. Irretrievably Broken: The marriage is irretrievably broken.

6. Issues of Minor Children, Child Support and Spousal Maintenance, Division of Property and Debt: Where it has the legal power and where it is applicable to the facts of this case, this Court has considered, approved, and made Orders relating to issues of legal decision-making, parenting time, child support, spousal maintenance (alimony), and the division of property and/or debts.

7. THIS DECREE APPLIES TO THE FOLLOWING MINOR CHILD(REN):

Name	Date of Birth

☐ Same information for additional children listed on attached page made part of this document by reference.

8. Pregnancy and Paternity:

☐ Party A is not pregnant, OR

☐ Party A is pregnant, and Party B ☐ IS OR ☐ IS NOT a parent of the child.

☐ Party B is not pregnant. OR

☐ Party B is pregnant and Party A ☐ IS OR ☐ IS NOT a parent of the child.

☐ Party A and Party B are the legal parents of the following child(ren) born to the parties before the marriage:

Name(s)	Date(s) of Birth

9. Spousal Maintenance/Support:

☐ Party A, OR ☐ Party B

- ☐ Lacks sufficient property, including property apportioned to the spouse, to provide for that spouse's reasonable needs.
- ☐ Lacks earning ability in the labor market that is adequate to be self-sufficient.
- ☐ Is the parent of a child whose age or condition is such that the parent should not be required to seek employment outside the home.
- ☐ Has made a significant financial or other contribution to the education, training, vocational skills, career, or earning ability of the other spouse or has significantly reduced that spouse's income or career opportunities for the benefit of the other spouse.
- ☐ Had a marriage of long duration and is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient.

10. Parent Information Program:

A. Party A ☐ has attended the Parent Information Program as evidenced by the Certificate of Completion in the Court file. OR
Party A ☐ has not attended the Parent Information Program and ☐ shall be denied any requested relief to enforce or modify this decree until Party A has completed the class.

B. Party B ☐ has attended the Parent Information Program as evidenced by the Certificate of Completion in the Court file. OR
Party B ☐ has not attended the Parent Information Program and ☐ shall be denied any requested relief to enforce or modify this decree until Party B has completed the class.

11. Domestic Violence:

If there has been domestic violence between the parties and legal decision-making is to be shared with or awarded to a parent who has committed an act of domestic violence, check appropriate box and explain. (A.R.S. § 25-403.03)

A. ☐ Domestic Violence has <u>not</u> occurred between the parties;

OR

B. ☐ Domestic Violence has occurred between the parties, but:

1. ☐ It was mutual (committed by both parties), (see A.R.S. § 25-403.03(D))

   OR

2. ☐ Neither party has committed an act of ***significant domestic violence*** (pursuant to A.R.S. § 13-3601); there has not been a ***significant history of domestic violence*** between the parties; and it is otherwise still in the best interests of the minor child(ren) to grant joint or sole legal decision-making to a parent who has committed domestic violence because: (Explain)

   _____

   _____

   _____

12. Drug Or Alcohol Conviction Within Last Twelve Months:

☐ Party A has been convicted of driving under the influence of alcohol or drugs, or was convicted of any drug offense within 12 months of filing the request for legal decision-making.

☐ Party B has been convicted of driving under the influence of alcohol or drugs, or was convicted of any drug offense within 12 months of filing the request for legal decision-making.

☐ The legal decision-making and/or parenting time arrangement ordered by this Court appropriately protects the minor child(ren).

13. Child Support: The Court finds that Party A and Party B owe a duty to support the child(ren) listed above. The required financial factors and any discretionary adjustment pursuant to the Arizona Child Support Guidelines are as set forth in the Child Support Worksheet attached hereto and incorporated by reference.

14. Legal Decision-making Authority for Minor Child(ren): (Check/complete only if legal decision-making authority is contested or joint legal decision-making is ordered.)

☐ The legal decision-making authority order or agreement is in the best interests of the minor child(ren) for the following reasons: (List the reasons.)

REASONS: _____

_____

15. Supervised or No Parenting Time: (Check and complete if applicable.) (Check and complete only if supervised parenting time or no parenting time is ordered.)

