

**DIVORCE WITH CHILDREN**

**PETITION**

**Packet #3**

*Separate forms from packet before filing.*

# SOUTHERN ARIZONA LEGAL AID, INC.

## DIVORCE WITH CHILDREN

### GENERAL INFORMATION ABOUT FILING FOR DIVORCE WITH CHILDREN

#### USE AND DISCLAIMER

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 the users of these forms or in reliance upon the instructions or information provided.

Court cases can be very complicated, and even if you are representing yourself you should see a lawyer for legal advice as to how the law applies to you, and what is best in your particular situation. This might save you time, money, trips to the courthouse, and avoid serious mistakes. There are lawyers who will help you help yourself. This means that they will only charge you for giving you the help you need, and you can complete the court papers on your own or ask the lawyer for help with your papers.

There are professional mediators in the community who can help you with your problems. They help you solve your present problem, and anticipate future problems and how to solve them. Mediators work with both parties in a dispute to help resolve areas of disagreement or trouble.

A list of individuals, agencies and other resources available to help people resolve legal problems is available at the Self-Service Center.

#### HOW TO ASSEMBLE THESE DOCUMENTS

This packet contains general information, instructions and court forms to complete and file, including the divorce Petition and other court papers. Be sure the documents are in the following order. Look at the lower right-hand corner of the document for the document number. Documents that end with "info" are instructions and/or general information. Documents that end with "form" are court forms that MUST be completed and filed with the court.

Title	Form Name
Use and Disclaimer (1 page)	dwcpetition-use and disclaimer.info
Introduction: Getting a Divorce is a Step-by-Step Process (1 page)	dwcpetition-introduction.info
Instructions on Filing Out Forms (7 pages)	dwcpetition-instructions.info
Domestic Relations Cover Sheet (1 page)	dwcpetition-domestic cover sheet.form
Summons (1 page)	dwcpetition-summons.form
Preliminary Injunction (3 pages)	dwcpetition-preliminary injunction.form
Petition for Dissolution of Marriage (With Children) (7 pages)	dwcpetition-dissolution of marriage.form
Notice of Right to Convert Health Insurance (1 page)	dwcpetition-notice re health insurance.info
Affidavit: Re: Minor Children (2 pages)	dwcpetition-affidavit re minor children.form
Confidential Sensitive Data Sheet (1 page)	dwcpetition-confidentialsensitivedata.form
Creditor Notification (1 page)	dwcpetition-creditor notification.info
Order to Complete Course in Domestic Relations Education Children's Issues (2 pages)	dwcpetition-order for course in dom rel.form
Request for Protected Address (1 page)	dwcpetition – requestprotectedaddress.form
Address to be Protected Form (1 page)	dwcpetition – address to be protected.form
Order for Protected Address (1 page)	dwcpetition – order for protected address.form
Instructions on Filing Papers (1 page)	dwcpetition-instructions for filing.info

**INTRODUCTION:** Getting a Divorce is a step-by-step process.

- Step 1** Filing for a Fee Deferral/Waiver - The court charges fees to file for a divorce. If you are unable to afford court fees and some of the other costs involved in obtaining a divorce, you may be eligible to receive a deferral or waiver of these fees/costs. A **deferral** means that you can pay your fees/costs either in installments over a period of time or at the end of the case. A **waiver** means that if you permanently lack the ability to pay the fees/costs, you may have them waived and you will not have to pay them at all. The forms and instructions for requesting a deferral or waiver are located in the packet entitled “**Deferral/Waiver of Fees/Costs.**”
- Step 2** Filing your Petition - The forms and instructions for doing this are located in this packet.
- Step 3** Service of Process - This means giving legal notice of what you have filed to your spouse. There are several ways of doing this and the forms and instructions for this are located in the packet entitled “**Service of Papers on the Other Party.**”
- Step 4** Default Procedures - If your spouse contests what you are asking for in the Petition, he/she does so by filing a written Response with the court. If your spouse does not file a Response or if he or she does file a Response and both spouses later reach an agreement, the divorce can proceed as a Default. The forms and instructions on how to proceed by Default are located in the packet entitled “**Obtaining a Judgment by Default With Hearing.**” If your spouse has filed a Response and you and your spouse cannot reach an agreement, the Divorce will proceed forward and a trial may be necessary. You should seek the advice of a lawyer under such circumstances.
- Step 5** Disclosure Requirements – If your spouse files a written Response with the court, you and your spouse will be required to exchange several types of documents and information within 40 days of the date of filing of the Response. This exchange of information is called *disclosure*. If you fail to send the required documents and information to your spouse or your spouse’s attorney, the Court may issue sanctions against you. If your spouse fails to disclose the required documents and information to you, you may ask the Court to issue sanctions against your spouse. The forms and instructions on Disclosure are located in the packet entitled “**Disclosure.**” You do not need to comply with the Disclosure requirements if your spouse does not file a written Response with the court.
- Step 6** Final Decree - Whether your spouse files a Response or you obtain a Default, at some point you will have to prepare a final Decree for the judge or commissioner to sign. The Decree is the final order from the court granting you the divorce and deciding the other issues related to the divorce. See packet entitled “**Divorce with Children Decree.**”

**DO NOT ATTEMPT TO FILL OUT ALL THE PAPERS IN ALL THE PACKETS AT THE BEGINNING OF THE CASE. COMPLETE ONLY THOSE PAPERS THAT ARE NECESSARY FOR THE STEP THAT YOU ARE WORKING ON. TRYING TO COMPLETE ALL THE PAPERS AT ONCE ONLY CAUSES CONFUSION.**

**IMPORTANT TERMS TO USE:**

Because YOU are filing the Petition, YOU will be called the PETITIONER on all documents relating to your case, regardless of who files any later documents. YOUR SPOUSE will be called the RESPONDENT on all documents.

**BASIC REQUIREMENTS:**

To file for divorce in Arizona, it is required that you **OR** your spouse must have resided in Arizona **OR** been stationed in Arizona while a member of the Armed Forces for at least **90** days before the Petition is filed. The children **generally** must have resided in Arizona for at least **six** months immediately before you file the Petition.

**PARENT INFORMATION PROGRAM:**

In every divorce case where there are minor children involved, parents must attend a “Domestic Relations Education Regarding Children’s Issues” class. The purpose of this class is to give parents information about the impact that divorce or changes in custody or visitation have on children.

There is a fee for this course (currently \$27), but this fee may be deferred or waived along with other court fees if you qualify. See the packet entitled “**Deferral/Waiver of Fees/Costs**” for the forms and instructions to do this.

Attendance at this class is **mandatory** for both parents, but you are not required to attend together. You are not responsible for your spouse’s attendance. If a parent fails to attend and complete this class the court will not hear or

grant any request for custody or parenting time by this parent until the class is completed. The Clerk of the Court will give you more information about this class when you file your papers.

**MEDIATION:** During your case you and your spouse may disagree on issues involving child custody or parenting time (visitation). If so, you and your spouse must attend mediation either using the services of a court-appointed **mediator** or a private **mediator** selected by you and your spouse prior to proceeding to trial. Use the forms and instructions in the packet entitled “**Mediation/Conciliation.**”

## INSTRUCTIONS FOR HOW TO FILL OUT FORMS

### DIVORCE PETITION - WITH CHILDREN

#### PLEASE TYPE OR PRINT WITH BLACK INK ONLY WHEN FILLING OUT ANY COURT FORMS

#### **IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:**

Unfortunately, domestic violence can be part of any marriage. Domestic violence can include physical violence directed against you or your children such as hitting, slapping, pushing, or kicking. It can also include **threats of physical violence made against you and your children**, or regular verbal abuse used to control you. Your spouse does NOT need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a victim.

