Revised 11.04.13

DIVORCE WITHOUT CHILDREN

For Petitioner Only

PINAL COUNTY

NON-COVENANT MARRIAGE

TO FILE FOR DISSOLUTION OF MARRIAGE (DIVORCE) WITHOUT CHILDREN

INSTRUCTIONS AND FORMS

Provided as a Public Service by
CHAD A. ROCHE
Clerk of the Superior Court

REPRESENTING YOURSELF IN FAMILY COURT

It is not easy to represent yourself in Family Court, but many people do it for financial and other reasons. This brief guide provides some very basic information to help you understand the proceedings. It does not tell you everything about family law or family court, and it is no substitute for understanding Title 25 of the Arizona Revised Statutes, the Arizona Rules of Family Law Procedure, and the Arizona Rules of Evidence. For more information, you should go to the Pinal County Superior Court website (www.pinalcountyaz.gov/Departments/JudicialBranch/) or consult a lawyer.

Proceedings In Family Court

Proceedings in Family Court follow the ***Arizona Rules of Family Law Procedure***.

In a divorce or paternity case, you may be referred to an Early Resolution Conference, Mediation, a Parenting Conference, or a Settlement Conference (sometimes called an Alternative Dispute Resolution or "ADR"). These proceedings are designed to help the parties reach agreement on all or some of their disputes. They generally are not conducted by your assigned Judge.

You may also have to appear before the Judge for a pretrial hearing. The most common pretrial hearings are (1) a ***Resolution Management Conference***, which helps the Judge manage the case by, among other things, setting deadlines and a trial date; and (2) a ***Temporary Orders Hearing***, at which the Judge may issue temporary orders to govern the case until the trial.

If you do not reach a settlement of all issues, there will be a ***trial***. This is the single hearing where the Judge will hear your evidence and make final decisions on disputed issues.

Disclosure And Discovery

To help parties prepare for the trial, the Arizona Rules of Family Law Procedure have ***disclosure*** and ***discovery*** requirements.

Disclosure requirements are in Rule 49. Each party must voluntarily provide certain information to the other party. You have an obligation to disclose such information to the other party, and you have a right to insist that the other party disclose such information to you. Failure to disclose as required may result in sanctions, including being barred from offering evidence that was not timely disclosed.

If you need information that is not voluntarily disclosed, you may engage in ***discovery***, such as requesting documents from a party or subpoenaing documents from non-parties. Rules 51 through 65 of the Arizona Rules of Family Court discuss the requirements for discovery.

What Is A Trial?

A trial is the time for you and for the other party to present ***evidence*** on disputed issues.

General Issues If Children Are Involved In Your Case:

- Legal custody (decision-making authority over major matters concerning the children).
- Parenting time (what time each parent will spend with the children).
- Child support.

Additional Issues If Your Case Involves A Divorce:

- Spousal maintenance.
- Division of community property and allocation of debts.

The Judge will decide these issues based on the evidence presented during the trial. ***Only evidence you bring to the trial will be considered***.

After the trial, the Judge may issue a ruling in open court or may take the case "under advisement," which means that the Judge will issue a written ruling at a later time.

The judge's ruling may be a signed ***decree*** or ***judgment***, which officially concludes the case. If the judge chooses, the judge may decide disputed issues and then require one or both of the parties to submit a decree for the judge's signature.

Preparing For The Trial

When preparing for the trial, it is critical that you read the judge's minute entries carefully. The minute entries typically contain the Judge's requirements for the trial. These requirements may include: (1) Submitting a ***pretrial statement*** that describes the issues in the case and lists your witnesses and exhibits; and (2) Giving copies of your ***exhibits*** to the Clerk and to the other party before the trial.

Many Judges impose ***time limits*** at the trial. It is your responsibility to make sure you present all your evidence in the time allotted.

What Happens During The Trial?

The main thing that happens during the trial is the presentation of ***evidence***. The Judge will make decision based on the evidence presented during the trial. Evidence is generally of two kinds: (1) Witness testimony and (2) Documents.

When you call a ***witness*** to testify, you must ask the witness questions. A witness may only answer questions that are asked. When the party who called a witness is done with questioning, the other party may "cross-examine" the witness by asking additional questions.

A party may testify as a witness on his or her own behalf. However, while a witness is on the stand, the parties may only ask questions. Arguing with a witness or commenting on the answers is not allowed.

Documents may be evidence at the trial, but you must follow the proper procedure. Before the trial (usually 5 days before), you must give documents that you want to use to the Clerk of the Court to be "marked" with an exhibit number. However, marking an exhibit does not mean it is evidence. Rather, during the trial, you must "offer" the exhibit by asking the judge to admit it into evidence. The judge then decides whether to admit the evidence. The judge will consider only evidence that is ***admitted***.

Proper Court Behavior

Although family cases are often emotional, it is important that everyone act in an orderly and respectful way in court. Here are some "Do's and Don'ts:"

- Do dress appropriately. Don't wear hats, sunglasses, or ragged clothes.
- Do wait your turn to speak. Don't interrupt or bicker while someone else is talking.
- Do treat others with respect. Don't curse, make faces, or engage in confrontational behavior.
- Do be honest and candid with the judge. Don't lie or try to hide things.
- Do make sure that friends and family who accompany you sit quietly. They are not allowed to speak unless called as a witness, and then only when they are testifying.

For Additional Information

This guide presents very basic information. For additional information, read the applicable statutes and rules, visit the Pinal County Superior Court website (www.pinalcountyaz.gov/Departments/Judicial Branch) and if necessary, consult a lawyer.