☐ Supervised Parenting Time between the minor children and ☐ Party A OR ☐ Party B

OR

☐ No Parenting Time by ☐ Party A OR ☐ Party B, is in the best interests of the minor child(ren), for the following reasons: (Explain the reasons)

REASONS: _____

_____

16. Community Property and Debt:

☐ The parties did not acquire any community property or debt during the marriage, OR

☐ There IS an agreement as to division of community property and debt; all community property and debt is divided pursuant to this Decree.

☐ There is NO agreement as to division of community property and debt, but all community property and debt is divided pursuant to this Decree.

17. Separate Property and Debt:

☐ The parties did not acquire any separate property or debt during the marriage, OR

☐ There IS an agreement as to division of separate property and debt; all separate property and debt is divided pursuant to this Decree.

☐ There is NO agreement as to division of separate property and debt, but all separate property and debt is divided pursuant to this Decree.

THE COURT ORDERS:

1. MARRIAGE IS DISSOLVED: The marriage of the parties is dissolved, and the parties are restored to the legal status of single persons.

2. NAME RESTORATION:

☐ Party A's name is restored to _____. (Put only the last name here.) Party A's date of birth is _____.

☐ Party B's name is restored to _____. (Put only the last name here.) Party B's date of birth is _____.

3. ENFORCEMENT OF TEMPORARY ORDERS: All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of ALL temporary orders here)

_____

are satisfied in full OR

☐ judgment is awarded against the party with the obligation up to the amount due and owing as of the date of this Decree, with the highest legal interest allowed by law, for the total amount of $ _____.

4. PREGNANCY AND PATERNITY

☐ A child who is common to the parties is expected to be born this date:

_____

The orders below as to legal decision-making, parenting time, child support, and medical insurance/expenses do not include this child; the Court reserves jurisdiction to address these issues regarding this child when the child is born.

a. CHILDREN: This Decree includes all minor children common to the parties as follows:

NAME(S) OF MINOR CHILD(REN)	DATE(S) OF BIRTH

b. ☐ PATERNITY: Party A and Party B are declared to be the parents of the minor children named below, born before the marriage:

Children Born BEFORE the Marriage	DATE(S) OF BIRTH

☐ FOR ANY ABOVE-NAMED MINOR CHILD BORN IN THE STATE OF ARIZONA, THE CLERK OF SUPERIOR COURT SHALL FORWARD A COPY OF THIS ORDER TO THE OFFICE OF VITAL RECORDS, WHICH IS ORDERED TO AMEND THE BIRTH CERTIFICATE(S) AS FOLLOWS:
(List full names of the party as appears on the party's Social Security card or other government issued official document and as should appear on the children's birth certificate(s))

1. Add the name: (List one name only)

as a parent on the above-named minor child(ren)'s birth certificate(s) if no name is already listed.

2. NAME CHANGE: (Optional) The names of one or more of the minor children for whom paternity has been established above shall be changed as follows:

Current Legal Name	New Name (optional)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

c. Minor Child(ren) to Whom This Decree Does Not Apply:

It is ordered that ☐ Party A ☐ Party B has no legal obligation or right to the minor child(ren) born during the marriage but not common to the parties. These minor children include: (Use additional paper if necessary)

Name	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

Child expected to be born this date: _____

5. PRIMARY RESIDENCE, PARENTING TIME, and AUTHORITY FOR LEGAL DECISION-MAKING

a. PRIMARY RESIDENCE:

☐ In accord with the Parenting Plan signed by both parties NEITHER parent's home is designated as the primary residence, OR

☐ Party A's home is designated the primary residence of: _____

_____

☐ Party B's home is designated the primary residence of: _____

_____

SUBJECT TO PARENTING TIME AS FOLLOWS:

b. PARENTING TIME:

☐ Reasonable parenting time rights as described in the Parenting Plan submitted with and made a part of this Decree. By submitting the Parenting Plan with this Order, the Parenting Plan becomes part of the final Order and carries the same legal weight as any other order of this Court. OR

☐ NO PARENTING TIME RIGHTS to ☐ Party A OR ☐ Party B, OR

☐ SUPERVISED PARENTING TIME to ☐ Party A OR ☐ Party B according to the terms of the Parenting Plan attached as Exhibit B and made part of this Decree. Parenting time may only take place in the presence of another person, named below or otherwise approved by the Court.