If you are a victim of domestic violence or threats of domestic violence, you can obtain an Order of Protection from any court. This Order of Protection will order your spouse to stay away from you and from your children if they are also victims of your spouse's abuse. If you need an **immediate** order of protection and will not file at least for 30 days **before** you are ready to file for the divorce, you can request such an Order between the hours of 8:00 a.m. and 4:30 p.m. at the Tucson City Court, 103 East Alameda Street, Tucson, telephone number 791-4971; the Pima County Consolidated Justice Court, 115 North Church Avenue, 2d floor, Tucson, telephone number 740-3171; the Pima County Juvenile Court Center, 2225 East Ajo Way, Tucson, telephone number 740-2045; the Pima County Superior Court Clerk's Office, 110 West Congress, 1<sup>st</sup> floor, Tucson, telephone number 740-3210. After 4:30 p.m. weekdays, or at any time on a weekend or holiday, an emergency order of protection can be requested by contacting the Tucson Police Department at 741-4444 or the Pima County Sheriff's Department at 740-4900. In case of an emergency call 911.

If you are ready to file your divorce or plan on doing so within 30 days and also need an Order of Protection, you should request the Order of Protection from the Superior Court where you file the divorce papers. The Clerk of the Court will have the papers you need to do this. If you have an existing Order of Protection from City Court, it will have to be transferred to Superior Court when you file your divorce papers.

ALL COURT DOCUMENTS WILL REQUEST YOUR ADDRESS AND PHONE NUMBER. IF YOU ARE A VICTIM OF DOMESTIC VIOLENCE, ARE IN A DOMESTIC VIOLENCE SHELTER, OR YOU DO NOT WANT YOUR ADDRESS KNOWN IN ORDER TO PROTECT YOURSELF OR YOUR CHILDREN, IF POSSIBLE, GET A P.O. BOX OR FILE A REQUEST FOR PROTECTED ADDRESS (SEE BELOW). TELL THE CLERK OF ANY EXISTING ORDER OF PROTECTION AND CASE NUMBER.

**Additional information on how to obtain an Order of Protection is available at the Self-Help Center.**

#### **REQUEST FOR PROTECTED ADDRESS**

If your address is not know to the other party and you reasonably believe that physical or emotional harm may result to you or your minor children if your address is not protected, you may request that the Court protect your address by:

- 1) Filing your Divorce paperwork without including your address.
- 2) Filing a Request for Protected Address and Address to Be Protected Form with your initial divorce paperwork
- 3) Filing a proposed form of Order for Protected Address that the judge will sign if the judge grants your request. If you have an existing Order of Protection and the clerk can verify the existence of the Order of Protection, your address will be automatically protected upon filing of the Request for Protected Address.

#### **Completing the DOMESTIC RELATIONS COVER SHEET:** (dwcpetition-domestic cover sheet.form)

- Print the word "None" on the line for Petitioner's Attorney and Attorney No.
- Print your (Petitioner's) name and address and your spouse's (Respondent's) name in the spaces provided.
- In the block entitled "EMERGENCY ORDER SOUGHT," check the appropriate block if you are seeking an Order of Protection along with the Petition for Dissolution.
- Where the form states "Nature of Action," put an "X" in the box next to "Dissolution".

- Leave the rest of the form blank.

**Completing the SUMMONS:** (dwcpetition-summons.form)

Fill in the following information where requested: Your name, street address, city, state, ZIP, telephone number; name of Petitioner (your name); and name of Respondent (your spouse's name) in two places.

**Completing the PRELIMINARY INJUNCTION:** (dwcpetition-preliminary injunction.form)

Enter the names of the Petitioner (you) and the Respondent (your spouse).

**NOTICE TO CREDITORS:** (dwcpetition-notice re health insurance.info)

This notice provides important information about the effect of your divorce on your creditors. Please read carefully and serve the respondent with a copy. A.R.S. §25-318(F).

**Completing the PETITION FOR DISSOLUTION OF MARRIAGE (DIVORCE) WITH CHILDREN:** (dwcpetition-dissolution of marriage.form)

**(Use this form ONLY if you are getting a divorce and there are children involved!)**

- Make sure your form is titled PETITION FOR DISSOLUTION OF MARRIAGE (DIVORCE) WITH CHILDREN.
- In the top left corner of the first page, fill out the following: YOUR name; address; city, state and ZIP code; and telephone number. See note above regarding Domestic Violence.
- Fill in YOUR name in the space that says "Petitioner." Remember, you will be the PETITIONER through the whole case. In the space that says "Respondent," fill in the name of your spouse, who will be the RESPONDENT for the rest of your case.

**STATEMENTS MADE TO THE COURT UNDER OATH**

1. **About Petitioner** - Fill in your name, address, date of birth, occupation, and how long you have lived in Arizona. This is basic information about YOU, the PETITIONER.
2. **About Respondent** - Fill in your spouse's name, address, date of birth, occupation, and how long your spouse has lived in Arizona. This is basic information about YOUR SPOUSE, the RESPONDENT.
3. **About Our Marriage** - This is general information about your marriage. Fill in the date you were married, and the city and state where you were married. If you were married outside the United States, list the country where you were married.
4. **90 Day Requirement** - This tells the court that you OR your spouse has lived in Arizona, or been stationed here while in the Armed Forces, for at least 90 days. Before you file a Divorce, this MUST be true. IF IT IS NOT TRUE, YOU CANNOT FILE.

**PROPERTY AND DEBTS:**

THE INFORMATION YOU GIVE IN 5, 6, 7, AND 8 TELLS THE COURT ABOUT YOUR PROPERTY AND DEBTS AND HOW YOU THINK PROPERTY AND DEBTS SHOULD BE DIVIDED.

**Community property** is generally any property you and your spouse acquired or earned during your marriage or that was paid for during the marriage, regardless of who uses the property or who actually paid the money. Unless property was a gift or inheritance, all property gotten during the marriage is community property, and both you and your spouse are entitled to a roughly equal share of this property.

**Community debts**, likewise, belong to both people, regardless of who spent the money. These should also be divided roughly equally.

**Separate property** is property that either spouse owned before the marriage or property that a spouse received during the marriage by either gift or inheritance. Separate property is not divided during the divorce. Each party gets to keep his or her separate property.

**Separate debts** are debts that either spouse had before the marriage OR that were incurred AFTER the divorce Petition was served.

If you have questions, or you have a lot of community assets and/or debts, you should consult a lawyer regarding issues of community property and debts BEFORE filing your Petition and other papers.

**Community Property** - If you and your spouse do not have any property from the marriage, mark the first box and GO TO # 7. If you had property together check the second box. If you checked the second box, you will then tell the court what property should go to you and what property should go to your spouse in # 6. Generally, the court will try to divide the property roughly equally, unless there are good reasons not to. It is unlikely that the court will give most or all of the property to either spouse, so try to put some thought into what you think would be a fair split before answering this question.

List specific items of property and its approximate value and check which party should get the item of property.

You should describe the property as thoroughly as you need to for identification purposes. You can use the brand name and model where applicable. You should identify all bank accounts, credit card accounts and insurance policies by listing the last four digits of the account numbers.

Frequently the parties have already divided the property before filing for a divorce. If you and your spouse have done this and there are no large items of property such as a vehicle or a home, you can check "Property in each party's possession" for each party. To be on the safe side, however, list specific property and who it is to be awarded to.

Types of property include:

**Real Estate (property or home)** - mark whom you want to get the property. You can ask the court to give the home to you or to your spouse, or order it to be sold and proceeds divided between the parties. You should write the complete address of the property under "Real estate at". Most property also has a legal description such as "LOT 77, PINE TREE ACRES, according to Book 111 of Maps, etc." You should use this description, which will appear on your deed papers, if you have it. Cemetery plots are also considered real property. Mobile homes are real property IF you own the land where the mobile home is sitting and the mobile home is permanently affixed to that land. Otherwise, a mobile home is considered a vehicle.