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

CHECKLIST

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

- ✓ You want to file a petition for divorce **AND,**

- ✓ You do **not** have a "covenant marriage" (These papers will not work for a covenant marriage)***** **AND,**

  ***What is a "Covenant Marriage?" As of August 21, 1998, the Arizona Legislature created a new type of marriage called "covenant" marriage. To have a covenant marriage, both husband and wife would have had to:**

  1. **Sign papers requesting to have a covenant marriage;**
  2. **Attend Pre-Marital counseling; AND**
  3. **Your marriage license would say "Covenant Marriage."**

  If you were married before August 21, 1998 and have not signed papers to convert your marriage to a covenant marriage, you do not have a covenant marriage. If you still have questions about whether you have a covenant marriage, see a lawyer for help.

- ✓ You and your spouse have **no minor children** with each other AND the wife is not pregnant by the husband or **will not** be pregnant by the husband before the divorce is over, **AND**

- ✓ You or your spouse have lived in Arizona at least 90 days before you file the Petition, or 90 days before you file, **AND**

- ✓ You believe that the marriage is irretrievably broken (you and your spouse cannot make this marriage work) **AND**

- ✓ You or your spouse have tried to resolve your problems through Conciliation Court, or there is no point in trying to resolve your problems because the marriage is irretrievably broken.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing.

DIVORCE WITHOUT MINOR CHILDREN

This packet contains general information and instructions about filing a divorce petition for a non-covenant marriage and other court papers when there are **no** minor children common to the parties. Be sure this packet contains the following documents:

Order	Title	# of Pages
1	Checklist: Use these forms if…	1
2	Table of Contents (this page)	1
3	Instructions: How to fill out the "Petition for Dissolution of Marriage w/out Children"	5
4	Procedures: How to file Divorce Papers With the Court	2
5	"Family Court Coversheet/Sensitive Data Sheet" **(*NO COPIES REQUIRED)**	2
6	"Sensitive Data Sheet" **(*NO COPIES REQUIRED)**	2
7	"Summons"	2
8	"Preliminary Injunction"	2
9	"Petition for Dissolution of Marriage (Divorce) – Without Children"	5
10	"Notice of Right to Convert Health Insurance"	1
11	"Notice Regarding Creditors"	2

***NO COPIES REQUIRED. File original only. Do not serve on other party.**

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.

INSTRUCTIONS

"*Petition for Dissolution of Marriage (Divorce) Without Minor Children*"

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 child(ren) and/or verbal abuse used to control you and/or your child(ren).

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 write "protected" in the space on the form where you are asked for this information. 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.

(ALL FORMS: TYPE OR PRINT IN BLACK INK)

FAMILY COURT COVER SHEET

- The ***"Family Court Cover Sheet"*** is REQUIRED to be completed and filed in Pinal County.
- Write in the information requested about the petitioner, respondent and any children under the age of 18.
- DO **NOT** INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION.
- Case Type: Mark only one box that matches the legal procedure for which you are filing the documents in this packet: [x] Dissolution (Divorce).
- Interpreter: Check "yes" or "no" to indicate whether an interpreter is needed. If "yes," write in what language(s).
- No additional copies needed. Do NOT serve this document on the other party.

SENSITIVE DATA SHEET

- Write in the information requested about petitioner, respondent, and any children under the age of 18.
- DO **NOT** INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION.
- No additional copies needed. Do NOT serve this document on the other party.

SUMMONS AND PRELIMINARY INJUNCTION

Fill in the following information: Your name; street address **(if not protected)**; city, state and zip code; telephone number; email address, ATLAS number; name of Petitioner (your name); name of Respondent (your spouse's name). You will have an ATLAS number ONLY if you receive or have received AFDC or other public benefits for your minor child(ren) that are common to you and your spouse. If you are represented by an attorney, write in the attorney's bar number. Tell the court whether you represent yourself or are represented by an attorney. DO NOT fill out the rest of the form except on Page 2 of the Preliminary Injunction; fill out the description of other party. The Clerk of Court will complete it later.

PETITION FOR DISSOLUTION OF MARRIAGE (DIVORCE) WITHOUT MINOR CHILDREN

A. Use this form **ONLY** if you are getting a divorce and there are no children under the age of 18, common to you and your spouse, whether by birth or adoption, AND you do **not** have a "covenant" marriage. Make sure your form is titled **"*Petition for Dissolution of a Non-Covenant Marriage (Divorce) Without Children.*"**

B. In the top left corner of the first page, 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, your email address and your **ATLAS** number, if you are receiving or have received AFDC from the Arizona Department of Economic Security and the attorney bar number if you are represented by an attorney. Then check the box to say whether you are represented or not. If an attorney represents you, write in your name in the space after "Attorney for."

C. Fill in your name in the space that says "Name of Petitioner." Remember, you will be the PETITIONER through the whole case. (This includes any emergency petitions, temporary petitions, and post-divorce decree petitions.) In the space that says "Name of Respondent," fill in the name of your spouse. Your spouse will be the RESPONDENT for the rest of this case. (This includes any emergency petitions, temporary petitions, and post-divorce decree petitions.)

D. Leave the line for Family Court Case Number blank. When you file your papers, you will receive a case number from the Clerk of the Court.

GENERAL INFORMATION:

1. **INFORMATION ABOUT ME, THE PETITIONER.** Fill in your name, address (**if not protected**), date of birth, occupation, and length of time in Arizona.

2. **INFORMATION ABOUT YOUR SPOUSE, THE RESPONDENT.** Fill in your spouse's name, address, (if you know it) date of birth, occupation, and length of time in Arizona.

3. **INFORMATION ABOUT YOUR MARRIAGE.** Fill in the date you were married, and the city and state where you were married. If you do not know this information, and you were married in Pinal County, you may get a copy of your marriage license from the Clerk of the Court at 971 N. Jason Lopez Circle, Bldg A, Florence AZ 85132. If you were married in another county in Arizona, go to the Clerk of the Superior Court at the county seat where you were married.

   NEXT: Check the boxes to indicate ***all three*** statements are **TRUE**. If ***any*** of these statements are not true, you may not use these forms or you may not qualify for a divorce in Arizona at this time. If all three boxes are not checked, your case may not proceed.