No Parenting Time or Supervised Parenting Time is in the best interests of the child(ren) because: (Explain) _____

_____

_____

(If supervised) Name of supervisor: _____

_____

The cost of supervised parenting time will be paid by the:

☐ The party being supervised,

☐ The party having legal decision-making, OR

☐ Shared equally by the parties

Restrictions on parenting time (if applicable): _____

_____

_____

c. AUTHORITY FOR LEGAL DECISION-MAKING:

1. ☐ SOLE AUTHORITY CONCERNING LEGAL DECISION-MAKING for the minor children is awarded to:
☐ Party A, OR ☐ Party B,

OR

2. ☐ JOINT LEGAL DECISION-MAKING: Party A and Party B agree to act as joint legal decision makers regarding the minor child(ren), pursuant to A.R.S. § 25-403, and as set forth in the Joint Legal Decision-making Agreement and Parenting Plan signed by both parties and attached to this Decree as "Exhibit B." There having been no significant acts of Domestic Violence by either parent, or the Court having found it in the best interests of the minor child(ren), the Court adopts the terms of the Joint Legal Decision-making Agreement and Parenting Plan, which is attached to and made part of this Decree.

6. CHILD SUPPORT:

☐ The Child Support Order, _____, is attached hereto and incorporated by reference. (date of order)

☐ Party A, OR ☐ Party B shall pay child support to the other party in the amount of $ _____ per month PAYABLE THE FIRST DAY OF THE MONTH after the date this Decree is signed by the judge until further order of the Court.

7. SPOUSAL MAINTENANCE/SUPPORT:

a. ☐ Neither party shall pay spousal maintenance/support (alimony) to the other party,

OR

b. ☐ Party A, OR ☐ Party B is ordered to pay the other party the sum of $_____ per month in spousal maintenance/support BEGINNING THE FIRST DAY OF THE MONTH after the date this Decree is signed. Each payment shall be made by the first day of each month after that and shall continue until the receiving party is remarried or deceased or until (date) _____.

☐ This is a deviation from the amount recommended under the Spousal Maintenance Guidelines. The Court finds that this amount is more appropriate or just.

Reason(s) for deviation:

_____

_____

_____

_____

_____

All payments shall be made through the Support Payment Clearinghouse PO Box 52107, Phoenix, Arizona 85072-7107 by income withholding order until all required payments have been made under this Decree. All spousal maintenance payments are governed by the applicable federal and state tax laws. It shall terminate upon the death of either party or remarriage of receiving party.

Spousal maintenance modification:

☐ The spousal maintenance award shall be modifiable in accordance with Arizona law,

OR

☐ The spousal maintenance award shall NOT be modifiable for any reason.

☐ Attachment: The required A.R.S. 25-319(B) financial factors and any discretionary adjustment pursuant to the Arizona Spousal Maintenance Guidelines are set forth in the Spousal Maintenance Worksheet and are attached hereto and incorporated herein by reference.

8. PROPERTY, DEBTS AND TAX RETURNS:

a. ☐ Party A is ordered to pay all debts unknown to Party B, AND

☐ Party B is ordered to pay all debts unknown to Party A, AND

☐ Each party is ordered to pay his or her debts from the following date:

_____

b. ☐ Other orders and relief relating to property or debt are contained in Exhibit A, which is attached and incorporated into this Decree.

c. ☐ Each party is assigned his or her separate property and Party A must pay his/her separate debt, and Party B must pay his/her separate debt.

d. ☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of title ordered in this Decree, such as motor vehicles, houses, and bank accounts. The parties shall transfer all real and personal property as described in Exhibit A to the

other party on or before _____by 5:00 p.m.

