

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT PAPERS FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITHOUT MINOR CHILDREN

Use this form **ONLY** if you are getting a divorce and there are no children under the age of 18 years involved who are common to you and your spouse, and you have a non-covenant marriage.

Arizona laws regarding “covenant” marriages went into effect August 21, 1998. See ARS §25-901. If you have a covenant marriage, you and your spouse were asked to sign an affidavit that included a statement similar to this: “We solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for as long as they both live. We have chosen each other carefully. We understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling. We declare that our marriage will be bound by Arizona law regarding covenant marriages and we promise to love, honor and care for one another as husband and wife for the rest of our lives.”

(This paperwork will **not** work if you have a covenant marriage. If you have questions about whether you have a “covenant” marriage, look at your marriage license and/or see a lawyer for help.)

DOMESTIC VIOLENCE: Domestic violence can be part of any marriage. Domestic violence includes physical violence such as hitting, slapping, pushing or kicking **or** threats of physical violence directed against you and/or your children **and/or** verbal abuse used to control you and/or your children.

Court documents request your address and phone number. If you are a victim of domestic violence, and you do **not** want your address to be known to protect yourself or your children from further violence, you **must file** a “*Petition for an Order of Protection*” and ask that your address **not** be disclosed on court papers. With that Order, you do not need to put your address and phone number on your divorce papers. Just leave the space on the form where you are asked for this information blank. You must tell the Clerk of the Court your address and phone number as soon as possible so the court can get in touch with you. The court will keep your address protected.

GENERAL

- These forms are intended to be used by a self-represented litigant (a person who is representing himself or herself) in a Dissolution of Marriage (Divorce) case.
- These instructions are written for self-represented litigants.

ALL FORMS:

- **Type or print in black ink.**
- Fill in **your name** in any space that says “Petitioner,” and “Name of Petitioner.” Remember, you will be the PETITIONER through the whole case. (This includes any requests or petitions for, or responses to, emergency orders, temporary orders, and post-divorce decree orders [any filing after the divorce is final].)
- Fill in **your spouse’s name** in any space that says “Respondent,” and “Name of Respondent.” Your spouse will be the RESPONDENT for the rest of this case. (This includes any requests or petitions for, or responses to, emergency orders, temporary orders, and post-divorce decree orders [any filing after the divorce is final].)
- In the top left corner of the first page of each form, fill out the following:
 - your name (if you are the person filling out the petition and filing the petition with the court);
 - your address (**if not protected**);
 - your city, state and zip code;
 - your telephone number(s);
 - your email address; and
 - Check the box to say whether you are representing yourself or you are a lawyer representing one of the parties.
 - If you are representing yourself, check “[X] Self.”
 - If a lawyer represents you, seek your lawyer’s advice before filing any document with the court.
 - If you are a lawyer representing one of the parties, check “[X] Attorney for” then fill in the name of your client, and your lawyer bar number.
 - As noted above, place your name on the line above “Name of Petitioner” and your spouse’s name on the line above “Name of Respondent.”
 - Leave the space for “Case Number:” blank. When you file your papers, you will receive a case number.
 - Fill in the name of the county where you will be filing the petition.

FAMILY COURT / SENSITIVE DATA COVER SHEET (DRSDS10F-A)

- Write in the information requested about you, the Petitioner; and your spouse, the Respondent.
- **DO NOT INCLUDE YOUR MAILING ADDRESS ON THIS FORM IF YOU ARE REQUESTING ADDRESS PROTECTION.**
- Type of Case: Check the box before “Dissolution (Divorce).”
- No additional copies are needed. **Do not** serve this document on the other party.
- Answer the question about the need for an interpreter. If yes, indicate which language.

SUMMONS (DR11F)

- Follow the instructions for all forms above.
- **Do not** fill out the rest of the form, the Clerk of Court complete the rest of the form later.

PRELIMINARY INJUNCTION (DR14F)

- Follow the instructions for all forms above.
- **Do not** fill out the rest of the form except in paragraph 6 of the Preliminary Injunction, fill out your description and that of your spouse. The Clerk of Court will complete the rest of the form later.

PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITHOUT MINOR CHILDREN” (DRDA10F)

- Make sure your form is titled “*Petition for Dissolution of Non-Covenant Marriage (Divorce) Without Children.*”
- Follow the instructions for all forms above.

STATEMENTS MADE TO THE COURT, UNDER OATH OR AFFIRMATION.

- 1. INFORMATION ABOUT ME, THE PETITIONER.** Fill in your name, address (**if not protected**), county of residence, date of birth, job title, and length of time (years/months) you have lived in Arizona.
- 2. INFORMATION ABOUT MY SPOUSE, THE RESPONDENT.** Fill in your spouse’s name, address (if you know it), county of residence (if you know it), date of birth, job title, and length of time (years/months) your spouse has lived in Arizona.
- 3. INFORMATION ABOUT OUR MARRIAGE.**
 - Fill in the date you were married, and the city and state, or country where you were married. If you do not know this information, you may get a copy of your marriage license from the Clerk of the Court in the county where you were married.
 - Read the statements that follow the checkboxes. Check the box for each statement that is **TRUE**. If any statement is **NOT TRUE** *or if you fail to check the box to indicate the statement is true*, your case may not proceed.

To have a “Covenant Marriage”, both spouses would have had to:

- 1. sign papers** requesting to have a covenant marriage or to convert to a covenant marriage,
- 2. attend pre-marital counseling** (unless converting an existing marriage to a covenant marriage, **AND**
- 3. Your marriage license would say “*Covenant Marriage*”.**

If you still have questions about whether you have a “covenant” marriage, contact a lawyer for help.

- Check the first box to indicate that you **do not** have a “covenant” marriage.

“**Irretrievably broken**” means that your marriage is broken beyond repair and there is no chance of getting back together with your spouse.

- Check the second box to indicate your marriage is **irretrievably broken**.
- Check the third box to indicate that marital counseling is not required or that it would not help.

4. 90 DAY REQUIREMENT. Before you file for Divorce, this statement **MUST** be true for either you or your spouse. **IF IT IS NOT TRUE, YOU CANNOT FILE FOR DIVORCE** in Arizona until it becomes true. Check the box indicating if you or your spouse, has met this requirement.

5. INFORMATION ABOUT PROPERTY AND DEBT: The information you give in paragraphs A through D tells the court about your property and debts, and how you think your property and debts should be divided.

- **Community property** is generally any property you and your spouse purchased during your marriage or paid for during the marriage, no matter who uses the property or who paid the money.
- Unless property was a gift or inheritance, all property gotten (acquired) during the marriage up until the time when your spouse is served with the Petition for Dissolution is generally community property, and both you and your spouse are entitled to roughly an equal share of this property.
- **Community debts or bills** are generally any debt you and your spouse acquired during your marriage up until the time your spouse is served with the Petition for Dissolution, no matter who spent the money.
- If you have questions, or have a lot of community property or debt, you should speak with a lawyer **BEFORE** filing your Petition and other papers.

A. COMMUNITY PROPERTY (Property acquired during the marriage).

- If you and your spouse do not have any property from the marriage, check the first box and go directly to paragraph B.
- If you and your spouse have property together, check the second box.
- If you checked the second box, you must tell the court what property should go to you, "Petitioner," and what property should go to your spouse, "Respondent."

Generally, the court will divide the property 50-50, unless there are good reasons not to. It is unlikely that the court will give most or all of the property to either spouse, so put some thought into what you think would be a fair division before answering this question. Usually, if you and your spouse cannot decide which spouse should receive what property, the court will order that the property be sold and any money received divided between you and your spouse.

- First, list the property that you want the court to give to you, "Petitioner," then list the property that you want the court to give to your spouse, "Respondent." Put a check in the box that matches the property you want to go to which person. You should describe the property thoroughly for identification purposes and tell the court how much the property is worth (fair market value). Use the brand name, and model and serial numbers, where applicable.

DESCRIPTION OF REAL PROPERTY/VALUE (property or home).

