

DECREE/CONSENT DECREE FOR DIVORCE OF MARRIAGE WITHOUT CHILDREN



PINAL COUNTY NON-COVENANT MARRIAGE

To Get the Divorce Order/Decree

INSTRUCTIONAL FORMS PACKET

**Provided as a Public Service by
Amanda Stanford
Clerk of the Superior Court**

DECREE FOR DISSOLUTION FOR A NON-COVENANT MARRIAGE

This packet contains court forms and instructions to get a decree of divorce for a non-covenant marriage. The documents should appear in order as follows.

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You have permission to use these documents 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.

Decree of Dissolution (Divorce) For a Non-Covenant Marriage

What the Decree Means to You. The Decree is the 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 ex-spouse fails 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 we call a Decree of Dissolution of Marriage. The Decree tells you who will get the property, who pays the debts, who gets Legal Decision-Making, who pays 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. You cannot mark something different in the Decree from what you asked for in the Petition, unless your spouse has provided written consent. If you try to do this, 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 fill out your Decree.

The Decree. Fill out the Decree before you go to your hearing or 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.

Criteria for Utilizing a Consent Decree

- You or your spouse filed a petition for Divorce **AND**,
- You do not have a "covenant" marriage **AND**,
- You and your spouse agree to all terms of the divorce such as division of property and debt, whether there will be spousal maintenance (alimony) and if so, how much **AND**,
- You and your spouse will provide your notarized signatures on the "Consent Decree" to indicate your agreement on all terms
- **DO NOT USE SIGN THE CONSENT DECREE PAGE (#10) IF:**
You disagree on any terms of the divorce.

PROCEDURES

How to File a Decree with the Court for Dissolution of a Non-Covenant Marriage (Divorce)

STEP 1: Complete the form – TYPE OR PRINT IN BLACK INK

*** DO NOT INCLUDE your address if you are filing a “Request for Protected Address”**

STEP 2: Make 2 Copies of the document after you have filled it out

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

SET 1 Originals for Clerk of Court

SET 2 Copies for Spouse

SET 3 Copies for You

STEP 4: SUBMIT THE PAPERS WITH THE CLERK OF THE SUPERIOR COURT:

In Person:

Go to the Clerk of Court filing counters at one of our locations. **You should go to the Court at least two hours before it closes.**

Visit our website for office locations or feel free to give us a call.

Contact Information for all Offices

Toll Free: 888.431.1311 • Local: 520.509.3555 or 311 • Fax: 520.866.5320

www.cospinalcountyaz.gov/office.html

**By Mail: Clerk of the Superior Court
P.O. Box 2730
Florence, AZ 85132**

PROCEDURES

How to File a Consent Decree with the Court for Dissolution of a Non-Covenant Marriage (Divorce)

IMPORTANT: The Consent Decree must be submitted 61 days from the date of service upon the Respondent.

STEP 1: **Complete the form – TYPE OR PRINT IN BLACK INK**

Both the Petitioner and Respondent will need to sign and date the Consent Decree in front of a Notary Public.

STEP 2: **Make 2 Copies of the document after they have been filled out and signed by a Notary Public.**

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

SET 1 Originals for Clerk of Court

SET 2 Copies for Spouse

SET 3 Copies for You

You will need to obtain two (2) appropriate sized self-addressed stamped envelopes. One envelope will need to be addressed to the Petitioner and the additional envelope will need to be addressed to the Respondent.

STEP 4: **SUBMIT THE PAPERS WITH THE CLERK OF THE SUPERIOR COURT:**

In Person:

Go to the Clerk of Court filing counters at one of our locations. **You should go to the Court at least two hours before it closes.**

Visit our website for office locations or feel free to give us a call.

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By Mail: **Clerk of the Superior Court
P.O. Box 2730
Florence, AZ 85132**

STEP 5: The Consent Decree will then be sent to the Judges office for approval. If approved you will receive your final Consent Decree in the Mail.

