

CONSENT DECREE

FOR DIVORCE or LEGAL SEPARATION

for a NON-COVENANT MARRIAGE

WITHOUT CHILDREN

4

**To get the Decree
when both parties agree**

Forms and Instructions

LAW LIBRARY RESOURCE CENTER

CONSENT DECREE

FOR DIVORCE OR LEGAL SEPARATION IN A NON-COVENANT
MARRIAGE
WITHOUT MINOR CHILDREN

CHECKLIST

You may use these forms if . . .

- ✓ You or your spouse filed a “*Petition for Divorce or for Legal Separation in a Non-Covenant Marriage without Minor Children*”, AND
- ✓ You and your spouse agree to the divorce or legal separation **and** you agree **on all** terms of the divorce or legal separation, including:
 - Division of property and debt,
 - Spousal Maintenance (If applicable),

AND

- ✓ You and your spouse will provide your notarized signatures on the “*Consent Decree*” to indicate your agreement on all terms.

✗ DO NOT USE THESE FORMS IF:

- ✗ You disagree on **any** terms of the divorce or legal separation,
- ✗ The filing fee for a Response has not paid by either party, and you prefer to proceed with a Default Decree in order to not pay the Response fee.

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.

Divorce or legal separation

PART 4 – Forms and Instructions for “*Consent Decree*”

This packet contains court forms and instructions to file a consent decree for divorce or legal separation for a non-covenant marriage. 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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2	Table of Contents (this page)	1
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* For more information, refer to the “Instructions” document in the packet.

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.

HOW TO FILL OUT THE CONSENT DECREE For DIVORCE or LEGAL SEPARATION in a NON-COVENANT MARRIAGE WITHOUT CHILDREN-

You may use these instructions **ONLY** if you and the other party:

- do not have a “covenant” marriage;
- have agreed on all terms of the divorce/legal separation; **AND**
- have agreed to file and sign a Consent Decree.

INSTRUCTIONS for filling out the CONSENT DECREE:

1. **TOP LEFT:** On the first page, fill in the information requested at top left for the person filing the Consent Decree and Respondent/Party B. Use the spaces marked “representing” and “state bar number” **only** if an attorney is preparing this form.
2. **NAMES:** Fill in the names of the persons shown as “Petitioner/Party A” and “Respondent/Party B” and the case number as on the **Petition**.
3. **ATLAS Number:** Write the ATLAS number *if* one has been assigned to your case.
4. **COMPLETE:** Fill out the remaining parts of this Consent Decree according to you and your spouse’s agreements.
5. **MEANING of SIGNATURES:** When you and your spouse sign this Consent Decree, you state to the Court:
 - You have read, understand and agree with the contents of the Consent Decree.
 - You agree to all the terms stated in the Decree.
 - You are requesting the Court to make this document a Court Order that governs your divorce or legal separation.
6. **SIGNATURES:**
 - Be prepared to show photo identification before signing this document.
 - Do Not Sign this Consent Decree until you are in front of a Clerk of Superior Court or a Notary Public.
 - Read carefully before you sign this Consent Decree.

- You and your spouse may sign this Consent Decree only if you understand and agree to ALL the terms of the Decree.
- Lawyer Signatures: If you or your spouse is represented by an attorney, the attorney must also sign.

7. TIME FRAME: You must wait at least **60 days** from the date the responding party was served or signed an "Acceptance of Service" for the divorce or legal separation papers before you file the Consent Decree. The judicial officer cannot sign your decree until 60 days after the date of service or the date of acceptance of service (A.R.S. § 25-329. Waiting Period).

REMINDERS:

- 1. Be sure to attach "EXHIBIT A" about property and debts to your decree.**
- 2. Be sure to attach a quit claim deed, if a quit claim deed has been signed.**

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

FOR CLERK'S USE ONLY

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

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Petitioner / Party A

Case No. _____

ATLAS No. _____

Respondent / Party B

FAMILY DEPARTMENT / SENSITIVE DATA COVERSHEET WITHOUT CHILDREN (CONFIDENTIAL RECORD)

Fill out. File with Clerk of Superior Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43.1(f).