   Check the first box to indicate that you do not have a "covenant" marriage.
   Check the second box to indicate your marriage is irretrievably broken.
   Check the third box to indicate you have been to marital counseling – or that it would not help.

NOTE: To have a "Covenant Marriage", both husband and wife 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.

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

4. **90-DAY REQUIREMENT.** This tells the court that you **OR** your spouse have lived in Arizona, or been stationed in Arizona while in the Armed Forces, for at least 90 (ninety) days prior to the day you filed the ***"Petition for Dissolution of Marriage (Divorce) Without Children."*** Before you file for divorce, this **MUST** be true. **IF IT IS NOT TRUE, YOU CANNOT FILE FOR DIVORCE UNTIL IT IS TRUE.**

INFORMATION ABOUT PROPERTY AND DEBT:

READ ME!!!!!! The information you give in sections 5 and 6 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 an inheritance, or acquired after the Petition for Dissolution was served on the Respondent, generally all property acquired during the marriage is 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, no matter WHO spent the money. Separate property and/or separate debt is generally any property you had, or brought into the marriage. HOWEVER, there are exceptions to these statements. For example, some property acquired during the marriage is still considered separate property. For example, if you were involved in an automobile accident, and received damages for pain and/or suffering or will receive damages for pain and suffering, the money you received, or will receive, for pain and suffering is your separate property. If you have questions, or have a lot of community property or debt, you should speak with an attorney BEFORE filing your Petition or other papers.

5.a. COMMUNITY PROPERTY: If you and your spouse **do not** have any property from the marriage, check the first box. If you and your spouse **do** have property together, check the second box. If you checked the second box, you must tell the Court what property should go to you and what property should go to your spouse. Generally, the Court will divide the property 50-50 as of the time the Respondent was served with the Petition for Dissolution, unless there are good reasons why this should not happen. 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 which 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 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. **You should describe the property thoroughly for identification purposes and state its value when asked.** You can use the brand name and model where applicable, and serial numbers.

TYPES OF PROPERTY:

a) **Real Property (property (land) or home).** Check who you want to get the property. You can ask the court to give you the property (land/home), to give the property (land/home) to your spouse, or to sell the property (land/home) and divide the proceeds. You should write the complete address of the property under "Real Estate 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 legal description. A cemetery plot is considered real property**.**

b) **Household furniture.** This includes sofas, beds, tables, and so forth.

c) **Household furnishings.** This includes things in the house **other than furniture,** for example: dishes, small appliances, rugs, and so forth.

d) **Other.** List things that you want, or you want your spouse to have, that have not been listed.

e) **Pension/retirement fund/profit sharing/stock plans/401K.** You and your spouse each generally have a right to a one-half interest in the other spouse's plan, based upon the length of your marriage. The longer the marriage, the greater your financial interest in your spouse's plan. (Your interest, usually, includes **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.

f) **Motor vehicles.** List the vehicle identification number (VIN), the year and make of the car (Ford, Honda) and the model (Mustang, Lumina). Then state its estimated value.

5.b. SEPARATE PROPERTY: If **you did not** have property, or bring any property into the marriage, check the first box. If **your spouse did not** have or bring any property into the marriage, check the next box. If you or your spouse **did** have property and brought property into the marriage or if you or your spouse have separate property, 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 or what property is separate property. 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. You should describe the property thoroughly for identification purposes and state its value. You can use the brand name, model and serial numbers when applicable.

6.a. COMMUNITY DEBTS: If you and your spouse **do not** owe money on any debts from the marriage or **do not** owe community debt, check the first box and go directly to section 7. If you and your spouse **do** owe money on any debts from the marriage or any community debt, check the second box. If you check the second box, tell the court which debts you should pay and which debts your spouse should pay. The court will attempt to make a fair division of the debts. If you get property that has a debt on it, you will probably also be given the debt. Ordering one person to pay all the debt(s) is unusual. Think about what is a fair division of the debts before answering this question. Provide enough information to accurately identify each debt.

If you and your spouse have been separated and have acquired new debts on your own before filing for divorce, you may want the court to order that each of you personally pay for any new debt(s) incurred after the date you separated. You can make this request on the last page of your Petition under letter E “Community Debts."

6.b. SEPARATE DEBTS: If you and your spouse do not owe money on any debts incurred prior to the marriage, and do not have separate debt, check the first box and go directly to number 7. If you owe money on debts incurred prior to the marriage, or have separate debt, check the second box. If your spouse owes money on debts incurred prior to the time you were married, or has separate debt, check the third box. If either you or your spouse owe money on any debts you or your spouse brought into the marriage, or have separate debt, describe the debts, and tell the court which debts you should pay and which debts your spouse should pay.

7. **TAX RETURNS:** Decide what you want to do about any income tax refund. Check the box if you want income taxes to be paid as stated. If you have questions, you should see a lawyer, an accountant, and/or contact the Internal Revenue Service (IRS)**.**

8. **SPOUSAL MAINTENANCE/SUPPORT (Alimony)** 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 or spousal maintenance. Spousal Maintenance/Support is designed as a safety net for a spouse who cannot provide for his/her needs or who meets other requirements listed on the Petition under section 8. The idea behind spousal maintenance/support is that accomplishments during your marriage, including increases in earning potential and living standards, are shared, and earned, by **BOTH** parties to a marriage. Look at section 8 to see if spousal maintenance/support applies to you or your spouse. If spousal maintenance/support applies, check the box that **most** applies to you. If none of the boxes apply, or you **do not want** spousal maintenance/support, go to section 9. Check all the

boxes that apply to your situation. **Spousal maintenance/support is paid separately from child support and is NOT a substitute for child support.**

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

A. DISSOLUTION (DIVORCE). This is your request to end your non-covenant marriage by a divorce.

B. NAMES. Write in this section only if you want to use your maiden or former name. Write in your maiden name or former last 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 the party who wants his or her name restored in order to change the name.