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable): _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

Name of Petitioner	CASE NUMBER: <u>DO</u>
Name of Respondent	<p style="text-align: center;">DECREE OF DISSOLUTION OF MARRIAGE (DIVORCE) WITHOUT MINOR CHILDREN</p> <p>HONORABLE: _____</p>

SERVICE BY PUBLICATION:

If Respondent was served by publication and was not personally served this Court may be unable to make a legal order with respect to issues of child support, medical and dental insurance, payments, expenses for the minor child(ren), community property or debt, or spousal maintenance/support. The Court reserves jurisdiction until personal service is made upon Respondent to consider the maintenance/support of either spouse, the disposition of community property or debts, child support, and any other relief requested in the Petition or orders deemed necessary by the court.

THE COURT FINDS:

1. This case has come before this Court for a final “**Decree of Dissolution of Marriage without Minor Children.**” The Court has taken all testimony needed to enter this 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 provisions of this Decree are fair and reasonable under the circumstances.
3. **90 Day Requirement:** At the time this action was filed, Petitioner or Respondent had lived in Arizona for more than 90 days or had been stationed in Arizona while a member of the United States Armed Forces for more than 90 days.
4. **Conciliation Court:** The provisions relating to the Conciliation Court either do not apply or have been met.
5. **Irretrievably Broken:** The marriage is irretrievably broken and there is no hope of reconciliation.
6. **Covenant Marriage:** The marriage is not a covenant marriage.

7. Domestic Violence:

INSTRUCTIONS: Check the relevant box below.

- Domestic violence has not occurred during this marriage.
- Significant domestic violence occurred during this marriage.
- Domestic violence has occurred during this marriage. Even though domestic violence has occurred, it was not significant or committed by both parties

8. Spousal Maintenance: Money paid from one spouse to the other spouse after the divorce, also known as alimony.

INSTRUCTIONS: Check this box if neither spouse will receive spousal maintenance.

- Neither party is entitled to spousal maintenance

INSTRUCTIONS: Check the box next to the person who will RECEIVE spousal maintenance.

- Petitioner** OR **Respondent** is entitled to spousal maintenance because s/he

INSTRUCTIONS: You must also check at least one of the following four boxes explaining why spousal maintenance is appropriate.

- Lacks sufficient property, including given to him or her as part of this divorce, to provide for his or her reasonable needs.
- Is unable to be self-sufficient through appropriate employment or is the custodian of a child whose age or condition is such that the custodian should not be required to seek employment outside the home or lacks earning ability in the labor market adequate to be self-sufficient.
- Contributed to the educational opportunities 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.

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 Change *Optional*

INSTRUCTIONS: Check this box only if you want to use your maiden or former name. If you check the box, also check the box next to whoever is changing his or her name, either Petitioner or Respondent. In the first blank, write out the complete married name, including the middle name. In the second blank, write out the complete maiden name/former name.

- The name of the **Petitioner** OR **Respondent**, whose complete married name is:

is restored to: (List the complete legal name or maiden name as before the marriage)

3. Spousal Maintenance

INSTRUCTIONS: Earlier in the Petition you told the court whether or not one of the parties should receive spousal maintenance from the other party. Here, you tell the court how much per month and for how long that spouse should receive spousal maintenance or if neither party should pay spousal maintenance to the other party.

Neither party to pay spousal maintenance to the other party.

OR

Petitioner shall receive spousal maintenance from Respondent in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased.

OR

Petitioner shall receive spousal maintenance from Respondent in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased or for _____ months, whichever comes first.

OR

Respondent shall receive spousal maintenance from Petitioner in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased.

OR

Respondent shall receive spousal maintenance from Petitioner in the amount of \$_____ per month and the payments to continue until the receiving party is remarried or deceased or for _____ months, whichever comes first.

INSTRUCTIONS: Do you want either the other party or yourself to be able to modify spousal maintenance in the future? If so, check the first box. If not, check the second box.