If the party required to transfer the property has not transferred the property to the party entitled to receive the property on or before the date and time listed above, the party entitled to receive the property is entitled upon application to a Writ of Assistance or Writ of Execution to be issued by the Clerk of Superior Court commanding the sheriff to put him or her in possession of the property.

e. ☐ For previous calendar years, pursuant to IRS rules and regulations, the parties will file:

☐ joint federal and state income tax returns and hold the other harmless from half of all additional income taxes and other costs, if any, and each will share equally in any refunds, OR

☐ separate federal and state income tax returns. AND,

☐ This calendar year and continuing thereafter, each party will file separate federal and state income tax returns. AND,

_____

_____

9. FINANCIAL INFORMATION EXCHANGES: The parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every twenty-four months. Each party shall give the other party all necessary documentation to file all tax returns.

10. OTHER ORDERS. (List any other orders.)

_____

_____

_____

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.

DONE IN OPEN COURT: _____.

_____
JUDGE OR COURT COMMISSIONER

If this Decree was issued as a "Default," and the papers to begin this case were served by any means other than by publication, a copy of this Decree shall be mailed or delivered to the responding party within 24 hours of the Court hearing as follows:

Name: _____

Mailing Address: _____

City, State Zip Code:_____

By: _____

Date: _____

Case Number: _____

EXHIBIT A: PROPERTY AND DEBTS

1. DIVISION OF COMMUNITY PROPERTY (property acquired during the marriage)

☐ Award each party the furniture, furnishings, artwork, collectibles, appliances, cookware, and related items of personalty in his/her possession.

☐ Community property is awarded to each party as follows:

2. LIST OF COMMUNITY PROPERTY (Be very specific in your description of the property.)

	AWARD TO: Party A	Party B
Household furniture / furnishings: (Be specific.)		
_____	☐	☐
_____	☐	☐
_____	☐	☐
_____	☐	☐
Appliances: (Be specific.)		
_____	☐	☐
_____	☐	☐
_____	☐	☐
_____	☐	☐
Video: TV /DVD /VCR: (Be specific)		
_____	☐	☐
_____	☐	☐
_____	☐	☐
_____	☐	☐
Audio: Stereo/ Radio: (Be specific)		
_____	☐	☐
_____	☐	☐
Computers and Related Equipment: (Be specific)		
_____	☐	☐
_____	☐	☐
_____	☐	☐

COMMUNITY PROPERTY	AWARD TO: Party A	Party B
Other Electronics: (Be specific)		
_____	☐	☐
_____	☐	☐
Motor Vehicles:		
Year, Make, Model: _____	☐	☐
Last 4 digits of VIN # _____		
Year, Make, Model: _____	☐	☐
Last 4 digits of VIN # _____		
Year, Make, Model: _____	☐	☐
Last 4 digits of VIN # _____		
Cash, bonds of $_____	☐	☐
Other: _____	☐	☐
Other: _____	☐	☐
Other: _____	☐	☐
Other: _____	☐	☐

☐ Continues on attached page.

3. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION

WARNING. You should see a lawyer about your retirement, pension, deferred compensation, 401k plans and/or benefits. If you do not see a lawyer regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. Only a lawyer can help you prepare these documents.

☐ Neither party has a retirement, pension, deferred compensation, 401K Plan and/or benefits.

OR

☐ Award each party his/her interest in any and all retirement benefits, pension plans, or other deferred compensation described as:

_____

_____

OR

☐ Each party WAIVES AND GIVES UP his/her interest in any and all retirement benefits, pension plans, or other deferred compensation of the other party:

4. DIVISION OF REAL PROPERTY (Land and Buildings) Section A is for one piece of property. Section B is for another, separate property.

A. Real property located at (address) _____

_____

The legal description of this property, as quoted from the DEED to the property* is:

_____

_____

_____

*If you do not provide a correct legal description, you may have to come back to court to amend the Decree to include the correct legal description.

The real property ("A") described above is awarded as the sole and separate property of:

☐ Party A or ☐ Party B OR

☐ Shall be sold and the proceeds divided as follows:

_____% or $_____ to Party A.

_____% or $_____ to Party B.

B. Real property located at (address) _____

_____

The legal description of this property, as quoted from the DEED to the property* is:

_____

_____

_____

*If you do not provide a correct legal description, you may have to come back to court to amend the Decree to include the correct legal description.