C. SPOUSAL MAINTENANCE/SUPPORT. This tells the court that you or your spouse should pay money to the other spouse on a monthly basis to help with living expenses. Check the box (Petitioner) if **YOU** will be paying spousal maintenance/support. Check the box (Respondent) if **YOUR SPOUSE** will be, or should be, paying spousal maintenance/support. If you or your spouse should not pay spousal maintenance/support, **do not** check any boxes, and GO ON. (You can check a box **only** if you checked the same box in the spousal maintenance/support section, section 8.) If you request spousal maintenance/support, 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 who will be paying this money. Spousal maintenance/support is **not** a substitute for child support.

D. COMMUNITY PROPERTY. This tells the court that your division of the property is fair.

E. COMMUNITY DEBT. This tells the court that your division of the debt is fair, and that the court should divide the debts as requested by you in your Petition. **IF YOU HAVE BEEN SEPARATED FROM YOUR SPOUSE FOR ENOUGH TIME THAT YOU OR YOUR SPOUSE MAY HAVE ADDITIONAL DEBTS, WRITE THE DATE OF SEPARATION ON THE LINE PROVIDED IF YOU WANT EACH SPOUSE TO PAY THE DEBTS INCURRED AFTER YOU SEPARATED.**

F. SEPARATE PROPERTY and DEBTS. This states 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. It also says that you will pay your separate debts and your spouse will pay his/her separate debts.

G. OTHER ORDERS. Tell the court anything else you may want ordered that has not been covered in your Petition.

OATH OR AFFIRMATION AND VERIFICATION OF PETITIONER: Sign this form in front of 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: This is an important document that explains what to do about health care coverage for yourself and your minor child(ren). Read it carefully, and be sure a copy is served on your spouse, along with the other divorce papers.

NOTICE REGARDING CREDITORS: 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) are 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.

OTHER IMPORTANT PAPERS IN THIS PACKET:

Also attached is the packet for ***Service of Court Papers***. All of the instructions and forms are included.

CHANGE OF ADDRESS: It is very important for you (Petitioner and Respondent) to keep the court informed of your most current address. This means that if the address information on this form is incorrect or if you change addresses, you must contact the Clerk of the Court and give them your new or current address. Change of Address forms can be obtained from the following courthouse locations:

Pinal County Justice Complex
971 N. Jason Lopez Circle Bldg. A
Florence AZ 85132
(520) 866-5300

Apache Junction Office
575 N. Idaho Rd. Suite 109
Apache Junction, AZ 85119
(520) 866-5300

Casa Grande Office
820 E. Cottonwood Lane Bldg. B
Casa Grande, AZ 85122
(520) 866-5300

Mammoth Office
(Temporarily Closed)

PROCEDURES

How to File Divorce Papers with the Court

STEP 1: **ONCE YOU HAVE FILLED OUT THE DOCUMENTS AND YOU HAVE SIGNED THEM IN FRONT OF A NOTARY PUBLIC, YOU NEED TO MAKE COPIES:**

Make 2 copies of the following documents after you have filled out the forms and had your signature notarized:

- "Summons"
- "Preliminary Injunction"
- "Petition for Dissolution of Non Covenant Marriage (Divorce) Without Minor Children"
- "Notice of Right to Convert Health Insurance"
- "Notice Regarding Creditors"

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

SET 1 - ORIGINALS FOR CLERK OF COURT:	**SET 2 - COPIES FOR SPOUSE:**
• Family Court Cover Sheet • Sensitive Data Sheet • Summons • Preliminary Injunction • Petition for Legal Separation without Children • Notice of Right to Convert Health Insurance • Notice Regarding Creditors	• Summons • Preliminary Injunction • Petition for Legal Separation without Children • Notice of Right to Convert Health Insurance • Notice Regarding Creditors
	SET 3 – COPIES FOR YOU: • Summons • Preliminary Injunction • Petition for Legal Separation without Children • Notice of Right to Convert Health Insurance • Notice Regarding Creditors

STEP 3: **FILE THE PAPERS WITH THE CLERK OF THE SUPERIOR COURT:**

The Clerk's Office is open from 8 am-5 pm, Monday-Friday. **You should arrive at the Clerk's Office at least two hours before it closes**. You may file your court papers at the following locations:

Pinal County Justice Complex
971 N. Jason Lopez Circle Bldg. A
Florence AZ 85132
(520) 866-5300

Apache Junction Office
575 N. Idaho Rd. Suite 109
Apache Junction, AZ 85119
(520) 866-5300

Casa Grande Office
820 E. Cottonwood Lane Bldg. B
Casa Grande, AZ 85122
(520) 866-5300

Mammoth Office
(Temporarily Closed)

FEES: There is a filing fee for filing this Petition and there may be other charges associated with this case. Inquire with the Clerk's office regarding the filing fee amount or go online to http://pinalcountyaz.gov/COSC for a list of current fees. Payment may be made by Cash, Money Order, Visa or MasterCard debit or credit.

If you cannot pay these fees, you may request the fee(s) be deferred or waived. The Clerk of the Superior Court has the necessary forms to ask for a deferral or waiver.

NOTE: With the Application for Deferral, there is a $27 fee and you must provide proof of income (copy of your last 2 most recent paystubs).

PAPERS: Hand all three **(3)** sets of your court papers to the Clerk along with the filing fee. The Clerk's office accepts the following forms of payments: VISA/MasterCard debit or credit cards, money order, cash or a personal in-state check made payable to the **"Clerk of the Superior Court."**

MAKE SURE YOU GET THE FOLLOWING BACK FROM THE CLERK:

- Your Original ***"Summons"***
- Your Set of Copies – Conformed
- Your Spouse's Set of Copies – Conformed

STEP 4: Read the packet called "Service of Court Papers" that applies to your situation. This will explain how to serve the other party. Remember to file your Affidavit, Waiver or Acceptance of Service as soon as the Respondent is served.