- Fill in the complete address of the property.
- Check the box under Petitioner if you would like the court to give the property to you or check the box under Respondent if you would like the court to give the property to your spouse.
- Fill in the value of the property.
- Fill in the Legal Description of the property. Most property has a legal description such as "LOT 77, PINE TREE ACRES, according to Book 111 of Maps," which appears on your deed papers.
- A cemetery plot is considered real property.

DESCRIPTION OF PROPERTY/VALUE

- For each item listed, check the box under Petitioner if you would like the court to give the property to you or check the box under Respondent if you would like the court to give the property to your spouse.
- For each item listed, fill in the value of the property.
- Be as specific as possible using brand name, and model and serial numbers.
- Fill in the **Household furniture**. List things such as sofas, beds, tables, and so forth.
- Fill in the **Household furnishings**. List things in the house other than furniture, for example: dishes, small appliances, rugs, and so forth.
- **Other**. List things that you want or you want your spouse to have that have not already been listed.
- Fill in the **Pension/retirement fund, profit sharing/stock plan/401k**. Be as specific as possible.

You and your spouse each generally have an interest of up to 50% (one-half) of the other spouse's plan, for the number of years you were married. The longer the marriage, the greater your financial interest in your spouse's plan (up to 50 percent of the benefits/plan if you have been married the whole time the plan has existed.) Check this box if you want to divide your interest in a retirement or profit sharing/retirement/401K plan. If you check this box, you must see an attorney about a **document** called a **Qualified Domestic Relations Order or QDRO**. **A QDRO is a very specialized legal document that requires professional assistance to prepare.** The court **does not** have Qualified Domestic Relations Order forms.

- **Motor vehicles**. List the vehicle make (Ford, Honda), model (Mustang, Lumina), the year, and the vehicle identification number (VIN). If money is owed on the vehicle, to whom is that money owed, "*Lien Holder.*"
- If you have more property than there is room to list on the form, check the box "[x] *Continues on attached page.*" List the same information for the remaining property on a separate sheet of paper.

B. SEPARATE PROPERTY. (Property acquired before marriage.)

- If you and your spouse did **not** have, or bring, any property into the marriage, or did not receive any gifts, devises, or inheritances, check the first and second boxes, then go directly to paragraph C.

- If you or your spouse brought property into the marriage, or received gifts, devises, or inheritances, check the third and/or fourth box.
- If you checked the third and/or fourth box, you must tell the court what property you brought into the marriage and what property your spouse brought into the marriage. List the property that you want the court to award to you, the Petitioner, and list the property that you want the court to award to your spouse, the Respondent. Put a check in the box that matches the property you want to go to which person.
- Describe the property thoroughly for identification purposes. You can use brand names, and model and serial numbers, where applicable.
- If you have more property than there is room to list on the form, check the box “[x] *Continues on attached page.*” List the same information for the remaining property on a separate sheet of paper.

C. COMMUNITY DEBTS. (Debts incurred during the marriage.)

- If you and your spouse do not owe money on any debts from the marriage, check the first box and go directly to paragraph D.
- If you and your spouse owe money on any debts from the marriage, check the second box.
- If you check the second box, tell the court which debts you, “Petitioner,” should pay and which debts your spouse, “Respondent,” should pay.

Generally, the court will attempt to make a fair division of the debts. If you get property that has debt on it, you will probably also be given the debt. Ordering one person to pay all the debt is unusual. Think about what is a fair division of the debts before answering this question. Put enough information on the form to identify each debt.

If you and your spouse have been separated and have acquired new debts on your own since the separation and before filing for divorce, you may want the court to order that each of you pay for any new debt after the date you separated. List that debt here. You can make this request under “**REQUESTS TO THE COURT.**” in paragraph F, “Community Debts.”

D. SEPARATE DEBTS. (Debts incurred prior to marriage.)

- If you and your spouse did not owe money on any debts before you were married, check the first box and continue.
- If you owed money on debts before you were married, check the second box.
- If your spouse owed money on debts before you were married, check the third box.
- If either you or your spouse owe money on any debts you, “Petitioner,” or your spouse, “Respondent,” brought into the marriage, describe the debts, and tell the court which debts you should pay and which debts your spouse should pay.