A. Personal Information:

Petitioner / Party A

Respondent / Party B

Name _____

Gender _____

☐ Male or ☐ Female

☐ Male or ☐ Female

Date of Birth (Month/Day/Year) _____

Social Security Number _____

**WARNING: DO NOT INCLUDE MAILING ADDRESS ON THIS FORM
IF REQUESTING ADDRESS PROTECTION**

Mailing Address _____

City, State, Zip Code _____

Contact Phone _____

Email Address _____

Current Employer Name _____

Employer Address _____

Employer City, State, Zip Code _____

Employer Telephone Number _____

Employer Fax Number _____

B. Type of Case being filed - Check only one category.

**Check only if no other category applies*

- ☐ Dissolution (Divorce)
☐ Legal Separation
☐ Annulment
☐ Order of Protection
☐ Other*

Interpreter Needed:

☐ Yes ☐ No

If yes, what language(s)?

DO NOT COPY THIS DOCUMENT. DO NOT SERVE THIS DOCUMENT TO THE OTHER PARTY.

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

FOR CLERK'S USE ONLY

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

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

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

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Petitioner / Party A

Case No. _____

ATLAS No. _____

Respondent / Party B

CONSENT DECREE OF

☐ DISSOLUTION OF MARRIAGE
(DIVORCE)

☐ LEGAL SEPARATION

☐ without minor children

in a **Non-Covenant Marriage**

THE COURT FINDS:

1. This case has come before this court for a final Decree of Dissolution of Marriage or Legal Separation. The Court has taken all testimony needed to enter a Decree, or the Court has determined testimony is not needed to enter the Decree. This Consent Decree states the terms of the Parties' agreement.
2. This Court has jurisdiction over the parties under the law.

3. This Court has jurisdiction under A.R.S. § 25-1031 over the child(ren), if any, in this matter.
4. 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 spousal maintenance (alimony), the division of property and/or debts.
5. The Parties agree to proceed by consent.
6. The provisions of this Decree are fair and reasonable under the circumstances and the division of property and debt is fair and equitable.
7. At least 60 days have passed between the time Party B was served and the time the Parties filed for this Decree.
8. **Arizona Residency:** The requirements of A.R.S. § 25-312 for dissolution of marriage, or A.R.S. § 25-313 for legal separation have been met: If this is an action for legal separation, at the time this action was filed, Party A and/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), Party A and/or Party B was domiciled or stationed in Arizona for more than 90 days.
9. **Conciliation Court.** The provisions relating to the Conciliation Court either do not apply or have been met.
10. **PREGNANCY AND PATERNITY:**

☐ Party A is not pregnant.

☐ Party A is pregnant and Party B ☐ is ☐ is not a parent of the child.

☐ Party B is not pregnant.

☐ Party B is pregnant and Party A ☐ is ☐ is not a parent of the child.
11. **Irretrievably Broken or Separate and Apart.** The marriage is irretrievably broken or the parties desire to live separate and apart.
12. **Covenant Marriage.** This is a non-covenant marriage.
13. **Protective Orders:** Following is the effect, if any, of this Consent Decree on any existing protective orders:

14. Community Property and Debt: (Select one.)

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

OR

☐ The parties have agreed to a division of community property and/or debt as evidenced by their signatures on "**Exhibit A**" attached to and incorporated into this Decree. All community property and debt is divided pursuant to this Decree.

15. 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.

16. Spousal Maintenance/Support: (Select one.)

☐ **Neither party is entitled to an award of Spousal Maintenance/Support, OR**

☐ **A party is entitled to an award of Spousal Maintenance/Support for the reason that:**

☐ Party A, **OR** ☐ Party B

- lacks enough property, including property given to him or her as part of this divorce or legal separation, to provide for his or her reasonable needs, and
- is unable to support himself or herself through an appropriate job, or
- he or she is providing the primary care to child(ren) of young age, or
- or is of a condition that they should not be required to look for work outside the home, or
- lacks earning ability necessary to support himself or herself, or
- made a significant financial or other contribution to the education, training, vocational skills, career, or earning ability of the other spouse, or
- had a marriage that lasted a long time and is of an age that may severely limit the possibility of getting a job to be self-sufficient, or
- has significantly reduced that spouse's income or career opportunities for the benefit of the other spouse.

If spousal maintenance is to be awarded, the parties further agree: (Select one.)

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

OR

- ☐ That the circumstances of their futures are unknown, but each desires that the spousal maintenance awarded by their agreement, **not be modifiable in the future for any reason.**

OR

- ☐ **Neither party is entitled to an award of Spousal Maintenance/Support.**

If there are no minor children, check the box below and skip to “The Court Orders” section on page 6.