Arizona Superior Court, Pinal County
Family Court Cover Sheet

Pursuant to Rule 4.1 Superior Court Local Rules - Pinal County, please provide the following information. *(Type or print)*

CASE NUMBER **DO 2** _____ ATLAS NUMBER(S) _____	Judge _____

PETITIONER'S NAME AND ADDRESS	**RESPONDENT'S NAME AND ADDRESS**
Name: Address: City/State/Zip: Phone Number: Email Address: DOB:	Name: Address: City/State/Zip: Phone Number: Email Address: DOB:
PETITIONER'S ATTORNEY Name/State Bar #: Address: City/State/Zip: Phone Number:	**EMERGENCY ORDER SOUGHT** ☐ Order of Protection ☐ Temporary Order ☐ Other _____ (Specify)
Do you or the other party need an interpreter? ☐ Yes ☐ No If yes, what language: _____	FEES: ☐ PAID ☐ NOT PAID - REASON ☐ Political Subdivision/Government Agency ☐ Deferred ☐ Waived

ACTION REQUESTED Check only one box

DISSOLUTION (Divorce)
- ☐ D01 With Children
- ☐ D02 Without Children

- ☐ D11 Legal Separation
- ☐ D12 Paternity/Maternity
- ☐ D13 Annulment
- ☐ D14 Legal Decision-Making
- ☐ D15 Order of Protection
- ☐ D16 Foreign Judgment
- ☐ D17 Domesticated Decree
- ☐ D18 Foreign Judgment for Legal Decision-Making
- ☐ D19 Establish Support
- ☐ D20 Habeas Corpus
- ☐ D21 Visitation
- ☐ D40 Emergency Order of Protection
- ☐ D22 Other _____ (Specify)

I receive or have received public assistance which may include AFDC, TANF, or AHCCS for my child(ren) or me.

☐ Yes ☐ No

I have a case with the Division of Child Support Enforcement.

☐ Yes ☐ No

If yes, list the case number(s)

_____

Do you currently have ANY other Pinal County Superior Court cases?

☐ Yes ☐ No

If yes, list the case number(s)

_____

Have you ever had ANY other Pinal County Superior Court cases?

☐ Yes ☐ No

If yes, list the case number(s)

_____

PETITIONER'S DECLARATION OF INFORMATION FOR CONCILIATION COURT

The wife is pregnant: ☐ Yes ☐ No

The respondent is being served by publication: ☐ Yes ☐ No

Please enter the number of children under the age of 18 of either or both parties who are in legal decision-making of either or both parties: _____

NAMES OF MINOR CHILDREN & DATE OF BIRTH:	**NAMES OF MINOR CHILDREN & DATE OF BIRTH:**
_____	_____
_____	_____
_____	_____

There is an agreement as to the parenting arrangements of the minor children: ☐ Yes ☐ No

To the best of my knowledge, all information is true and correct.

_____

Attorney / Pro Per Signature

NOTICE

Effective September 8, 1992 and pursuant to Superior Court (Pinal County), Administrative Order No. 92-15, the Superior Court requires that a "Cover Sheet", which categorizes the cause of action, accompany any new action filed with the Superior Court in Pinal County. **PLEASE DO NOT INCLUDE THIS FORM WITH CASES THAT HAVE ALREADY BEEN FILED.** This form can only be processed **at the time of filing** New Complaints and Petitions.

Revised 6/22/09

Name of Person Filing: _____
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: _____

SENSITIVE DATA SHEET
(CONFIDENTIAL RECORD)

_____
Name of Respondent

HONORABLE: _____

Fill out. File with Clerk of Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to A.R.F.L.P. 43(G)(1).

A.	Personal Information:	Petitioner	Respondent
	Name		
	Gender	☐ Male or ☐ Female	☐ Male or ☐ Female
	Date of Birth (Month/Day/Year)		
	Social Security Number		
	Driver's License 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. Child(ren) Information:

Child Name	Gender	Child Social Security Number	Child Date of Birth

Clerk of Court Issued:

***For Court Use Only. NOT Public Record. Do NOT Provide A Copy Of This Document To The Other Party.**

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: DO2

SUMMONS

_____
Name of Respondent

HONORABLE: _____

WARNING: This is an official document from the court that affects your rights. Read this carefully. If you do not understand it, contact a lawyer for help.

FROM THE STATE OF ARIZONA TO _____

Name of Respondent

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this ***"Summons."***

2. If you do **not** want a judgment or order taken against you without your input, you must file an ***"Answer"*** or a ***"Response"*** in writing with the court, and pay the filing fee. If you do **not** file an ***"Answer"*** or ***"Response"*** the other party may be given the relief requested in his/her Petition or Complaint. To file your ***"Answer"*** or ***"Response"*** take, or send, the ***"Answer"*** or ***"Response"*** to the Office of the Clerk of the Superior Court, 971 Jason Lopez Circle Bldg A , Florence, Arizona 85132 or PO Box 2730, Florence, Arizona 85132-2730; or any satellite office. Mail a copy of your ***"Response"*** or ***"Answer"*** to the other party at the address listed on the top of this Summons.

3. If this ***"Summons"*** and the other court papers were served on you by a registered process server or the Sheriff, **within** the State of Arizona, your ***"Response"*** or ***"Answer"*** must be filed within TWENTY **(20)** CALENDAR DAYS from the date you were served, **not counting the day you were served**. If this ***"Summons"*** and the other papers were served on you by a registered process server or the Sheriff **outside** the State of Arizona, your Response must be filed within THIRTY **(30)** CALENDAR DAYS from the date you were served, **not counting the day you were served**. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty **(30)** days after the date of the first publication.

4. You can get a copy of the court papers filed in this case from the Petitioner at the address at the top of this paper, or from the Clerk of the Superior Court at the address listed in Paragraph 2 above.

5. If this is an action for dissolution (divorce), legal separation or annulment, either or both spouses may file a Petition for Conciliation for the purpose of determining whether there is any mutual interest in preserving the marriage or for Mediation to attempt to settle disputes concerning legal decision-making and parenting time issues regarding minor children.

6. Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least five **(5)** days before your scheduled court date.

GIVEN UNDER MY HAND AND SEAL OF THE COURT _____

Date

CHAD A. ROCHE
Clerk of the Superior Court

By _____

Deputy Clerk

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

_____ **CASE NUMBER:** **DO2**

Name of Petitioner

PRELIMINARY INJUNCTION

_____

Name of Respondent **HONORABLE:** _____

WARNING: This is an official Order from the court. It affects your rights. Read this Order immediately and carefully. If you do not understand it, contact a lawyer for help.

Your spouse has filed a ***"Petition for Dissolution"*** (Divorce) or ***"Petition for Annulment"*** or ***"Petition for Legal Separation"*** with the court. This Order is made at the direction of the Presiding Judge of the Superior Court of Arizona in Pinal County. This Order has the same force and effect as any order signed by the judge. You and your spouse **must** obey this Order. This Order may be enforced by any remedy available under the law, including an ***"Order of Contempt of Court."*** To help you understand this Order, we have provided this explanation. Read the explanation and then read the statute itself. **If you have any questions, you should contact a lawyer for help.**

EXPLANATION: (What does this Order mean to you?)

1. **ACTIONS FORBIDDEN BY THIS ORDER:** From the time the ***"Petition for Dissolution"*** (Divorce) or ***"Petition for Annulment"*** or ***"Petition for Legal Separation"*** is filed with the court, until the judge signs the Decree, or until further order of the court, both the Petitioner and the Respondent **shall not** do any of the following things:

- ✓ You may **not** hide earnings or community property from your spouse, **AND**
- ✓ You may **not** take out a loan on the community property, **AND**
- ✓ You may **not** sell the community property or give it away to someone, **UNLESS** you have the written permission of your spouse or written permission from the court. The law allows for situations in which you may need to transfer joint or community property as part of the everyday running of a business, or if the sale of community property is necessary to meet necessities of life, such as food, shelter, or clothing, or court fees and attorney fees associated with this action. If this applies to you, you should see a lawyer for help, **AND**
- ✓ Do **not** harass or bother your spouse or the children, **AND**
- ✓ Do **not** physically abuse or threaten your spouse or the children, **AND**
- ✓ Do **not** take the minor children, common to your marriage, out of the State of Arizona for any reasons, without a written agreement between you and your spouse or a Court Order, **before** you take the minor children out of the State.

- ✓ Do **not** remove, or cause to be removed, the other party or the minor children of the parties from any existing insurance coverage, including medical, hospital, dental, automobile and disability insurance. Both parties shall maintain all insurance coverage in full force and effect.

STATUTORY REQUIREMENTS: Arizona Law, A.R.S. 25-315(A) provides:

1(a). **RESTRICTIONS ON PROPERTY OF THE MARRIAGE:** That both parties are enjoined from transferring, encumbering, concealing, selling, or otherwise disposing of any of the joint, common or community property of the parties, **except** if related to the usual course of business, the necessities of life, or court fees and reasonable attorney fees associated with an action filed under this article, without the written consent of the parties or the permission of the court.

1(b). **REQUIREMENTS OF BEHAVIOR:** That both parties are enjoined from molesting, harassing, disturbing the peace, or committing an assault or battery on, the person of the other party or any natural or adopted child of the parties.

1(c). **RESTRICTIONS ABOUT YOUR MINOR CHILDREN:** That both parties are enjoined from removing any natural or adopted minor child(ren) of the parties, then residing in Arizona, from the jurisdiction of the court without the prior written consent of the parties or the permission of the court.

1(d). **RESTRICTIONS ABOUT INSURANCE:** That both parties are enjoined from removing, or causing to be removed, the other party or the minor children of the parties from any existing insurance coverage, including medical, hospital, dental, automobile and disability insurance. Both parties shall maintain all insurance coverage in full force and effect.

2. **EFFECTIVE DATE OF THIS ORDER:** This Order is effective against the person who filed for divorce, annulment, or legal separation (the Petitioner) when the Petition was filed with the court. It is effective against the other party (the Respondent) when it is served on the other party, or on actual notice of the Order, whichever is sooner. This Order shall remain in effect until further order of the court, or the entry of a Decree of Dissolution, Annulment, or Legal Separation.

3. **ORDER TO PETITIONER:** You **must** serve a copy of this Order upon the Respondent, along with a copy of the Petition for Dissolution, Annulment or Legal Separation, the Summons, and other required court papers.

4. **WARNING:** This is an official Court Order. If you disobey this Order, the court may find you in contempt of court. You may also be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed by disobeying this Order.

5. **LAW ENFORCEMENT:** You or your spouse may file a certified copy of this Order with your local law enforcement agency. You may obtain a certified copy from the Clerk of the Court that issues this Order. If any changes are made to this Order and you have filed a certified copy of this Order with your local law enforcement agency, you **must** notify them of the changes.

6. **DESCRIPTION OF THE PARTIES:**

Petitioner:
Name: _____ Gender: ☐ Male ☐ Female
Height: _____ Weight: _____
Date of Birth: _____

Respondent:
Name: _____ Gender: ☐ Male ☐ Female
Height: _____ Weight: _____
Date of Birth: _____

GIVEN UNDER MY HAND AND SEAL OF THE COURT _____
Date

CHAD A. ROCHE
Clerk of the Superior Court

By _____
Deputy Clerk

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

_____
Name of Respondent

CASE NUMBER: DO2 _____

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

HONORABLE: _____

STATEMENTS MADE TO THE COURT, UNDER OATH OR AFFIRMATION:

GENERAL INFORMATION:

1. INFORMATION ABOUT ME, THE PETITIONER

Name: _____
Address: _____
Date of Birth: _____
Job Title: _____
Starting with today, number of months/years in a row, you the petitioner have lived in Arizona: _____

2. INFORMATION ABOUT MY SPOUSE, THE RESPONDENT:

Name: _____
Address: _____
Date of Birth: _____
Job Title: _____
Starting with today, number of months/years in a row, you the respondent have lived in Arizona: _____

3. INFORMATION ABOUT MY MARRIAGE:

Date of Marriage: _____
City and State, or Country where we were married: _____

The following statements MUST BE TRUE for you to use this document and to qualify for divorce in Arizona **AND <u>you must check the boxes</u>** to indicate that the statements are true or your case may not proceed.