**Household furniture and appliances** - this includes sofas, beds, tables, refrigerators, etc.

**Household furnishings** - this generally includes other things in the house other than furniture such as dishes, small appliances, rugs etc.

**Other (explain)** - list any things that you specifically want to go to one person or another that have not already been listed.

**Pension/retirement fund/IRA/profit sharing/stock plan/401K** - you and your spouse each generally have a right to a one-half interest in any spouse's plan, but ONLY for the number of years you were married and the pension or retirement plan was in effect. The longer you have been married, the greater your financial interest in a spouse's plan, up to 50 percent if you have been together the whole period of the plan. **Mark this box if you want the court to divide either your or your spouse's retirement or profit sharing/retirement/401K plan. If you mark this box, you should see an attorney about a document called a Qualified Domestic Relations Order or QDRO. A QDRO is very specialized legal document that requires a professional's assistance to prepare.**

If you are not sure whether you or your spouse has a retirement plan, consult a lawyer.

**Motor vehicles** - list the vehicle identification number, the year and make of car (Ford, Chevrolet, etc.) and the model (Mustang, Camaro, etc.). Also list any lien holders who are listed on the title to the vehicle. A lien holder is usually the finance company who loaned you the money to purchase the vehicle.

Remember, mobile homes NOT permanently affixed to land that you own are considered vehicles.

**Separate Property** - If neither you nor your spouse still has any property that you had before the marriage, check the first block AND GO TO # 7. If you do have such property or if you or your spouse received any gifts or inheritances

while you were married, check the second block and then describe each item of separate property and check which party is to get each item.

**Community Debts** - If neither you nor your spouse owe money or have any debts from the marriage, mark the first box and GO TO # 9. If you did acquire some debts, mark the second box. If you mark the second box, tell the court what the debts are and who should be made to pay them. Generally, the court will attempt to make a fair split of the debts, and if you get the property that money is owed on, you probably will also be given the debt. It is unusual for the court to order one person to pay all the debts. Think about what is a fair split of the debts before answering this question. Enter enough information to identify the specific debt.

Keep in mind that while the divorce decree will order the debts to be split, this order is NOT binding on the creditors. For example, if a community debt for a specific credit card was awarded to your spouse and that spouse did not pay the debt, the creditor could still come after you on that debt. Your remedy would then be to take your spouse back into the divorce court to enforce the decree.

**Separate Debts** - If neither you nor your spouse have individual debts from before you were married (or any debts incurred while you have been separated), check the first block and GO TO # 10. If you do have separate debts, check the second box and list the debts. Check which party should be ordered to pay each debt.

**Tax returns** - Mark the first box if this is how you want to handle income tax refunds. If you want some other arrangement, check the "Other" box and describe the tax arrangement you want the court to award.

**Spousal Maintenance (Alimony)** - This is the term used to describe money paid by one spouse to the other as part of a Divorce Decree or Order. You may know the term as alimony. The money is designed as a safety net for a spouse who cannot provide for his or her needs or who meets other requirements listed under # 11. The idea behind spousal maintenance is that accomplishments during your marriage, including increases in earning potential and living standards are shared and earned by BOTH parties to a marriage. Look at the list of boxes in # 11 and see if any of these apply to you or your spouse. If so, you can decide to make a request that spousal maintenance be awarded to the appropriate party. If none apply, or you do not want to request spousal maintenance, check the first block and GO TO # 12. If you want either party to receive spousal maintenance, check the second block and all other blocks that apply to the receiving spouse.

**Spousal maintenance is paid separate from child support and is NOT a substitute for or supplement to child support.**

#### **INFORMATION ABOUT CHILDREN LESS THAN 18 YEARS OF AGE**

**Domestic Violence** - This tells the court if there was ANY domestic violence in the marriage, and relates to a request for joint custody, if you intend to ask for joint custody. If you are not sure what this means, see the **IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE** on the first page of these instructions. Mark the first box if there has been domestic violence. If domestic violence has not occurred, GO TO # 13.

**Children Who Are Less Than 18 Years Old** - If there are no children under the age of 18 that have been born to or adopted by you or your spouse, you should **STOP!** You should be using the packet entitled "**Petition for Dissolution of Marriage (Divorce) Without Children**". Otherwise, check the second box and provide the name, birth date and current home address for each child born to or adopted by you and your spouse.

**Pregnancy** - If the wife is not pregnant, check the first box in # 14 and GO TO # 15. If the wife IS pregnant, check the second block and list the date the baby is due. Also check the appropriate block that describes who are the parents of that child.

**Children Under 18 Who Are Not Children of One of the Spouses** - Write the name, birth date and home address of any child less than 18 years of age who was born during the marriage BUT for whom either YOU or YOUR SPOUSE are NOT the parent. If this is not applicable, leave this section blank and GO TO # 16.

**Jurisdiction of the Court to Award Child Custody** – The court must have jurisdiction over the children in order to issue a child custody order. If no court has ever issued an order regarding custody of your children before now, and your children have lived in Arizona for the past six months (or since birth if younger than six months), this does not present a problem. However, if there has been a previous order regarding custody of your children or your children have not lived in Arizona for the past six months, the court may not be able to issue an order regarding child custody in your case. Be sure to check every box that applies to your case. Even if the court cannot make a child custody decision in your case, you can still get divorced.

**Written Custody Agreement** - Check the box in # 16 ONLY if you and your spouse already have a **signed, written agreement** regarding custody, parenting time and child support BEFORE you file. If you have only discussed these issues and do not have a signed, written agreement, do NOT mark this box.

**Jurisdiction of the Court to Award Child Support** - The court must have jurisdiction over the other party in order to award child support against that party. If that party is a resident of Arizona, this does not present a problem. However, if the other party is NOT an Arizona resident, the court cannot award child support against that party unless he or she has had some specific connection with Arizona. Be sure to check every box in # 17 that applies to that party.

#### **OTHER STATEMENTS MADE TO THE COURT UNDER OATH**

Each of these statements must be true at the time you file for the divorce. If any of these statements is NOT true, you cannot file for a divorce until all the statements are true.

**REQUESTS I MAKE TO THE COURT** - In this portion of the Petition, numbered 1 to 12, you are telling the court what you want ordered in the final decree.

**Dissolution** - This is your request to end your marriage by a Dissolution of Marriage (Divorce).

**Names** - Mark the appropriate box if you are requesting that you or your spouse to legally be known by your maiden or former name. Write in the appropriate last name on the space provided.

**Spousal Maintenance (Alimony)** - If neither party is requesting spousal maintenance, mark the first box and GO TO # 4. If you are asking the court to order one spouse to pay spousal maintenance to the other spouse, check the appropriate boxes and enter the amount of spousal maintenance requested.

**Community Property** - This tells the court that your requested division of the community property is fair, and that the court should divide the community property as requested above in your Petition.

**Community Debts** - This tells the court that your requested division of the community debts is fair, and that the court should divide the community debts as requested above 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 OF YOU TO PAY THE DEBTS YOU CAUSED AFTER YOU SEPARATED.

**Separate Property** - This states you want you and your spouse to keep property you each owned before you were married or got during the marriage by gift or inheritance as requested above in your Petition.

**Separate Debts** - This states that you want you and your spouse to be responsible for debts that each of you had from before the marriage as requested above in the Petition.

#### **Child Custody and Parenting Time (Visitation)**

**Sole Custody** - If you are requesting one party to have sole custody of the minor children, check this box and then check the appropriate blocks regarding parenting time by the other parent.

