# SELF SERVICE CENTER

**INSTRUCTIONS: HOW TO FILL OUT the FORMS for YOUR DECREE OF DISSOLUTION**

**for a NON-COVENANT MARRIAGE -- without MINOR CHILDREN**

Use these instructions **only** with the ***“Decree of Dissolution of a Non-Covenant Marriage (Divorce) Without Minor Children.”*** If there are minor children, by birth or adoption, common to you and your spouse, use the form for a ***“Decree of Dissolution of a Non-Covenant Marriage With 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 or Commissioner has signed it, is important because it determines the rights and responsibilities of both you and your ex-spouse. 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 your ex-spouse can request a Contempt Order or an Order to Enforce parts of the Decree, if you or your spouse fail to do what the Decree tells you to do.

**Getting Your Divorce Finalized.** Before your divorce can become final, a judicial officer must sign what is called a Decree of Dissolution of Marriage. The Decree tells you who gets the property, who pays the debts, who pays spouse maintenance/support and so forth.

**Divorce by Default. If you have a Default Hearing, you must repeat as closely as possible what you requested in your Petition on the Decree.** 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 judicial officer 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 hearing or before you give it to the Judge or Commissioner to sign. You cannot mark something different in the Decree from what you asked for in your Petition or Response, have agreed to in writing with your spouse, or from what the judge has already decided. Do not fill in the Judge's or Commissioner’s signature and date. If the Judge or Commissioner disagrees with anything you have written, he or she will change it before signing the Decree.

**Caption**

Write in the name of the person filing the document and that person’s current address, city, state, zip code, telephone number, and email address. Indicate whether you represent yourself, or, if you are the lawyer, whether you represent the Petitioner or Respondent.

Write in the Name of the Petitioner and the Name of the Respondent and the case number in the space provided. The names should appear the same way as they appear on the Petition.

**INSTRUCTIONS FOR FILLING OUT THE DECREE.** (The section number in front of each paragraph below corresponds with the section number on the Decree.) **TYPE OR WRITE IN BLACK INK ONLY.**

**SECTION: INSTRUCTION:**

**THE COURT FINDS:**

**1-3.** These sections state that before the judge or commissioner signs the Decree, he/she will have determined that the court has the legal power to make the orders in your case.

**4.** This section informs you that if you served the other party *by publication*, the Court cannot sign a Decree that divides community property and/or debt, or orders the other party to pay spousal maintenance (alimony) until you find and serve notice on your spouse. The Court will be able to divorce you and your spouse.

**5.** This section states that either the Petitioner and/or the Respondent lived in Arizona at least 90 days before the Petition for divorce was filed.

**6.** 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.

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

**8.** This section relates to issues of spousal maintenance, division of property and debt, and states that the Court has made orders about those issues.

**9. Pregnancy and Paternity:** Place a mark in the proper box to indicate whether a party is or is not pregnant, and indicate if the other party is a parent of the child(ren).

**10.** **Spousal Maintenance/Support.** Mark the appropriate box to show which party, if any, will receive spousal maintenance/ support (alimony).

**11. Community Property and Debt.** Mark the first box **only** if you and your spouse 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 your spouse 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.

**12. Separate Property and Debt.** Mark the first box **only** if you and your spouse did not have 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 your spouse 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:**

**A. MARRIAGE IS DISSOLVED.** This section ends your marriage.

**B.** **NAME RESTORATION.** Write in the former name of Petitioner or Respondent here **ONLY** if Petitioner or Respondent or wants to use and/or be called by the former/maiden name. (The law does not require you to use your former/maiden name.)

1. **ENFORCEMENT OF TEMPORARY ORDERS.** If the court ordered temporary payment of 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.

**D.** **PREGNANCY AND PATERNITY****.** If Petitioner or Respondent is pregnant AND both the Petitioner and Respondent are the parents of the child, write in the expected date of birth for the unborn child.

**E. SPOUSAL MAINTENANCE (ALIMONY).**

**E.1.** Mark this box if neither party is requesting spousal maintenance. Mark this box if you requested spousal maintenance (alimony) in the Petition and you have a Default Hearing. (You cannot get spousal maintenance if the other party was served by publication.)

**E.2.** Mark this box if the parties agreed that one party would pay the other party spousal maintenance. Then mark who is to pay 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.

**F.** **PROPERTY, DEBTS, and TAX RETURNS.**

**F.1.** 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 H.1., you are telling the court you do **not** want to pay for bills your spouse incurred after you separated. Write the approximate date you separated on the line provided.

**F.2.** 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.

**F.3.** This states that you and your spouse will 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 your spouse are each responsible for any debt that you acquired from before the marriage.

**F.4.** This means either spouse can record the Decree if there is a transfer of title to certain property, like a house. This section also requires each spouse 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 spouse to the other spouse, 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.

**F.5.** 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 paid. For this calendar year and future calendar years, you and your spouse will not be able to 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.

**G. OTHER ORDERS.** List any other orders that are not described in the Decree.

**H. FINAL APPEALABLE ORDER.** This decree/order/judgment is a final order and may be appealed.

**SIGNATURES SECTION:**

* Do not sign or date the Decree for the Judge or Commissioner
* If there is a Default Hearing, you, must mail a copy of the Decree to the other Party after the judge has signed it.

**“EXHIBIT A: COMMUNITY PROPERTY AND DEBT” SECTION**

IF YOU MARKED the first boxin **section 10** ON YOUR DECREE AND HAVE NO COMMUNITY PROPERTYOR DEBTS, **STOP HERE;** you have completed your Decree.

If you have community property or community debt listed in your Petition or Response, copy that information from your Petition or Response to “**Exhibit A.**” **REMEMBER:** If you are going by default, the division of property must be identical to the list in your Petition. You cannot add new community property to the list, although you can give your spouse 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 Petitioner or Respondent 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. Then, 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 spouse is entitled up to a one-half interest in the pension, retirement, or deferred compensation benefits of the other spouse based upon the length of time the parties were married. This is **very complicated, and very important** to both spouses. If you are entitled to any interest in your spouse’s retirement assets, you may be required to filea **Qualified Domestic Relations Order.**

**This is a very important document. The Court and the Self-Service Center do not have this document. See a lawyer for help.** Check the box that describes what you asked for in the Petition or Response 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 or Response. Decide which spouse gets the property, OR whether it should be sold and how any proceeds should be divided.

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

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

**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.**