☐ We **DO NOT** have a covenant marriage (If not sure, refer to the INSTRUCTIONS for information).
☐ Our marriage is broken beyond repair ("irretrievably broken") and there is no hope of reconciliation.
☐ We have tried to resolve our problems through Conciliation Services or going to Conciliation Services would not work.

4. 90 DAY REQUIREMENT:
☐ I OR ☐ my spouse have lived in Arizona or have been stationed in Arizona while a member of the Armed Forces, for at least 90 days before I filed this action. **(WARNING: If this statement is not true, you cannot file for a divorce until it becomes true.)**

5. A. COMMUNITY PROPERTY: (check one box)

☐ My spouse and I did not acquire any community property during the marriage, **OR**
☐ My spouse and I acquired community property during our marriage, and we should divide it as follows:

	Petitioner	Respondent	Value
☐ **Real estate located at:** _____	☐	☐	$ _____

Legal Description: (Quote from the DEED) _____

	Petitioner	Respondent	Value
☐ **Real estate located at:** _____	☐	☐	$ _____

Legal Description: (Quote from the DEED) _____

☐ **Household furniture:**	Petitioner	Respondent	Value
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____

☐ **Household furnishings:**	Petitioner	Respondent	Value
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____

☐ **Other Items:**	Petitioner	Respondent	Value
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____

☐ **Pension/retirement fund/profit sharing/stock plan/401K:**

	Petitioner	Respondent	Value
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____

☐ **Motor vehicles:**

	Petitioner	Respondent	Value
Make: _____ Model: _____ VIN: _____ Lien Holder: _____	☐	☐	$ _____
Make: _____ Model: _____ VIN: _____ Lien Holder: _____	☐	☐	$ _____

B. SEPARATE PROPERTY: (check all boxes that apply)

☐ I do not have any property, or separate property, that I brought into the marriage.

☐ My, spouse, the Respondent, does not have any property, or separate property, that they brought into the marriage.

☐ I have property that I brought into the marriage or I have separate property. I want this property awarded to me as described below.

☐ My spouse, the Respondent, has property that he or she brought into the marriage or has separate property. I want this property awarded to my spouse as described below.

Separate Property: (List the property and the value of the property, and check the box to tell the Court who should get the property.)

Description of Separate Property	Petitioner	Respondent	Value
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____

6. A. COMMUNITY DEBTS: (check one box)

☐ My spouse and I did not incur any community debts during the marriage, **OR**

☐ We should divide the responsibilities for the debts incurred during the marriage as follows:

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____

B. SEPARATE DEBTS: (check all boxes that apply)

☐ My spouse and I do not have any debts that were incurred prior to the marriage or separate debt;
☐ I have separate debt or debt that I incurred prior to the marriage that should be paid by me as described below;
☐ My spouse has separate debt or debt that he or she incurred prior to the marriage that should be paid by my spouse as described below.

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	☐	☐	$ _____
_____	☐	☐	$ _____
_____	☐	☐	$ _____

7. TAX RETURNS: (check this box if this is what you want)

☐ After the judge or commissioner signs the Decree of Dissolution of Marriage (Divorce), we will, subject to IRS Rules and Regulations, pay federal and state taxes as follows: For previous years (the years we were married, **not** including the year the Decree was signed), the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will pay, and hold the other harmless from, 1/2 of all additional income taxes if any and other costs, and each will share equally in any refunds. For the calendar year (the year that the Decree is signed) and all future calendar years, each party will, subject to IRS Rules and Regulations, file separate federal and state income tax returns. Each party will give the other party all necessary documentation to do so.

8. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY): (check the box that applies to you)

☐ Neither party is entitled to spousal maintenance/support (alimony), **OR**

☐ Petitioner OR ☐ Respondent is entitled to spousal maintenance/support because: (Check one or more of the box(es) that apply. At least one reason must apply to get spousal maintenance/ support.)

☐ Person lacks sufficient property to provide for his/her reasonable needs;
☐ Person is unable to support himself/herself through appropriate employment;
☐ Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
☐ Person lacks earning ability in the labor market adequate to support himself/herself; and,
☐ Person contributed to the educational opportunities of the other spouse or had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself/herself.

REQUESTS TO THE COURT:

A. DISSOLUTION (DIVORCE):
☐ Dissolve our marriage and return each party to the status of a single person;

B. NAMES: My complete married name is: (Optional. Complete ONLY if you want to change your name)

_____

I want my legal name restored to: (List complete maiden or legal name before this marriage)

_____

WARNING: If you are **not** the person who is requesting to have your former name restored, the court must have a written request from the party who wants his or her name restored to change the name.

C. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

☐ Order spousal support to be paid by ☐ Petitioner, or ☐ Respondent in the amount of $_____ per month, beginning with the first day of the month **after** the Judicial Officer signs the Decree of Dissolution and continuing until the person receiving spousal maintenance remarries or either party is deceased, or for a period of _____ months. These payments, and a fee for handling, will be paid through the Support Payment Clearinghouse.

D. COMMUNITY PROPERTY:

☐ Make a fair division of all community property as requested in this petition.

E. COMMUNITY DEBTS:

☐ Order each party to pay community debts as requested in the Petition, and to personally pay any other community debts unknown to the other party. Order each party to pay and hold the other party harmless from debts incurred by them since the parties separation on _____ (date) or from the date the Respondent was served with the Petition for Dissolution.

F. SEPARATE PROPERTY and DEBT:

☐ Award each party their separate property and make each party pay their own separate debt.