#### **Parenting Time:**

**Reasonable Parenting Time** - Mark this box if you want the person not having sole custody to have reasonable parenting time rights. Reasonable parenting time varies with the age of the child. The court offers suggested amounts of parenting time and these are in published guidelines available in the packet entitled "**Child Custody/Parenting Time/Support.**" The parents can agree on other parenting time arrangements, however.

**Supervised Parenting Time** - Mark this box if you want the other party's parenting time to be supervised by another adult. You may request supervised parenting time if the non-custodial parent cannot adequately care for the children or cannot do so without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or does not have the parenting skills to care for a child without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the child. Be sure to list the

reasons why you are requesting supervised parenting time. Also list who is going to pay the costs of supervised parenting time, if any are incurred.

**No Parenting Time** - Mark this box if you want the other party to have no parenting time at all. You should check this block only if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the child's physical and/or emotional health. This is a last resort to protect the child.

**Joint Custody** - If you are requesting joint custody, mark this box. You and your spouse should complete a Joint Custody Agreement or Parenting Plan and attach a copy to your Petition.

**Child Support** - Indicate which parent is to pay child support. The person who has custody of the child(ren), or who has physical care of the child(ren) more than 50% of the time, is the person who should receive the support. The other spouse must pay the support. The amount of the support is generally determined by income of the parties according to the Arizona Child Support Guidelines. The amount of child support does not have to be specifically stated at this time, but it will need to be computed later so that it can be specifically listed in the Decree.

**Insurance and Health Care Expenses for Children** - Mark one box only. Tell the court which parent should be required to provide insurance for the children. Whichever parent has the most affordable plan available through their employment, where applicable, should generally pay the insurance. Adjustments can be made to Child Support to reflect costs of insurance for the children.

**Tax exemption** - The Arizona Child Support Guidelines and federal tax laws determine who should get the tax dependency exemptions, for which children, for which years. If you are not sure you should see a lawyer or accountant for help.

**Other Orders** - Tell the court anything else you may want ordered in your Divorce that has not been covered elsewhere in your Petition. If none, enter "None."

**VERIFICATION OF PETITIONER:** Date and Sign this form. By doing so you are telling the court that everything contained in the Petition for Dissolution is true.

You will also have to complete the following forms: Affidavit Re: Minor Children, and Confidential Sensitive Data Sheet.

**NOTICE OF RIGHT TO CONVERT HEALTH INSURANCE:** (dwcpetition-notice re health insurance.info)

This is an important document that explains what to do about health care coverage for yourself and your children. Read it carefully, and be sure a copy is served with the other divorce papers on your spouse.

**AFFIDAVIT RE: MINOR CHILDREN:** (dwcpetition-affidavit re minor children.form)

Enter the names of Petitioner and Respondent.

- Check "Dissolution."
- Check whether the wife is presently pregnant.
- Check whether there are minor children of either or both parties who are in the custody of either or both of the parties.
- Check whether there were prior cases involving custody or parenting time of your minor children in this or any other state. If there were other cases, mark the first box and give as much information as possible. This information could affect you or your children's rights in this case.
- Check whether there are any PENDING cases involving custody of your minor children in this or any other state. If there are other cases, mark the first box and give as much information as possible. This information could affect you or your children's rights in this case.
- Check whether you know of another person OTHER THAN YOUR SPOUSE who has physical custody or is claiming custody or parenting time rights to any of the children. If you do know such person, mark the first

box and put the information here, including the child's name and the person who believes they have a custody or parenting time claim.

- List the wife's mailing address, unless you have requested that your address remain protected.
- List the husband's mailing address, unless you have requested that your address remain protected.
- Enter each child's name, birth date, and birthplace.
- Enter where the children from your marriage have been living **for the past 5 years**; if any children are under age 5, simply put information since their birth. Write the dates of residence, the address where the child lived during the period, the name and present address of the person having physical custody of the child during the period, and the relationship of that person to the child. While you may not remember exact dates when you moved from one location to another, fill this information out as completely as possible.

Sign and Date this Form.

**CONFIDENTIAL SENSITIVE DATA SHEET:** (dwcpetition-confidentialsensitivedata.form)

Because the divorce Petition is a public document, certain information such as your social security number and those of your spouse and children as well as information regarding asset and debt account numbers are furnished to the court on this sheet, which is not made available to the public.

- Print the word "None" requested in the line for Petitioner's Attorney and Attorney No.
- Provide all other information pertaining to you, your spouse and your children, to the best of your ability.

**REQUEST FOR PROTECTED ADDRESS, ADDRESS TO BE PROTECTED FORM, and ORDER FOR PROTECTED ADDRESS:**

Request for Protected Address:

- If you have an order of protection, check the box indicating so and write the court that has issued your order of protection on the line below.
- If you do not have an order of protection, check the box next to "Other reasons..." and briefly describe why you believe that physical or emotional harm may result to you or your children if your address is not protected.
- Sign and date this document and check whether you are the Petitioner or Respondent.

Address to be Protected Form:

- Write your name, address, and phone number in the lines provided

Order for Protected Address:

- Fill out your name and the other party's name on the Petitioner/Plaintiff and Respondent/Defendant lines.
- Fill out your Case No. and Atlas No. (if you have a IV-D case through the Office of Child Support Enforcement) on the lines provided.
- Do not check any other boxes. The court will fill out the rest of the form. Do not sign or date the form – the judge will sign and date the form.

**Now that you have completed the forms, refer to the final sheet in this packet entitled "General Information on Filing Papers". This will tell you what to do with the forms you have completed.**

**DOMESTIC RELATIONS COVER SHEET**

Complete this form to the best of your ability and include all known petitioners and respondents.

For Court Use Only
DATE FILED: _____
CASE NUMBER: _____
JUDGE: _____

**PLEASE TYPE OR PRINT**

PETITIONER'S ATTORNEY \_\_\_\_\_ ATTORNEY No. \_\_\_\_\_

PETITIONER'S NAME (s) (List All)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PETITIONER'S ADDRESSES (s)  
(Include only if not represented by an attorney)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

RESPONDENT'S NAME (s) (List All)

\_\_\_\_\_

\_\_\_\_\_

CASE PREFERENCE \_\_\_\_\_  
(cite statute or rule)

EMERGENCY ORDER SOUGHT:

TEMPORARY Restraining Order

PRELIMINARY INJUNCTION

OTHER \_\_\_\_\_  
(Specify)

**NATURE OF ACTION**

Place an "x" in the box which describes the nature of the case you are filing.  
If more than one, circle the predominant one.

**DISSOLUTIONS (300)**

- Dissolution
- Foreign Decree
- Pre-Judgment OSC
- Post-Judgment OSC
- Special Paternity – Maternity (310)
- Annulment (320)
- Legal Separation (330)
- Reciprocal Support (350)
- Domestic Violence (360)

**UNCLASSIFIED DOMESTIC (370)**

- Domestic Custody

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Petitioner/Plaintiff

Case No. \_\_\_\_\_

and

\_\_\_\_\_  
Respondent/Defendant

### SUMMONS (Family Law)

**WARNING. THIS IS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

FROM THE STATE OF ARIZONA TO \_\_\_\_\_  
(Name of Respondent)

1. A lawsuit has been filed against you. A copy of the lawsuit and other related court paperwork is served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file a Response in writing with the Court, and you must pay the required filing fee. To file your Response, take or send the papers to: **Office of the Clerk of the Superior Court, 110 West Congress, Tucson, Arizona 85701**. Mail a copy of the Response to your spouse, the Petitioner, at the address listed on the top of this Summons.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Response must be filed within TWENTY (20) CALENDAR DAYS from the date of the service, not counting the day of service. If the papers were served on you outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS, not counting the day of service.
4. You and/or your spouse may file in the conciliation court a petition invoking the jurisdiction of the court for the purpose of preserving the marriage by effecting conciliation between the parties.
5. This is a legal document. If you do not understand its consequences, you should seek the advice of an attorney.
6. Requests for reasonable accommodations for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of

Pima this (date): \_\_\_\_\_

CLERK OF THE SUPERIOR COURT

By \_\_\_\_\_  
Deputy Clerk

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Petitioner/Plaintiff

and

\_\_\_\_\_  
Respondent/Defendant

Case No. \_\_\_\_\_

### PRELIMINARY INJUNCTION FROM THE COURT AGAINST BOTH PETITIONER AND RESPONDENT

**WARNING TO PETITIONER AND RESPONDENT: 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 AN ATTORNEY FOR LEGAL ADVICE.**

A Petition for Dissolution (Divorce) has been filed with the court by your spouse. As a result, this Order is made at the direction of the Presiding Judge of the Superior Court of Arizona, Pima County, under the authority of Arizona Law, A.R.S. § 25-315 (A). This Order has the same force and effect as an Order personally signed by the Judge. You and your spouse are required to follow this Order. It may be enforced by any remedy available under the law, including an order of CONTEMPT OF COURT.