17. ☐ **THERE ARE NO MINOR CHILDREN** in this marriage, therefore statements numbered **18 through 26** below do not apply.

18. ☐ **THIS ORDER APPLIES TO THE FOLLOWING CHILD(REN):**

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

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

19. PATERNITY:

- ☐ Party A and Party B are the parents of these children born to the parties *before* the marriage:

Name(s)	Date(s) of Birth
_____	_____
_____	_____
_____	_____

20. Parent Information Program:

- A. Party A ☐ **has** attended the Parent Information Program class as evidenced by the Certificate of Completion in the court file, or attached. (Rule 45(c)(4))

OR

Party A ☐ **has not** attended the Parent Information Program class 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 class as evidenced by the Certificate of Completion in the court file, or attached. (Rule 45(c)(4))

OR

Party B ☐ **has not** attended the Parent Information Program class and shall be denied any requested relief to enforce or modify this decree until Party B has completed the class.

21. 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 Parent's Worksheet for Child Support, and are attached hereto and incorporated herein by reference.

22. ☐ Written Approval: Title IV-D program or Temporary Assistance for Needy Families (TANF)

If either party is receiving TANF or services from the Title IV-D program, the parties have secured (on the last page of this Consent Decree), the written approval of the Attorney General or county attorney.

23. Domestic Violence:

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

A. Domestic Violence has not 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. ☐ it is otherwise still in the best interests of the minor child(ren) to grant joint or sole legal decision-making (joint or sole legal custody) to a parent who has committed domestic violence *because*: (EXPLAIN)

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

25. Legal Decision-Making Authority (Legal Custody) for Minor Child(ren): (Check/complete **only** if joint legal decision-making (joint legal custody) is ordered.)

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

REASONS: _____

- ☐ Provisions for legal decision-making and parenting time, if not described in this Decree, are attached as the Parenting Plan, and incorporated into this Decree. (Rule 45(c)(3))

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

- ☐ **NO Parenting Time** or ☐ **Supervised Parenting Time with** ☐ **Party A**
☐ **Party B,** is in the best interests of the minor child(ren), for the following reasons:

(IF supervised) Name of supervisor: _____

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

- ☐ **Party A,**
- ☐ **Party B, OR**
- ☐ **Shared equally by the parties**

Restrictions on parenting time (if applicable): _____

THE COURT ORDERS:

1. LEGAL SEPARATION OR DISSOLUTION OF MARRIAGE ("Divorce"):

☐ THE PARTIES ARE LEGALLY SEPARATED.

☐ **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: (In a divorce case **IF** one or both parties changed their last names as a result of the marriage, either spouse may (optionally) have his/her name legally restored to a pre-marital last name.)

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

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

3. ENFORCEMENT OF ORDERS:

☐ Not applicable.

A. 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 \$ _____.

B. PROTECTIVE ORDERS: This Consent Decree has the following effect on any existing protective orders (See # 13 above):

4. CHILDREN.

☐ **DOES NOT APPLY. THERE ARE NO MINOR CHILDREN IN THIS MARRIAGE.**
(Skip to number "9" below), **OR**

☐ **YES, THERE ARE minor children in this marriage, and the following issues apply.**

5. PREGNANCY AND PATERNITY:**A. PREGNANCY:**

☐ A child who is common to the parties is expected to be born _____ (date).

☐ The orders below as to legal decision-making (legal custody), 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.

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

NAME(S) OF CHILD(REN)	Date of Birth (Month/Day/Year)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

B. PATERNITY/MATERNITY:

Minor Children to whom this decree does not apply: It is ordered that:

☐ Party A, **OR** ☐ Party B has no legal obligation or right to the minor child(ren) born during the marriage but not common to the marriage. This Decree **DOES NOT** include the minor children common to the parties as follows:

NAME(S) OF CHILD(REN)	Date of Birth (Month/Day/Year)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Child expected to be born this date: _____

☐ **BIRTH CERTIFICATE(S):** for any above-named minor child(ren) born in the State of Arizona, the Clerk of Superior Court shall forward a copy of this order to the State Office of Vital Records, which is **ORDERED TO AMEND** the birth certificate(s) as follows: (List full name 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))

A. 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.

B. Name Change: (Optional) The name(s) of the minor child(ren) for whom paternity/maternity has been established above shall be changed as follows:

Current Legal Name

New Name (optional)

6. **LEGAL DECISION-MAKING (Legal Custody):**

Award legal decision-making concerning the child(ren) as follows:

☐ **SOLE LEGAL DECISION-MAKING** (sole legal custody) to: ☐ **Party A** ☐ **Party B** **OR**

☐ **JOINT LEGAL DECISION-MAKING** (joint legal custody) to **BOTH PARENTS.**

BOTH Party A and Party B agree to act as joint legal decision-makers of the minor children, pursuant to A.R.S. § 25-403, as set forth in the Parenting Plan attached. There have been no significant acts of domestic violence, as defined by Arizona law, A.R.S. § 13-3601, by either parent or it is in the best interests of the minor child(ren) to award joint legal decision-making despite any violence that occurred.

The Court adopts the terms of the Joint Legal Decision-Making Agreement/Parenting Plan describing the legal decision-making and parenting time agreement between the parties. **By attaching the Joint Legal Decision-Making Agreement/Parenting Plan to the Decree,** the Agreement becomes part of the Decree and carries the same legal weight as the Decree.

7. **PRIMARY RESIDENCE and PARENTING TIME:**

A. PRIMARY RESIDENCE:

☐ **NEITHER** parent's home is designated as the primary residence, **OR**

☐ **Party A's** home as primary residence for following named child(ren):

☐ **Party B's home as primary residence for following named child(ren):**

B. SUBJECT TO PARENTING TIME AS FOLLOWS:

☐ **REASONABLE** parenting time rights as described in the Parenting Plan attached as Exhibit B and made a part of this decree,

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.**

(IF supervised) **Name of person to supervise** (Optional):

The cost of supervised parenting time (if applicable) shall be paid by the:

☐ paid by **Party A**

☐ paid by **Party B**

☐ **shared equally** by the parties.

Parenting time shall be restricted as follows: (if applicable):

8. 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** following the date this Decree is signed by the judge until further order of the court.

9. SPOUSAL MAINTENANCE/SUPPORT:

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

OR

☐ **Party A** OR ☐ **Party B** is ordered to pay to the other party the sum of \$ _____ per month in spousal maintenance/support BEGINNING THE FIRST DAY OF THE MONTH after 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)

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.

B. In accordance with the parties' agreements,

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

OR

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

10. PROPERTY and DEBTS: (Select any that apply.)

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

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

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

B. ☐ 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.

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

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 financial institution 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.

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

11. TAX RETURNS:

☐ Each party shall give the other party all necessary documentation to file all tax returns.

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

☐ Joint federal and state income tax returns and hold each other harmless from half of all additional income taxes if any and other costs, 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.

12. FINANCIAL INFORMATION EXCHANGES: In cases in which child support or spousal maintenance are ordered, then until such time as those would end under the orders in this Consent Decree, the parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every 24 months or as follows:

13. TAX EXEMPTION:

☐ **DOES NOT APPLY. THERE ARE NO MINOR CHILDREN IN THIS MARRIAGE;**

OR

☐ **APPLIES. THERE ARE MINOR CHILDREN IN THIS MARRIAGE.** The parties shall claim as income tax dependency exemptions on federal and state tax returns as follows. A party required to pay child support is only entitled to claim (a) minor child(ren) as an income tax dependency exemption if that parent has paid all of the child support due and owing for the year that party is entitled to the exemption:

Parent entitled to claim		Name of child	Tax year
<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> Party A	<input type="checkbox"/> Party B	_____	_____

14. QUALIFIED DOMESTIC RELATIONS ORDER (QDRO):

- ☐ A QDRO is not necessary;
- ☐ A QDRO is submitted herewith, OR
- ☐ A QDRO will be submitted to the Court as soon as practicable as or not later than _____ (DATE).

The Court shall retain jurisdiction over the subject matter of the QDRO.

15. OTHER ORDERS: (List any other orders.)

- 16. FINAL APPEALABLE ORDER:** Pursuant to Rule 78, Arizona Rules of Family Law Procedure, this final judgment/decreed is settled, approved and signed by the court and shall be entered by the clerk.