G. OTHER ORDERS I AM REQUESTING (Explain request here)**:**

_____

_____

_____

_____

OATH AND VERIFICATION OF PETITIONER

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

_____ _____

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**

SUPERIOR COURT OF ARIZONA
PINAL COUNTY

Name of Petitioner

CASE NUMBER: DO2

NOTICE OF YOUR RIGHTS ABOUT HEALTH INSURANCE COVERAGE WHEN A PETITION FOR DISSOLUTION (DIVORCE) IS FILED (A.R.S. 20-1377 AND 20-1408)

Name of Respondent

HONORABLE:

WARNING: THIS IS AN IMPORTANT LEGAL NOTICE. YOUR RIGHTS TO HEALTH INSURANCE COVERAGE COULD BE AFFECTED AFTER YOUR DIVORCE IS FINAL. READ THIS NOTICE CAREFULLY. IF YOU DO NOT UNDERSTAND THIS NOTICE, YOU SHOULD CALL AN ATTORNEY FOR ADVICE ABOUT YOUR LEGAL RIGHTS AND OBLIGATIONS.

IMPORTANT INFORMATION IF YOU ARE ON YOUR SPOUSE'S INSURANCE PLAN: When a Petition for Dissolution of Marriage (papers for a divorce decree) is filed, you and/or your children may continue to be covered under your spouse's health insurance policy. Arizona law allows the dependent spouse and/or children to continue to be covered, but you must take some steps to protect your rights.

WHAT INSURANCE COVERAGE APPLIES TO YOU, AND HOW TO GET IT: If you are covered by your spouse's health insurance, and you want to continue to be covered after the divorce is final, you **must** contact the insurance company as soon as possible, and you **must** start to pay the monthly insurance premium within 31 days of the date the insurance would otherwise stop.

If you decide you want to be covered, the insurer can choose whether to continue coverage under the current policy, or to change the policy to your name. If the policy is changed to your name, it is called a "converted"; policy. If the policy is converted by the insurer, the insurer must provide you the same or the most similar level of coverage available, unless you ask for a lower level of coverage.

WHAT COVERAGE APPLIES TO YOUR CHILDREN: If you choose to continue coverage as a dependent spouse, you can also choose to continue coverage for your dependent children if you are responsible for their care or support.

PREEXISTING CONDITIONS OR EXCLUSIONS FROM INSURANCE COVERAGE: Whether the insurance is continued or converted, the insurance must be provided to you without proof of insurability and without exclusions for coverage other than what was previously excluded before the insurance was continued or converted.

LIMITS ON RIGHTS TO INSURANCE COVERAGE FOR YOU AND YOUR CHILDREN: You may **not** be entitled to continued or converted coverage if you are eligible for Medicare or for coverage by other similar types of insurance which together with the continued coverage would make you over-insured. However, dependent children of a person who is eligible for Medicare may be covered by a continuance or a conversion. If you have questions about coverage, check with the insurer and/or the spouse's employer.

WARNING TO THE SPOUSE FILING THE PETITION FOR DISSOLUTION (DIVORCE): This Notice must be served on your spouse together with the Petition for Dissolution, the Summons, and the Preliminary Injunction.

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: DO2 _____

NOTICE REGARDING CREDITORS

_____
Name of Respondent

HONORABLE: _____

ARIZONA LAW REQUIRES all actions for DIVORCE or LEGAL SEPARATION to include this NOTICE and for the person filing for Divorce or Legal Separation to SERVE this NOTICE on the other party. (ARS 25-318(F).

YOU AND YOUR SPOUSE ARE RESPONSIBLE FOR COMMUNITY DEBTS. The court usually requires/orders one spouse or the other to pay certain community debts in, or through, the Decree of Dissolution or Legal Separation. A court order that does this is binding on the spouses **only, not the creditors**. You and your spouse are legally responsible for these community debts whether you are married, divorced, or legally separated. These debts are matters of contract between **both of you** and your creditors (such as banks, credit unions, credit card companies, utility companies, medical providers and retailers). On request, the court may impose a lien against the separate property of a spouse to secure payment of certain community debts.

CONTACT CREDITORS: You may want to contact your creditors to discuss the debts and the effects of your divorce/legal separation on your debts. To assist you in identifying your creditors, you may obtain a copy of your spouse's credit report by making a written request to the court for an order requiring a credit reporting agency to release the report to you. The credit report will help you identify accounts, account numbers and account balances. In addition, within thirty **(30)** days after receipt of a request from a spouse who is party to a divorce or legal separation, which includes the court and cause number of the action, creditors are required, by law, to provide information as to the balance and account status of any debts for which you or your spouse may be liable to the creditor.

WARNING: If you do not understand this notice, you should contact an attorney for advice about your legal rights and obligations.

The following page contains a sample form you *may* choose to mail to creditors to get information about debts owed by you or your spouse. It is not a required form.

REQUEST FOR ACCOUNT INFORMATION FROM CREDITORS

You may use this form to request information about debt owed by you or your spouse.
If so, send to the creditor. **DO NOT FILE THIS PAGE WITH THE COURT**.

DATE: _____

CREDITOR'S NAME: _____

CREDITOR'S ADDRESS: _____

Regarding: **Superior Court of Arizona in Pinal County**

Case Name: _____

Case Number: _____

Pursuant to Arizona State Law (ARS 25-318), this letter requests the balance and account status of any debt for which the following individuals may be liable to you. (Arizona law requires that you provide this information within thirty (30) days of receipt of this letter.)

INFORMATION ABOUT DEBTORS/SPOUSES:

Your Name: _____

Your Address: _____

_____

Your Phone Number: _____

Your Spouse's Name: _____

Your Spouse's Address: _____

_____

INFORMATION ABOUT THE ACCOUNT:

Account Number(s): _____

If you have any questions or if I can be of further assistance, please feel free to contact me.

Sincerely,

Your Name: _____

Your Signature: _____