- ACTIONS BY YOU OR YOUR SPOUSE WHICH ARE FORBIDDEN BY THIS ORDER:** From the time this Petition for Dissolution (Divorce) is filed with the court, until a Decree of Divorce is entered, or until further Order of the court, both the PETITIONER AND THE RESPONDENT shall not, by Order of this court, take any of the following forbidden actions:

**NOTE: THE LAW REQUIRES THAT THE EXACT LANGUAGE OF A.R.S. § 25-315(A) BE INCLUDED IN THIS ORDER. FURTHER EXPLANATION OF THE REQUIREMENTS OF THIS ORDER ARE INCLUDED HERE BEFORE THE ACTUAL STATUTE (LAW). READ THE EXPLANATION, WHICH IS FOLLOWED BY THE STATUTE ITSELF. IF YOU HAVE FURTHER QUESTIONS YOU SHOULD CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

- RESTRICTIONS ON YOUR JOINT PROPERTY:** This Order recognizes that since you and your spouse both may have an interest in property acquired or paid for during the marriage, you may not hide earnings or property from your spouse; you may not take out a loan on any of this property; you may not sell it or give it away to someone else, UNLESS you have the written permission of your spouse or permission in writing from the court. The law does recognize that there may be situations where joint or community property may need to be transferred as part of the everyday running of a business, or that occasionally the sale of community property is necessary to meet necessities of life, such as food, shelter, or clothing or court fees and reasonable attorney fees associated with this action.

- b. **RESTRICTIONS ON YOUR BEHAVIOR:** The Order is designed to protect you, your spouse, and your children from actions by your spouse that may be disruptive, or physically or emotionally harmful. While Divorce can be a difficult process, it does not give either spouse the right to either harass or bother the other spouse or the children. The court does not tolerate physical abuse or threats in any form.
- c. **RESTRICTIONS ABOUT YOUR CHILDREN:** This Order specifically states that you cannot take your common children out of the state of Arizona for any reason, without a written agreement between you and your spouse or a court Order, **before** the children are taken from the state. This Order is designed to allow both parents continuing access to and contact with the children.
- d. **RESTRICTIONS ABOUT INSURANCE:** Do not remove or cause to be removed the other party or the 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.

**Arizona Law, A.R.S. § 25-315(A) specifically provides as follows:**

- 1. The preliminary injunction shall be directed to each party of the action and contain the following orders:
  - a. 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.
  - b. That both parties are enjoined from molesting, harassing, disturbing the peace of or committing an assault or battery on the person of the other party or any natural or adopted child of the parties.
  - c. That both parties are enjoined from removing any natural or adopted child 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.
  - d. That both parties are enjoined from removing or causing to be removed the other party or the children of the parties from any existing insurance coverage, including medical, hospital, dental, automobile and disability insurance. That 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 (the Petitioner) when the Petition was filed with the court. It is effective against the other party (the Respondent) when it is served according to law. If service is made upon the Respondent by registered mail according to the Arizona Rules of Civil Procedure, the Order is effective upon receipt of the Order by the Respondent. This Order shall remain in effect until further order of the court, or the entry of a Decree of Dissolution, Legal Separation, or Annulment is filed or the action is dismissed.
- 3. **ADDITIONAL ORDER TO PETITIONER:** You must serve a copy of this Order upon the Respondent with the copy of the Petition for Dissolution or Legal Separation and the Summons and other required court papers.

**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 IN DISOBEYING THIS ORDER.**

**YOU OR YOUR SPOUSE MAY FILE A CERTIFIED COPY OF THIS ORDER WITH YOUR LOCAL LAW ENFORCEMENT AGENCY. A CERTIFIED COPY MAY BE OBTAINED FROM THE CLERK OF THE COURT WHICH ISSUED THIS ORDER. IF YOU ARE THE PERSON THAT BROUGHT THIS ACTION, YOU MUST ALSO**

**FILE EVIDENCE WITH THE LAW ENFORCEMENT AGENCY THAT THIS ORDER WAS SERVED ON YOUR SPOUSE.**

**THIS COURT ORDER IS EFFECTIVE UNTIL A FINAL DECREE OF DISSOLUTION OR OF LEGAL SEPARATION IS FILED OR THE ACTION IS DISMISSED.**

**GIVEN UNDER MY HAND AND THE SEAL OF THE COURT** this date: \_\_\_\_\_

Clerk of the Superior Court

By: \_\_\_\_\_  
Deputy Clerk

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Petitioner/Plaintiff

and

\_\_\_\_\_  
Respondent/Defendant

Case No. \_\_\_\_\_

### PETITION FOR DISSOLUTION OF MARRIAGE (DIVORCE) WITH CHILDREN

#### STATEMENTS MADE TO THE COURT, UNDER OATH

**1. ABOUT ME, THE PETITIONER**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Occupation: \_\_\_\_\_

Length of time I have lived in this state: \_\_\_\_\_

**2. ABOUT, MY SPOUSE, THE RESPONDENT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Occupation: \_\_\_\_\_

Length of time my spouse has lived in this state: \_\_\_\_\_

**3. ABOUT OUR MARRIAGE**

Date of Marriage: \_\_\_\_\_

City and state or country where we were married: \_\_\_\_\_

**4. 90-DAY REQUIREMENT**

Either I and/or  my spouse, has lived or been stationed, while a member of the Armed Forces, in Arizona for at least 90 days before I filed this petition. (WARNING TO PETITIONER: IF THIS STATEMENT IS NOT TRUE, YOU CANNOT FILE FOR DISSOLUTION UNTIL IT BECOMES TRUE).

**5. COMMUNITY PROPERTY (PROPERTY ACQUIRED DURING THE MARRIAGE) - check one box**

- My spouse and I did not acquire any community property during the marriage.
- My spouse and I did acquire community property during our marriage, and it should be divided as follows:

<b>6. DESCRIPTION AND VALUE OF THE PROPERTY</b>	<b>PETITIONER</b>	<b>RESPONDENT</b>
<input type="checkbox"/> Property in each party's possession	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Real estate at: Legal Description: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Real estate at: Legal Description: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Household furniture and appliances: _____ _____ _____ _____ _____ _____	<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"/> Household furnishings: _____ _____ _____ _____ _____ _____	<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"/> Other items _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Pension/Retirement Fund/Profit Sharing/Stock Plan/401K: _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Motor vehicles: Make: _____ Model: _____ VIN: _____ Lien Holder: _____ Make: _____ Model: _____ VIN: _____ Lien Holder: _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

**7. SEPARATE PROPERTY (PROPERTY ACQUIRED BEFORE THE MARRIAGE) - check one box**

- My spouse and I do not have any property either of us brought into the marriage.
- My spouse and I do have property that either of us brought into the marriage and it should be awarded as follows:

Description and Value of Property	PETITIONER	RESPONDENT
_____	<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. COMMUNITY DEBTS (DEBTS INCURRED DURING THE MARRIAGE) - check one box**

- My spouse and I did not incur any community debts during the marriage.
- My spouse and I did incur community debts during the marriage and responsibility for these debts should be divided as follows:

Description and Amount of Debt	PETITIONER	RESPONDENT
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

**9. SEPARATE DEBTS (DEBTS INCURRED BEFORE THE MARRIAGE) - check one box**

- My spouse and I do not have any debts that were incurred before the marriage.
- My spouse and I do have separate debts that were incurred before the marriage and the responsibility for these debts should be divided as follows:

Description and Amount of Debt	PETITIONER	RESPONDENT
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

**10. TAX RETURNS - check one box**

- After the Judge or Commissioner signs the Decree of Dissolution of Marriage (Divorce), my spouse and I will pay federal and state taxes as follows: For previous years (the years we were married but not including the year the Decree was signed), my spouse and I will file joint federal and state income tax returns. In addition, for these previous years, my spouse and I will pay and hold the other harmless from ½ of all additional income taxes, if any, and all other costs, and we will share equally in any refunds. For the calendar year that the decree was signed, my spouse and I will file separate federal and state income tax returns and each will give the other party all necessary documentation to do so.
- Other - describe any other tax arrangements you wish the Court to award: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. **SPOUSAL MAINTENANCE (ALIMONY)** - check the box that applies to you
- Neither party is entitled to spousal maintenance (alimony).
  - Petitioner OR  Respondent is entitled to spousal maintenance because: (check ANY boxes that apply. At least one must apply to get spousal maintenance)
    - Person lacks sufficient property to provide for his or her reasonable needs
    - Person is unable to support himself or herself through appropriate employment
    - Person is the custodian of a child or children whose age or condition is such that person should not be required to seek employment outside the home
    - Person lacks earning ability in the labor market adequate to support himself or herself
    - Person contributed to the educational opportunities of the other spouse
    - Person had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself or herself

**INFORMATION ABOUT OUR CHILDREN LESS THAN 18 YEARS OF AGE:**

12. **DOMESTIC VIOLENCE** - check the box that is true if you or your spouse intends to ask for joint custody  
 Domestic violence  has  has not occurred during this marriage.
13. **CHILDREN OF THE PARTIES WHO ARE LESS THAN 18 YEARS OLD** - check one box
- There are no children under the age of 18 either born to or adopted by the parties. **NOTE: IF YOU CHECKED THIS BOX, STOP! YOU SHOULD BE USING THE PACKET ENTITLED "PETITION FOR DISSOLUTION OF MARRIAGE (DIVORCE) WITHOUT CHILDREN"**
  - The following child(ren) are under age 18 and was/were born to or adopted by my spouse and I: (Attach extra pages if necessary).

Name _____	Name _____
Birth date _____	Birth date _____
Address _____	Address _____
_____	_____
Name _____	Name _____
Birth date _____	Birth date _____
Address _____	Address _____
_____	_____

14. **PREGNANCY**
- Wife is not pregnant OR
  - Wife is pregnant and the baby is due on \_\_\_\_\_ and, (check one box below)
    - My spouse and I are the parents of the child, OR
    - I am not the parent of the child, OR
    - My spouse is not the parent of the child.

15. **CHILDREN LESS THAN 18 YEARS OLD WHO WERE BORN DURING THE MARRIAGE FOR WHOM EITHER ME OR MY SPOUSE IS NOT THE PARENT:** (if applicable)

Name _____	Name _____
Birth date _____	Birth date _____
Address _____	Address _____
_____	_____

**16. CHILD CUSTODY JURISDICTION** – This Court has jurisdiction under A.R.S. § 25-1001 et. al. to issue an order regarding child custody because (check ALL that apply):

- The children have lived with a parent in Arizona for at least the past six months immediately before filing this Petition.
- The child is less than six months of age and the child has lived from birth with a parent in Arizona.
- No other state has issued an order regarding custody of the children before.
- There is no case pending in any other state regarding custody of the children.
- Although the children have not lived in Arizona for the past six months, they have not lived in any other state for all of the past six months either, and the children and at least one parent have a significant connection to Arizona and there is evidence here about the children’s well being.
- The children have lived in a state other than Arizona for the past six months, but the other state does not want to issue an order regarding custody of these children because the children and at least one parent have a significant connection to Arizona and there is evidence here about the children’s well being.
- The children and both parents now live in Arizona.

**17. WRITTEN CUSTODY AGREEMENT** - check only if true

- My spouse and I have a written agreement signed by both of us about the custody, visitation, and child support for our child(ren). I have attached a copy of this agreement.

**18. CHILD SUPPORT JURISDICTION** -This Court has jurisdiction under A.R.S. § 25-623 to order the other party to pay child support because (check ALL that apply):

- That person is a resident of Arizona
- I believe I will personally serve that person in Arizona
- That person agrees to have the case heard here and will file written court papers in this case
- That person resided with the child in this state
- That person resided in this state and provided pre-birth expenses or support for the child
- The child resides in this state as the result of the acts or directives of that person
- That person had sexual intercourse in this state and the child may have been conceived by that act of intercourse
- That person signed a birth certificate that is filed in this state
- That person did other acts which substantially connect that person with this state

**18. OTHER STATEMENTS MADE TO THE COURT UNDER OATH** - To obtain a divorce, you must be able to tell the Court that each of the following statements is true. If any of the statements is not true you cannot file for divorce until all the statements are true.

- TRUE My marriage is irretrievably broken and there is no reasonable prospect of reconciliation.
- TRUE My marriage is not a covenant marriage.
- TRUE The conciliation requirements under Arizona law either do not apply or have been met.
- TRUE This court has jurisdiction to decide child custody matters under Arizona law.

**REQUESTS I MAKE TO THE COURT**

**1. DISSOLUTION (DIVORCE):** Dissolve the marriage and return each party to the status of a single person.

2. **NAMES:** Restore  wife  husband to her or his former name of \_\_\_\_\_.  
Note: 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.

3. **SPOUSAL MAINTENANCE (ALIMONY):**

Neither party is entitled to spousal maintenance.

Order spousal maintenance to be paid **by:**

Petitioner     Respondent                    **to**     Petitioner     Respondent

in the amount of \_\_\_\_\_ per month beginning on  the first day of the month after the Judge or Commissioner signs the Decree of Dissolution of Marriage or  the first day of the month following the service of the Petition for Dissolution of Marriage, and continuing until the person receiving the spousal maintenance is remarried or deceased, or for \_\_\_\_\_ months, whichever occurs first.  Payments to be made directly to the person receiving the spousal maintenance, or  payments, plus the statutory handling fee, to be paid through **The Support Payment Clearinghouse**, PO Box 52107, Phoenix, Arizona 85072-7107.

4. **COMMUNITY PROPERTY:** Make a fair division of all community property as requested above in this Petition.

5. **COMMUNITY DEBTS:** Order each party to pay community debts as requested above in this Petition, and to 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 him or her since the parties separated on (date:)

6. **SEPARATE PROPERTY:** Award each party his or her separate property as requested above in this Petition.

7. **SEPARATE DEBTS:** Order each party to pay his or her separate debts as requested above in this Petition.

8. **CHILD CUSTODY AND PARENTING TIME (VISITATION):** Award custody and parenting time of the children common to the parties and less than 18 years old as follows:

**SOLE CUSTODY** of the minor child(ren) awarded to:  Petitioner OR  Respondent, subject to parenting time as follows:

Reasonable parenting time to the parent not having custody

OR

Supervised parenting time between the child(ren) and the  Petitioner OR

Respondent is in the best interest of the child(ren) because \_\_\_\_\_

\_\_\_\_\_

The cost of supervised parenting time will be paid by  the parent being supervised;  
 the parent having custody;  shared equally by the parties.