Date

Judicial Officer

SIGNATURES OF BOTH PARTIES UNDER OATH OR AFFIRMATION

By signing below, in the presence of a Deputy Clerk of Superior Court or Notary Public, I swear or affirm that everything in this document is true and correct to the best of my knowledge, information and belief, including the following:

1. **NON-COVENANT MARRIAGE.** We do not have a covenant marriage.
2. **RIGHT TO TRIAL IS WAIVED.** I understand that by signing this Consent Decree, I am waiving my right to a trial before a judge.
3. **NO DURESS OR COERCION. COMPLETE AGREEMENT.** I am not under any force, threats, duress, coercion, or undue influence from anyone, including the other party, to sign this Consent Decree. This Decree with any attachments that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in the Decree.

If either party is represented by an attorney or if the Attorney General's Division of Child Support Enforcement (DCSE) is involved in this case, the attorney(s) and a representative of DCSE must also sign below.

ATTORNEY SIGNATURES (if applicable)

If either party is represented by an attorney, the attorney must sign:

Date

Approved by Party A's Attorney

Date

Approved by Party B's Attorney

If either party is receiving Temporary Assistance for Needy Families (TANF) or services from the Title IV-D program, (Rule 45(c) (3)) and the Attorney General's Office (the "AG"), Division of Child Support Enforcement (DCSE) is involved in this case, a representative of that agency must approve the child support amount and sign below:

The approval of the AG's office as to child support provisions contained in this document is indicated by my signature below:

Signature of Attorney General / DCSE Representative

Date

EXHIBIT A: PROPERTY AND DEBTS**1. DIVISION OF COMMUNITY PROPERTY:** (property acquired during the marriage)

☐ Award each party the personal property 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 and Appliances:	(Be specific)		
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
Video: TV / DVD / DVR / VCR, etc. :	(Be specific)		
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
Audio: Stereo/ Radio: (Household or Portable)	(Be specific)		
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>

Computers and Related Equipment: (Be specific)

_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

Motor Vehicles: (Be specific)

1. Year, Make, Model: _____	<input type="checkbox"/>	<input type="checkbox"/>
Last 4 digits of VIN # _____		
2. Year, Make, Model: _____	<input type="checkbox"/>	<input type="checkbox"/>
Last 4 digits of VIN # _____		
3. Year, Make, Model: _____	<input type="checkbox"/>	<input type="checkbox"/>
Last 4 digits of VIN # _____		

COMMUNITY PROPERTY: - continued (Be specific)

AWARD TO
Party A Party B

Cash, bonds of \$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continues on attached page(s)		

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(s).

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
a. _____	\$ _____	\$ _____	\$ _____
b. _____	\$ _____	\$ _____	\$ _____
c. _____	\$ _____	\$ _____	\$ _____
d. _____	\$ _____	\$ _____	\$ _____
e. _____	\$ _____	\$ _____	\$ _____
f. _____	\$ _____	\$ _____	\$ _____
g. _____	\$ _____	\$ _____	\$ _____
h. _____	\$ _____	\$ _____	\$ _____
i. _____	\$ _____	\$ _____	\$ _____

☐ 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 Party A or Party B, is assigned below:

Description	Value	To Party A	To Party B
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Description	Value	To Party A	To Party B
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>

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

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

Creditor Name	Debt Amount	Party A Pays	Party B Pays
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continued on attached page.**SIGNATURE OF BOTH PARTIES (for Consent Decree)**

This "Exhibit A" represents the agreement of the parties as to the division of property and debt. The terms of the agreement are fair and equitable and have been reached free of coercion, duress, or threat of force.

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

Party A's Signature_____
Date_____
Party B's Signature_____
Date

If either party is represented by an attorney, the attorney(s) must sign:

Party A's Attorney_____
Date_____
Party B's Attorney_____
Date

LAW LIBRARY RESOURCE CENTER

PROCEDURES: COMPLETING YOUR PAPERS AND WHAT TO DO NEXT

(For Divorce or Legal Separation Decree by Consent,
in a Non-Covenant Marriage WITHOUT Children)

I. REQUIREMENTS

- ✓ **PAPERWORK and SIGNATURES:** Both Party A and Party B must sign the “**Consent Decree**” before a Clerk of Superior Court or a Notary Public to show that both spouses have read, approved and agreed to the items in the Decree. If either party is represented by a lawyer, the lawyer(s) must also sign the “Decree”. Both Party A and Party B and their lawyers, if any, must **also sign** the last page of the “**Exhibit A**” attached to the decree to separately indicate agreement with the terms of division of property and debt as contained in that document. You must also file all other required paperwork.
- ✓ **FEES: Both Party A and Party B must pay the court fees.** Currently, that includes the filing fee paid by the party at the beginning of the case, and the other party’s “Response” or “Answer” fee, in order for the Consent Decree to be accepted. Both parties must attach a receipt to prove payment **or** attach a copy of the Order for initial **deferral** of fees.