Spousal maintenance shall be modified in accordance with Arizona law.

Spousal maintenance shall NOT be modifiable for any reason.

4. Debt

INSTRUCTIONS: You must identify all of your debt as either community debt or separate debt. **Community debts** are debts that you or the other party incurred during the marriage. **Separate debts** are debts that you or the other party incurred before the marriage.

- a. Community Debt:** Community debts are debts incurred by either party during the marriage. You should see a lawyer about how to divide secured and unsecured debts. Community debts shall be divided as follows:

INSTRUCTIONS: Check this box if you do not have any community debt.

My spouse and I do not have any community debts.

INSTRUCTIONS: Check this box if you have community debt. List all community debts, the total owed, and the amount OR percentage to be paid by each party. If you need more space attach an additional sheet of paper and check the box "The list continues on attached page."

My spouse and I have community debts which shall be divided as follows:

Creditor Name	Amount Owed	Amount or Percent to be paid by Petitioner	Amount or Percent to be paid by Respondent
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- The list continues on attached page.
- Petitioner is ordered to pay all debts unknown to Respondent.
- Respondent is ordered to pay all debts unknown to Petitioner.
- Each party is ordered to pay his or her debts incurred since (date) _____.
- 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.

b. Separate Debt: Separate debts are debts incurred before the marriage. Check ONLY one of the three boxes. If you check the last box, list your separate debts, the total owed, and the amount or percentage to be paid by each party. Separate debts shall be divided as follows:

- Neither my spouse nor I have any separate debt.
- My spouse and/or I have separate debts and Husband must pay his separate debt and Wife must pay her separate debt.
- My spouse and/or I have separate debts and they shall be divided as follows:

Creditor Name	Amount Owed	Amount or Percent to be paid by Petitioner	Amount or Percent to be paid by Respondent
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. Property

IMPORTANT: If there is a piece of property with a debt attached such as a car with a loan, you must list the property under “Property” and the debt under “Debt”.

INSTRUCTIONS: You must identify all of your property as either community property or separate property. **Community property** is property that you acquired during the marriage, but was not gifted to either you or the other party and that was not inherited. **Separate property** is property that you acquired before the marriage, property that was gifted to either you or the other party, or that was inherited.

a. Community Property: Community Property is property that was acquired during the marriage, which was not gifted to one party or inherited. Community Property shall be divided as follows:

My spouse and I did not acquire any community property during the marriage.

OR

My spouse and I acquired community property during the marriage and it should be divided as follows:
Include vehicles on this list.

Description of Property	Awarded to Petitioner	Awarded to Respondent	Value
_____	<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"/>	\$_____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$_____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$_____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$_____

The list continues on attached page.

a. Separate Property: Separate property is property acquired before the marriage, property that was gifted to one party, or that was inherited. Separate Property to be divided as follows:

My spouse and I do not have separate property.

My spouse and/or I have separate property and each party shall be awarded his or her own separate property.

My spouse and/or I have separate property, which shall be divided as follows:

Description of Property	Awarded to Petitioner	Awarded to Respondent	Value
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$_____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$_____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$_____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$_____

b. Real Property: Real property is the house and land you own. You can ask the court to give you the home, to give the home to the other party, or to sell the home and divide any loss or proceeds. Write the complete address of the property under "real property located at". 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. You should use this description. A cemetery plot is considered real property.

My spouse and I do not have real property.

My spouse and I have real property located at: _____ valued at approximately \$_____. The legal description of the property is (this information is needed prior to an order being entered regarding real property):

The real property shall be sold and any loss or proceeds divided with Petitioner being awarded _____% and Respondent being awarded _____%.

The real property shall be awarded to Petitioner.

The real property shall be awarded to Respondent.

The party being awarded the real property will refinance the real property solely in his or her name on or before _____ (insert date). If unsuccessful, the real property will be _____

INSTRUCTIONS: Complete only if there is a second property.