The real property ("B") described above is awarded as the sole and separate property of:

☐ Party A or ☐ Party B

OR

☐ Shall be sold and the proceeds divided as follows:

_____% or $_____ to Party A.

_____% or $_____ to Party B.

☐ Continues on attached page.

5. DIVISION OF COMMUNITY DEBT (Debts incurred during the marriage) (You should see a lawyer about how to divide secured and unsecured debts.)

Community debts shall be divided as follows:

Creditor Name	Amount Owed	Amount to be paid by Party A	Amount to be paid by Party B
	$	$	$
	$	$	$
	$	$	$
	$	$	$
	$	$	$
	$	$	$
	$	$	$
	$	$	$
	$	$	$
	$	$	$

☐ Continues on attached page.

6. ☐ Any debts or obligations incurred by either party before the date of separation, that are not identified in the list above or attached, shall be paid by the party who incurred the debt or obligation, and that party shall indemnify and hold the other party harmless from such debts.

7. SEPARATE PROPERTY. (Property acquired before the marriage or by gift or bequest to one party.)

Property recognized as the separate property of the Party A or Party B, is assigned below:

Description	Value	To Party A	To Party B
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐

8. SEPARATE DEBT: (Debt acquired before the marriage.)

Debt recognized as the separate debt of the Party A or Party B, is assigned below:

Creditor Name	Debt Amount	Party A Pays	Party B Pays
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐
	$	☐	☐

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

For Clerk's Use Only

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

SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

Case No. _____

_____
Petitioner/Party A

PARENTING PLAN FOR

☐ JOINT LEGAL DECISION-MAKING

_____
Respondent/Party B

OR

☐ SOLE LEGAL DECISION-MAKING

INSTRUCTIONS

This document has 4 parts: PART 1) General Information; PART 2) Legal Decision-making and Parenting Time; PART 3) Danger to Children Notification Statement; and PART 4) Joint Legal Decision-making Agreement. Where this form refers to "children" it refers to any and all minor children common to the parties whether one or more.

One or both parents must complete and sign the Plan as follows:

a. If only one parent is submitting the Plan: that parent must sign at the end of PART 2 and 3, and the Affidavit under Section 5.

b. If both parents agree to legal decision-making and parenting time arrangements but not to joint legal decision-making: Both parents must sign the Plan at the end of PART 2 and 3, and the Affidavits under Section 5.

c. If both parents agree to joint legal decision-making and parenting time arrangements as presented in the Plan: Both parents must sign the Plan at the end of PARTS 2, 3, and 4, and the Affidavits under Section 5.

PART 1: GENERAL INFORMATION:

A. MINOR CHILDREN. This Plan concerns the following minor children:
(Use additional paper if necessary)

_____ _____

_____ _____

_____ _____

B. THE FOLLOWING LEGAL DECISION-MAKING ARRANGEMENT IS REQUESTED:
(Choose ONE of 1, 2, 3, 4.)

☐ 1. SOLE LEGAL DECISION-MAKING BY AGREEMENT.

The parents agree that sole legal decision-making authority should be granted to ☐ Party A ☐ Party B.

The parents agree that since each has a unique contribution to offer to the growth and development of their minor children, each of them will continue to have a full and active role in providing a sound moral, social, economic, and educational environment for the benefit of the minor children, as described in the following pages,

OR

☐ 2. SOLE LEGAL DECISION-MAKING REQUESTED BY THE PARENT SUBMITTING THIS PLAN. The parents cannot agree to the terms of legal decision-making and parenting time. The parent submitting this Plan asks the Court to order sole legal decision-making authority and parenting time according to this Plan.

OR

☐ 3. JOINT LEGAL DECISION-MAKING BY AGREEMENT. The parents agree to joint legal decision-making and request the Court to approve the joint legal decision-making arrangement as described in this Plan.

OR

☐ 4. JOINT LEGAL DECISION-MAKING AUTHORITY REQUESTED BY THE PARENT SUBMITTING THIS PLAN.

The parents cannot agree to the terms of legal decision-making and parenting time or are unable to submit this plan together at this time. My request for joint legal decision-making authority is deferred for the Court's determination.

PART 2: PARENTING TIME. Complete each section below. Be specific about what you want the Judge to approve in the court order.