OR

No parenting time to the parent not having custody is in the best interest of the child(ren) because \_\_\_\_\_

---

**JOINT CUSTODY:** Petitioner and Respondent agree to act as joint custodians of the child(ren). However, if Respondent fails to attend the mandatory parent education course, pay the mandatory appearance fee, and/or sign a Joint Custody Agreement, Petitioner shall be awarded sole legal custody, with reasonable parenting time to Respondent.

9. **CHILD SUPPORT:** Order that child support shall be paid **by:**

Petitioner     Respondent **to**     Petitioner     Respondent

in a reasonable amount as determined by the court under the Arizona Child Support Guidelines (Child Support Order to be attached to Decree). Support payments to begin  on the first day of the month after the Judge or Commissioner signs the Decree of Dissolution of Marriage or  on the first day of the month after service of the Petition with all payments, plus the statutory handling fee, to be paid through **The Support Payment Clearinghouse**, PO Box 52107, Phoenix, Arizona 85072-7107 to be paid by automatic wage assignment.

10. **INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN:** Order that  Petitioner or  Respondent shall pay for health, medical, and dental insurance coverage for the child(ren) common to the parties and less than the age of 18 years old. Petitioner and Respondent will pay for all reasonable unreimbursed medical, dental, health-related expenses incurred for the child(ren) in proportion to their respective incomes as described on the Parents' Worksheet, which shall be submitted with the Decree.

11. **TAX EXEMPTION:** The parties shall claim as income tax dependency exemptions on federal and state income tax returns as follows:

Parent entitled to claim		Name of child	Current tax year	Later tax years
<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	_____	_____	_____

12. **OTHER ORDERS THAT I AM REQUESTING:** (explain request here) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VERIFICATION OF PETITIONER:

I declare, certify, verify or state under penalty of perjury that the foregoing is true and correct.

Executed on (date): \_\_\_\_\_

SIGNED: \_\_\_\_\_  
Petitioner

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

**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 or your children may continue to be covered under your spouse's health insurance policy. Arizona law allows the dependent spouse and 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 to 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: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

Case No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner/Plaintiff

and

\_\_\_\_\_  
Respondent/Defendant

### AFFIDAVIT RE: MINOR CHILDREN

STATE OF ARIZONA    )  
                                  ) ss.  
County of Pima        )

1. The nature of this action is:  
 Dissolution  Legal Separation  Paternity  Annulment  Child Custody Modification
  
2. The mother  is  is not presently pregnant.
  
3. There  are  are not minor children of either or both of the parties in this case who are in the custody of either or both of the parties.
  
4. I  have  have not participated as a party, witness, or in any other capacity in any other prior litigation concerning custody of a child mentioned below, in this or any other state. (If you have, state the name of each child, the manner in which you participated, the court, the state & county or district, case number, and date of order or judgment, if any.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
5. I  do  do not have any information of any custody proceeding concerning a child mentioned below pending in a court of this or any other state. (If you do, state the name of each child, nature of the proceeding, the court, the state & county or district, case number, and the status of the proceeding.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. I  do  do not know of any person not a party to this proceeding who has physical custody or claims to have custody or visitation rights with respect to any child mentioned below. (If you do have such knowledge, state the name and address of the person, whether that person has physical custody, is claiming custody rights, or is claiming visitation rights, and the name of the child involved.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Mother's mailing address is: \_\_\_\_\_

8. Father's mailing address is: \_\_\_\_\_

9. a) The minor child(ren) affected or of this action are:

<u>NAME</u>	<u>BIRTHDATE</u>	<u>BIRTHPLACE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

b) All the children have resided together at the following locations during the last five years:

<u>DATES OF RESIDENCE</u>	<u>ADDRESS OF CHILD DURING PERIOD</u>	<u>NAME AND PRESENT ADDRESS OF PERSON HAVING PHYSICAL CUSTODY DURING RESIDENCE PERIOD</u>	<u>RELATION TO CHILD</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

NOTE: If any of the children have lived separately, give specific information for that child on an additional page.

VERIFICATION OF PETITIONER:

I declare, certify, verify or state under penalty of perjury that the foregoing is true and correct.

Executed on (date): \_\_\_\_\_

SIGNED: \_\_\_\_\_  
Petitioner

**PIMA COUNTY SUPERIOR COURT**  
**CONFIDENTIAL SENSITIVE DATA FORM**

(Please type or print)

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Daytime Phone Number: \_\_\_\_\_  
Evening Phone Number: \_\_\_\_\_  
Representing: \_\_\_\_\_ [ ] Self [ ] Petitioner [ ] Respondent

\_\_\_\_\_ Case No. \_\_\_\_\_  
Petitioner  
\_\_\_\_\_ Atlas No. \_\_\_\_\_  
Respondent

A. Personal Information:

Name	Date of Birth	Social Security Number
Petitioner: _____	_____	_____
Respondent: _____	_____	_____
Child: _____	_____	_____
Child: _____	_____	_____
Child: _____	_____	_____
Child: _____	_____	_____

B. Financial Account Numbers (including credit cards, financial institution accounts, investments, debts):

Financial Institution	Type of Account	Name(s) of Account Owner	Account #
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

C. Pension and Retirement Accounts (including IRAs, 401Ks):

Financial Institution	Type of Account	Name(s) of Account Owner	Account #
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

D. Life Insurance Policies:

Insurance Company	Type of Policy	Name(s) of Policy Owner	Policy #
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**NOTICE**

In your property settlement agreement or decree of dissolution or legal separation, the court may assign responsibility for certain community debts to one spouse or the other. Please be aware that a court order that does this is binding on the spouses only and does not necessarily relieve either of you from your responsibility for these community debts. These debts are matters of a contract between both of you and your creditors (such as banks, credit unions, credit card issuers, finance companies, utility companies, medical providers and retailers).

Since your creditors are not parties to this court case, they are not bound by court orders or any agreements you and your spouse reach in this case. On request, the court may impose a lien against the separate property of a spouse to secure payment of debts that the court orders the spouse to pay.

You may want to contact your creditors to discuss your debts as well as the possible effects of your court case 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. Within thirty days after receipt of a request from a spouse who is party to a dissolution of marriage or legal separation action, which includes the court and case number of the action, creditors are required by law to provide information as to the balance and account status of any debts for which the requesting spouse may be liable to the creditor. You may wish to use the following form, or one that is similar to contact your creditors.

\*\*\*\*\*

**Creditor Notification**

Date: \_\_\_\_\_

Creditor Name: \_\_\_\_\_

Creditor Address: \_\_\_\_\_

Account #: \_\_\_\_\_

Within thirty days after receipt of this notice, you are requested to provide the balance and account status of any debt identified by account number for which the requesting party may be liable to you.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone No: \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Petitioner/Plaintiff

and

\_\_\_\_\_  
Respondent/Defendant

Case No. \_\_\_\_\_

### ORDER TO COMPLETE COURSE IN DOMESTIC RELATIONS EDUCATION ON CHILDREN'S ISSUES

**THIS IS AN OFFICIAL COURT ORDER IF YOU FAIL TO COMPLY WITH THIS ORDER, YOU MAY BE FOUND  
IN CONTEMPT OF COURT.**

THE COURT FINDS that this case involves minor children and is an action for:

- Dissolution of Marriage
- Paternity Proceeding with Request to Determine Custody or Specific Parenting Time or Child Support
- Legal Separation
- Child Support or the Modification or Enforcement of Parenting Time or Custody

THEREFORE, PURSUANT TO A.R.S. § 25-352, IT IS ORDERED:

1. You must attend and complete a course in Domestic Relations Education on Children's Issues.
2. In an action for Petition for Dissolution of Marriage or Legal Separation:
  - a. The Petitioner must complete this course within 45 days of filing the Petition.
  - b. The Respondent must complete this course within 45 days of being served with or accepting service of the Petition for Dissolution of Marriage or Petition for Legal Separation. **The Respondent must pay the course fee, register for and complete the course whether or not a Response to the Petition for Dissolution of Marriage is filed.**
3. In an action or proceeding involving Paternity with a request that the Court determine custody or specific parenting time, or Child Support, or the Modification or Enforcement of parenting time or custody, the course must be completed by the  Petitioner  Respondent within 45 days of receipt of the Court Order.
4. Each party shall pay the \$27.00 fee to the clerk of the Superior Court, 110 W. Congress Ave., Tucson, Arizona, and shall receive course registration information.
5. Petitioner and Respondent must each file a Notice of Program Completion with the Clerk of the Court prior to finalization of the Dissolution of Marriage/Legal Separation or Custody/Parenting Time Order.