My spouse and I do not have additional real property.

My spouse and I have additional real property located at: _____ valued at approximately \$_____. The legal description of the property is (this information is needed prior to an order being entered regarding real property):

The real property shall be sold and any loss proceeds divided with Petitioner being awarded _____% and Respondent being awarded _____%.

The real property shall be awarded to Petitioner.

The real property shall be awarded to Respondent.

The party being awarded the real property will refinance the real property solely in his or her name on or before _____ (insert date). If unsuccessful, the real property will be _____

c. Retirement:

WARNING: You should see a lawyer about your retirement accounts. 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. It is recommended that you consult with a lawyer to help you prepare these documents.

INSTRUCTIONS: A retirement account is considered property. Any part of the retirement that grew during the marriage is community property. Any part of the retirement that existed before the marriage, is separate property. You do not need to list the retirement under "Property" if you list it here.

IMPORTANT: If you want to divide the retirement account(s) you must see an attorney about a document called a Qualified Domestic Relations Order (QDRO) or a Court Order Acceptable for Processing (COAP). A QDRO or a COAP is a very specialized legal document. It is recommended that you seek professional assistance to prepare the QDRO or COAP. Do not have this done until a judge signs your Decree.

- Neither party has a retirement account.
- 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.
- Divide retirement accounts as follows:

6. Taxes

INSTRUCTIONS: This question is asking how you and the other party have filed taxes during the time you were married.

a. For **previous** calendar years, pursuant to IRS rules and regulations, the parties have filed or will file:

INSTRUCTIONS: If you and the other party ever filed jointly, check this box and list the tax years you filed jointly.

- Joint federal and state income tax returns for (years) _____ and hold each other harmless from half of all income taxes and costs, if any, and each party will share equally in tax refunds, if any.

INSTRUCTIONS: If you and the other party ever filed separately, check this box and list the tax years you filed separately.

- Separate federal and state income tax returns for (years) _____.

Other: _____

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

Each party shall give the other party all necessary documentation to file all tax returns, unless that information is protected.

Other information and request(s) regarding taxes:

7. Other Requests:

INSTRUCTIONS: Use this space to add any more Orders the court is making.

FINAL APPEALABLE ORDER: Pursuant to Arizona Rules of Family Law Procedure, Rule 81, this final judgment/decree is settled, approved and signed by the court and shall be entered by the clerk.

SIGNATURES

DONE IN OPEN COURT: _____

JUDGE OR COURT COMMISSIONER

If this Decree was issued as a “Default,” *and* the Petitioner served the papers to begin this case by any means other than by publication, a copy of this Decree shall be mailed or delivered to the Respondent within 24 hours of the court hearing as follows:

Respondent’s Name: _____

Mailing Address: _____

City, State, Zip Code: _____

Email Address: _____

By Petitioner: _____

Date: _____

Petitioner’s Signature: _____

INSTRUCTIONS: This page only applies if both parties are willing to sign this decree.

By signing this Consent Decree and subscribing and swearing to same (or affirming to same) before a Notary Public, both parties affirm that the information is true and correct, including the following:

1. RIGHT TO TRIAL IS WAIVED. I understand that by signing this Consent Decree, I am waiving my right to trial before a judge.
2. 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 attachments, if any that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in the Decree.
3. LEGAL ADVICE. I understand that even if I am representing myself without an attorney, I have the right to be represented by an attorney. I have the right to call an attorney and get legal advice before I sign this Consent Decree.

SIGNATURES OF THE PARTIES OR THEIR ATTORNEYS

APPROVED BY:

Date _____
Signature

State of Arizona)
)
County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____
by _____
Name of Signer

Commission Expires _____
Notary Public

Date _____
Signature

State of Arizona)
)
County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____
by _____
Name of Signer

Commission Expires _____
Notary Public

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

Petitioner's Attorney: _____ Date: _____
Respondent's Attorney: _____ Date: _____