A. (School Year) WEEKDAY AND WEEKEND TIME-SHARING SCHEDULE:

☐ The minor children will be in the care of Party A as follows: (Explain).

_____

_____

☐ The minor children will be in the care of Party B as follows: (Explain).

_____

_____

☐ Other parenting time arrangements are as follows: (Explain).

_____

_____

☐ Transportation will be provided as follows:

☐ Party A or ☐ Party B will pick the minor children up at _____ o'clock.

☐ Party A or ☐ Party B will drop the minor children off at _____ o'clock.

Parenting-time exchanges will occur at the following exchange location :

_____

_____

_____

Parents may change their time-share arrangements by mutual agreement with at least _____ days' notice in advance to the other parent.

B. SUMMER MONTHS OR SCHOOL BREAK LONGER THAN 4 DAYS: The weekday and weekend schedule described above will apply for all 12 calendar months EXCEPT:

_____

☐ During summer months or school breaks that last longer than 4 days, no changes shall be made. OR,

☐ During summer months or school breaks that last longer than 4 days, the minor children will be in the care of Party A: (Explain)

_____

☐ During summer months or school breaks that last longer than 4 days, the minor children will be in the care of Party B:(Explain)

_____

☐ Each parent is entitled to a _____ week period of vacation time with the minor children. The parents will work out the details of the vacation at least _____ days in advance.

C. TRAVEL

☐ Should either parent travel out of the area with the minor children, each parent will keep the other parent informed of travel plans, address(es), and telephone number(s) at which that parent and the minor children can be reached.

☐ Neither parent shall travel with the minor children outside Arizona for longer than _____ days without the prior written consent of the other parent or order of the court.

D. HOLIDAY SCHEDULE: The holiday schedule takes priority over the regular time-sharing schedule as described above. Check the box(es) that apply and indicate the years of the holiday access/Parenting time schedule.

Holiday	Even Years		Odd Years	
New Year's Eve	☐ Party A	☐ Party B	☐ Party A	☐ Party B
New Year's Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Spring Vacation	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Easter	☐ Party A	☐ Party B	☐ Party A	☐ Party B
4th of July	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Halloween	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Veteran's Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Thanksgiving	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Hanukkah	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Christmas Eve	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Christmas Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Winter Break	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Child's Birthday	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Mother's Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B
Father's Day	☐ Party A	☐ Party B	☐ Party A	☐ Party B

☐ Each parent may have the children on his or her birthday.

☐ Three-day weekends which include Martin Luther King Day, Presidents' Day, Memorial Day, Labor Day, Columbus Day, the children will remain in the care of the parent who has the minor children for the weekend.

☐ Other Holidays (Describe the other holidays and the arrangement):

_____

☐ Telephone Contact: Each parent may have telephone contact with the minor children during the children's normal waking hours, OR: (Explain)

_____

☐ Other (Explain):

_____

E. PARENTAL ACCESS TO RECORDS AND INFORMATION: Under Arizona law (A.R.S. § 25-403.06), unless otherwise provided by court order or law, on reasonable request, both parents are entitled to have equal access to documents and other information concerning the minor children's education and physical, mental, moral and emotional health including medical, school, police, court and other records.

- A person who does not comply with a reasonable request for these records shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to make the other parent obey this request.
- A parent who attempts to restrict the release of documents or information by the custodian of the records without a prior court order is subject to legal sanctions.

F. MEDICAL AND DENTAL ARRANGEMENTS:

☐ Both parents have the right to authorize emergency medical treatment, if needed, and the right to consult with physicians and other medical practitioners. Both parents agree to advise the other parent immediately of any emergency medical/dental care sought for the minor children, to cooperate on health matters concerning the children and to keep one another reasonably informed. Both parents agree to keep each other informed as to names, addresses and telephone numbers of all medical/dental care providers.

☐ Both parents will make major medical decisions together, except for emergency situations as noted above. (optional) ☐ If the parents do not reach an agreement, then:

_____

OR

☐ Major medical/dental decisions will be made by ☐ Party A ☐ Party B after consulting the other parent.