**If, due to a disability, you need special accommodations for your attendance at this program such as auxiliary aids or materials in alternative formats, please inform the parent information program when you register by calling 1-800-767-8193 (English) or 1-888-227-1022 (Spanish).**

Date: \_\_\_\_\_

\_\_\_\_\_  
Presiding Family Law Judge

dwcpetition-order for course in dom rel.form  
Revised 5/7/2006

Name: \_\_\_\_\_  
[ ] Petitioner [ ] Respondent

## ARIZONA SUPERIOR COURT, COUNTY OF PIMA

\_\_\_\_\_  
Petitioner/Plaintiff

Case No. \_\_\_\_\_

ATLAS No. \_\_\_\_\_

\_\_\_\_\_  
Respondent/Defendant

### REQUEST FOR PROTECTED ADDRESS

I request the court to order that my address be protected from public disclosure, including disclosure to the opposing party(ies) in this case.

I reasonably believe that physical or emotional harm may result to me or my minor child(ren) if the my address is not protected from disclosure, for the following reasons:

[ ] I have a valid Order of Protection in place issued by the following court:

\_\_\_\_\_

OR

[ ] Other reasons briefly described below: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I have listed my address on a separate sheet of paper for court use.

I understand that I have a continuing duty to provide the clerk of the court with a current and correct mailing address where I can be served with process until one of the following events stated in Rule 7(D), Arizona Rules of Family Law Procedure occurs.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Requester's Signature

Case No. \_\_\_\_\_

**ADDRESS TO BE PROTECTED FORM**

PERSON WHOSE ADDRESS IS PROTECTED: \_\_\_\_\_  
[ ] Petitioner [ ] Respondent

ADDRESS TO BE PROTECTED:

Street: \_\_\_\_\_

City: \_\_\_\_\_

State, Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**ARIZONA SUPERIOR COURT, COUNTY OF PIMA**

\_\_\_\_\_  
Petitioner/Plaintiff

Case No. \_\_\_\_\_

ATLAS No. \_\_\_\_\_

\_\_\_\_\_  
Respondent/Defendant

**ORDER FOR PROTECTED ADDRESS**

Upon Request of [ ] Petitioner [ ] Respondent, and good cause appearing,

IT IS ORDERED that:

The address of [ ] Petitioner [ ] Respondent shall be protected from public disclosure until further order of this court.

The Clerk of the Court shall protect the address of [ ] Petitioner [ ] Respondent from public disclosure until further order of this court.

The Clerk and the parties hereto shall comply with the requirements of Rule 7, A.R.C.P.

Any person required under these rules to serve a response or other document upon a person whose address is ordered protected from disclosure under this rule may serve the same by delivering true and correct copies of the documents to be served, together with the proper fee established by administrative order to cover the cost of service, to the clerk of the court. The clerk shall promptly mail the documents by regular first-class mail to the most recent protected address provided to the clerk, and service shall be deemed complete upon mailing. The clerk shall promptly file a written statement verifying the documents that were mailed and the date of mailing to the protected address signed by the clerk or deputy clerk who mailed the documents. All documents mailed to a protected address shall bear the clerk's return address, and a notation of any process returned as undelivered shall be made in the court file.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer

## **INSTRUCTIONS ON FILING THE DIVORCE PAPERS WITH THE COURT**

**STEP 1: MAKE COPIES (in addition to the original) OF THE FOLLOWING COMPLETED DOCUMENTS**

- Domestic Relations/Probate Cover Sheet + 1 copy
- Summons + 2 copies
- Preliminary Injunction + 2 copies
- Petition for Dissolution of Marriage + 2 copies
- Notice of Right to Convert Health Insurance + 1 copy
- Completed Affidavit Re: Minor Children + 2 copies
- Sensitive Information Sheet + 1 copy
- Creditor's Notification + 1 copy
- Order to Complete Course in Domestic Relations Education on Children's Issues + 2 copies
- Request for Protected Address + 1 copy
- Address to Be Protected Form + 1 copy
- Order for Protected Address + 2 copies
- Application and Order for Waiver/Deferral of Court Fees and Costs+ 1 copy

**STEP 2: FILE FOR DEFERRAL/WAIVER OF FEES & COSTS**

File originals of the following documents with the court:

- Application for Deferral of Court Fees and/or Costs (and any supporting affidavits)
- Order Regarding Deferral or Waiver of Court Fees and/or Costs
- Petition for Dissolution of Marriage

**WHERE TO FILE:**           **The Clerk of the Superior Court  
First Floor  
SUPERIOR COURT BUILDING  
110 West Congress  
Tucson, Arizona 85701**

**HOURS:**                   **8AM-9PM, MONDAY - FRIDAY (except legal holidays).**

After five working days, call the Clerk at **(520) 740-3210** to see if your request for waiver/deferral of fees has been approved. If your request has been approved, go to **STEP 3**.

**STEP 3: SEPARATE DOCUMENTS INTO 3 SETS AS FOLLOWS:**

<p><b>SET 1 – TO CLERK OF COURT:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Domestic Relations Cover Sheet</li> <li><input type="checkbox"/> Summons</li> <li><input type="checkbox"/> Preliminary Injunction</li> <li><input type="checkbox"/> Petition for Dissolution of Marriage</li> <li><input type="checkbox"/> Affidavit Re: Minor Children</li> <li><input type="checkbox"/> Notice of Right to Convert Health Insurance</li> <li><input type="checkbox"/> Sensitive Information Sheet</li> <li><input type="checkbox"/> Order to Complete Domestic Relations Course</li> <li><input type="checkbox"/> Request for Protected Address</li> <li><input type="checkbox"/> Address to Be Protected Form</li> <li><input type="checkbox"/> Order for Protected Address</li> </ul>	<p><b>SET 2 - COPIES FOR SPOUSE:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Summons</li> <li><input type="checkbox"/> Preliminary Injunction</li> <li><input type="checkbox"/> Petition for Dissolution of Marriage</li> <li><input type="checkbox"/> Notice of Right to Convert Health Insurance</li> <li><input type="checkbox"/> Completed Affidavit Re: Minor Children</li> <li><input type="checkbox"/> Creditor Notification</li> <li><input type="checkbox"/> Order to Complete Domestic Relations Course</li> </ul>
<p><b>SET 3 - YOUR COPIES:</b> Same as Spouse's plus Sensitive Information Sheet, Request for Protected Address and Address to Be Protected Form</p>	

**STEP 4: FILE THE PAPERS AT THE COURT.** Arrive at the Court at least one hour before it closes.

**Make sure you get back the following:**

- Your Original Summons
- Your Set of Copies
- Spouse's Set of Copies

**STEP 5:** Now you will serve the court papers on your spouse.

**GO TO THE PACKET ENTITLED “Service of Papers on the Other Party.”**