6. TAX RETURNS. If what is listed in this paragraph is what you want, check the box. If you have questions about which box you can check, you should see a lawyer, an accountant, and/or contact the Internal Revenue Service (IRS).

7. SPOUSAL MAINTENANCE is the term used to describe money paid from one spouse to the other spouse as part of a divorce settlement. You may know the term as alimony. Spousal maintenance is designed as a safety net for a spouse who cannot provide for his/her needs or who meets other requirements. The idea behind spousal maintenance is that accomplishments during your marriage, including increases in earning potential and living standards, are shared and earned by **BOTH** spouses to a marriage. Look at the reasons for spousal maintenance listed on the Petition in this paragraph. Check as many boxes as apply to your situation.

8. PREGNANCY.

- If you are pregnant at this time, check the first box. Otherwise, check the second box.
- If your spouse is pregnant at this time, check the third box. Otherwise, check the fourth box.
- If either you or your spouse is pregnant, fill out the date the baby is due, and fill in the information regarding the parents of the unborn child.
- **WARNING.** If either spouse is pregnant, and you and your spouse are the parents of the unborn child, **STOP.** You must file a “Petition for Dissolution of a Non-Covenant Marriage (Divorce) **With Children.**”

REQUESTS TO THE COURT. This section asks that the court grant you and your spouse a divorce and tells the court about other requests you are making:

A. DISSOLUTION. This tells the court to end your non-covenant marriage by divorce.

B. RESTORE NAME. Fill in this section only if you want to use your maiden or former name. Write in your current full name, then write in your full maiden name or former name in the space provided. If you are **not** the person who is requesting to have your former name restored, the court must have a written request from your spouse to restore his or her former name.

C. SPOUSAL MAINTENANCE (ALIMONY).

- Tell the court whether spousal maintenance should be ordered.
- If spousal maintenance should be ordered, tell the court who should pay money to the other spouse on a monthly basis to help with living expenses. You can check a box **only if** you checked the same box in the spousal maintenance section earlier in the form.
- Check the first box if you, “Petitioner” will be paying spousal maintenance. Check the second box if your spouse, “Respondent” will be paying.

- If spousal maintenance is requested, choose what you believe to be a reasonable monthly amount and tell the court how long the money should be paid. Base the amount of any request on the receiving party's need and the income of the party paying this money.

D. COMMUNITY PROPERTY. This tells the court that the way you divided the property is fair, and asks that the court divide the property as you requested.

E. COMMUNITY DEBT. This tells the court that the way you divided the debt is fair, and asks that the court divide the debts as you requested. If you have been separated from your spouse long enough that you or your spouse may have additional debts, write down the date of your separation on the line provided if you want each spouse to pay his/her debts incurred after you separated.

F. SEPARATE PROPERTY. This tells the court that you will keep the property you owned before the marriage and that your spouse will keep the property he/she owned before the marriage.

G. SEPARATE DEBTS. This tells the court that you will pay your separate debts and your spouse will pay his/her separate debts.

H. OTHER ORDERS: Tell the court about any other orders you may want that have not been covered in the Petition.

OATH OR AFFIRMATION AND VERIFICATION OF PETITIONER: Sign this form in front of a Clerk of the Superior Court or a notary public. By doing so, you are telling the Court that everything contained in the Petition is true, under penalty of perjury.

NOTICE OF RIGHT TO CONVERT HEALTH INSURANCE: (DRD16F) This is an important document that explains what to do about health care coverage for yourself, and your spouse. Read it carefully, and be sure a copy is served on your spouse, along with the other divorce papers.

NOTICE REGARDING CREDITORS: (DR16F) This is an important document that tells you and your spouse that you are responsible for community debts to creditors even though the court order or decree says that only one of you (either you or your spouse) is responsible. This notice must be served on your spouse. In addition, read this notice to find out how to obtain information from your creditors about account balances.

- Follow the instructions for all forms above.
- **Do not** fill out the rest of the form; it is a sample you may use to contact your creditors.