G. RELIGIOUS EDUCATION ARRANGEMENTS: (Choose ONE)

☐ Each parent may take the minor children to a church or place of worship of his or her choice during the time that the minor children is/are in his or her care.

☐ Both parents agree that the minor children may be instructed in the faith.

☐ Both parents agree that religious arrangements are not applicable to this plan.

H. ADDITIONAL ARRANGEMENTS AND COMMENTS:

☐ NOTIFY OTHER PARENT OF ADDRESS CHANGE. Each parent will inform the other parent of any change of address and/or phone number in advance OR within _____ days of the change.

☐ NOTIFY OTHER PARENT OF EMERGENCY. Both parents agree that each parent will promptly inform the other parent of any emergency or other important event that involves the minor children.

☐ TALK TO OTHER PARENT ABOUT EXTRA ACTIVITIES. Each parent will consult and agree with the other parent regarding any extra activity that affects the minor children's access to the other parent.

☐ ASK OTHER PARENT IF HE/SHE WANTS TO TAKE CARE OF CHILDREN. Each parent agrees to consider the other parent as care-provider for the minor children before making other arrangements.

☐ OBTAIN WRITTEN CONSENT BEFORE MOVING. Neither parent will move with the minor children out of the Yuma metropolitan area without prior written consent of the other parent, or a court-ordered Parenting Plan. A.R.S. 25-408 (B)

☐ COMMUNICATE. Each parent agrees that all communications regarding the minor children will be between the parents and that they will not use the minor children to convey information or to set up parenting time changes.

☐ METHOD OF COMMUNICATION. Each parent agrees to use the following means of communication:

_____

☐ FREQUENCY OF COMMUNICATION. Each parent agrees to communicate regarding the child(ren) on a regular basis. That communication schedule will be

_____

and will be by the following methods: ☐ Phone ☐ Email ☐ Other

☐ PRAISE OTHER PARENT. Each parent agrees to encourage love and respect between the minor children and the other parent, and neither parent shall do anything that may hurt the other parent's relationship with the minor children.

☐ COOPERATE AND WORK TOGETHER. Both parents agree to exert their best efforts to work cooperatively in future plans consistent with the best interests of the minor children and to amicably resolve such disputes as may arise.

☐ NOTIFY OTHER PARENT OF PROBLEMS WITH TIME-SHARING AHEAD OF TIME. If either parent is unable to follow through with the time-sharing arrangements involving the minor child(ren), that parent will notify the other parent as soon as possible.

☐ PARENTING PLAN. Both parents agree that if either parent moves out of the area and returns later, they will use the most recent "Parenting Plan/Access Agreement" in place before the move.

☐ MEDIATION. If the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, they may request mediation through the court or a private mediator of their choice.

NOTICE: Do not deviate from Parenting Plan until dispute is resolved.

Both parents are advised that while a dispute is being resolved, neither parent shall deviate from this Parenting Plan, or act in such a way that is inconsistent with the terms of this agreement.

Once this Plan has been made an order of the Court, if either parent disobeys the court order related to parenting time with the children, the other parent may submit court papers to request enforcement. See the Law Library Resource Center packets to enforce a court order.

PART 2: SIGNATURE OF ONE OR BOTH PARENTS (as instructed on page 1)

Signature of Party A: _____ Date: _____

Signature of Party B: _____ Date: _____

Case No. _____

PART 3: STATEMENT REGARDING CONTACT WITH SEX OFFENDERS AND PERSONS CONVICTED OF DANGEROUS CRIMES AGAINST CHILDREN.

According to A.R.S. §25-403.05, a child's parent or custodian must immediately notify the other parent or custodian if the person knows that a convicted or registered sex offender or someone who has been convicted of a dangerous crime against children may have access to the child.

The parent or custodian must provide notice (by first class mail, return receipt requested, by electronic means to an electronic mail address that the recipient provided) to the parent or custodian for notification purposes or by another form of communication accepted by the court.