A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court’s website.

If you cannot afford the filing fees or the fee for having the papers served by the Sheriff or by publication, you may request a fee waiver/deferral (payment plan) when you file your papers with the Clerk of Superior Court. Fee Waiver/Deferral Applications are available at no charge from the Law Library Resource Center.

- ✓ **TIME FRAME:** If you filed for divorce or legal separation, the parties must wait at least **60** days after the date the Petition was personally served before the parties can file the Consent Decree.

II. PROCEDURES

STEP 1 COMPLETE ALL FORMS in the PACKET. Assemble the papers into a set of ORIGINALS:

- **CONSENT DECREE**
 - **ADD** to the last page of the Decree, the completed **Exhibit A** about the division of property and debt, if it is not a part of the Decree already.
 - **ADD** to the last page of the Decree, the fee RECEIPT or a copy of the ORDER for Initial Deferral to show the “Paid” status of your case.

STEP 2 SEPARATE YOUR DOCUMENTS INTO THREE (3) SETS:

SET 1 - ORIGINALS FOR JUDGE:

- **"Consent Decree"**
- + **"Exhibit A"** about the division of property and debt, if it is not part of the decree
- +FEE RECEIPT, or a copy of the ORDER for initial fee deferral
-

SET 3 – YOUR COPIES

- **"Consent Decree"**
- + **"Exhibit A"** about the division of property and debt, if it is not part of the decree
- +FEE RECEIPT, or a copy of the ORDER for initial fee deferral
-

SET 2 - COPIES FOR SPOUSE:

- **"Consent Decree"**
- + **"Exhibit A"** about the division of property and debt, if it is not part of the decree
- +FEE RECEIPT, or a copy of the ORDER for initial fee deferral
-

SET 4 – COPIES for the AZ Attorney General

- **"Consent Decree"**
- + **"Exhibit A"** about the division of property and debt, if it is not part of the decree
- +FEE RECEIPT, or a copy of the ORDER for initial fee deferral

STEP 3 LARGE ENVELOPES

Address TWO 9"x12" envelopes: a) to you, or your attorney, and b) to the other Party or his or her attorney.

1. **Place into** each 9" x 12" envelopes SET 2 and SET 3 (and Set 4, if necessary) of the papers described above.
2. **Postage:** Be sure you put enough postage on the 9" x 12" envelopes.
3. **Set aside the Originals.**

NOTE: If the Decree must deal with the division of retirement funds, pensions or annuities, etc., you may also need a complex document called a "QDRO," which will require the services of a specialized legal professional. The Law Library Resource does not have a "Property Settlement Agreement" or a "QDRO". See a lawyer if you need these documents.

STEP 6 DELIVER to the Family Department Administration:

1. The **original set plus two (or three) envelopes containing copies** as compiled above.
2. **Hand-deliver or mail to Family Department Administration your documents** as indicated below. Court hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

Yuma County Justice Center
Clerk of Superior Court
250 W. 2nd Street
Yuma, AZ 85364

WHAT HAPPENS NEXT? It is within the Judge's/Commissioner's discretion whether to accept or reject the Decree, or to schedule a court hearing.

1. **IF YOUR CONSENT DECREE IS ACCEPTED:** the Judge/Commissioner will sign the original Decree and have it filed with the Clerk of Superior Court. The Court will send a copy of the signed Decree to each party using the envelopes you provided. This is your notification that your divorce/legal separation is now final. **You are not divorced or legally separated until the Judge/Commissioner signs the Decree.**
2. **IF YOUR CONSENT DECREE IS REJECTED:** the Court will send you a ***"Correction Notice"*** informing you of the mistakes with the documents. Follow the instructions on the ***"Correction Notice"***. **If the mistakes cannot be corrected, see a lawyer for help.**
3. **IF THE JUDGE/COMMISSIONER SCHEDULES A HEARING:** the Court will send notice of a scheduled date, time and location for a hearing which both parties must attend to answer any questions the Judge/Commissioner may have.

<p>* All forms referenced in these instructions may be purchased from the Law Library Resource Center or obtained for free via Internet.</p>
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