According to A.R.S. § 13-705 (P) (1), "Dangerous crime against children" means any of the following that is committed against a minor who is under fifteen years of age:

(a) Second degree murder.
(b) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
(c) Sexual assault.
(d) Molestation of a child.
(e) Sexual conduct with a minor.
(f) Commercial sexual exploitation of a minor.
(g) Sexual exploitation of a minor.
(h) Child abuse as prescribed in section 13-3623, subsection A, paragraph 1.
(i) Kidnapping.
(j) Sexual abuse.
(k) Taking a child for the purpose of prostitution as prescribed in section 13-3206.
(l) Child prostitution as prescribed in section 13-3212.
(m) Involving or using minors in drug offenses.
(n) Continuous sexual abuse of a child.
(o) Attempted first degree murder.
(p) Sex trafficking.
(q) Manufacturing methamphetamine under circumstances that cause physical injury to a minor.
(r) Bestiality as prescribed in section 13-1411, subsection A, paragraph 2.
(s) Luring a minor for sexual exploitation.
(t) Aggravated luring a minor for sexual exploitation.
(u) Unlawful age misrepresentation.

Case No. _____

PART 3: SIGNATURE OF ONE OR BOTH PARENTS (as instructed on page 1)

I/We have read, understand, and agree to abide by the requirements of A.R.S. § 25-403.05 concerning notification of other parent or custodian if someone convicted of dangerous crime against children may have access to the child.

Signature of Party A: _____ Date: _____

Signature of Party B: _____ Date: _____

PART 4: JOINT LEGAL DECISION-MAKING AGREEMENT (IF APPLICABLE):

A. DOMESTIC VIOLENCE: Arizona Law (A.R.S. § 25-403.03) states that joint legal decision-making authority shall NOT be awarded if there either has been "significant domestic violence" pursuant to A.R.S. § 13-3601 OR "a significant history of domestic violence."

☐ Domestic Violence has not occurred between the parties, OR

☐ Domestic Violence has occurred between the parties, but one of the following applies: (1) it has not been "significant domestic violence"; (2) there has not been a "significant history of domestic violence, (3) and/or domestic violence has been committed by both parties.*

B. DUI or DRUG CONVICTIONS: (A.R.S. § 25-403.04)

☐ Neither party has been convicted of driving under the influence or a drug offense within the past 12 months, OR

☐ One of the parties HAS been convicted of driving under the influence or a drug offense within the past 12 months, but the parties feel Joint Legal Decision-making is in the best interest of the children.*

* IF THERE HAS BEEN DOMESTIC VIOLENCE OR A DUI OR DRUG CONVICTION:

Explain below why Joint Legal Decision-making is still in the best interest of the children.

_____

_____

_____

_____

_____

C. JOINT LEGAL DECISION-MAKING AGREEMENT: If the parents have agreed to joint legal decision-making, the following will apply, subject to approval by the Judge:

1. REVIEW: The parents agree to review the terms of this agreement and make any necessary or desired changes every _____ month(s) from the date of this document.

2. CRITERIA. Our joint legal decision-making agreement meets the criteria required by Arizona law A.R.S. § 25-403.02, as listed below:

   a. The best interests of the minor children are served;
   b. Each parent's rights and responsibilities for personal care of the minor children and for decisions in education, health care and religious training are designated in this Plan;
   c. A practical schedule of the parenting time for the minor children, including holidays and school vacations is included in the Plan;
   d. A procedure for the exchange(s) of the child(ren) including location and responsibility for transportation.
   e. The Plan includes a procedure for periodic review;
   f. The Plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved.
   g. A procedure for communicating with each other about the child, including methods and frequency.

PART 4: SIGNATURES OF BOTH PARENTS REQUESTING JOINT LEGAL DECISION-MAKING AUTHORITY (as instructed on page 1)

Signature of Party A: _____ Date: _____

Signature of Party B: _____ Date: _____

Case No. _____

This signature page belongs to the form titled "Parenting Plan" and cannot be used with any other documents.

PART 5: AFFIDAVITS

I declare under penalty of perjury the foregoing is true and correct.

_____ _____

Petitioner's/Party A's Signature Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____
(Date)

by_____.

_____

(Notarial Officer's Stamp or Seal) Notarial Officer

_____ _____

Respondent's/Party B's Signature Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____
(Date)

by_____.

_____

(Notarial Officer's Stamp or Seal) Notarial Officer