

Person Filing: \_\_\_\_\_

Address (if not protected): \_\_\_\_\_

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

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

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

ATLAS Number: \_\_\_\_\_

Lawyer's Bar Number: \_\_\_\_\_

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

FOR CLERK'S USE ONLY

## SUPERIOR COURT OF ARIZONA IN COCHISE COUNTY

\_\_\_\_\_  
Petitioner / Party A

Case Number: \_\_\_\_\_

ATLAS Number: \_\_\_\_\_  
(if applicable)

\_\_\_\_\_  
Respondent / Party B

### DECREE OF LEGAL SEPARATION FOR A NON-COVENANT MARRIAGE WITH MINOR CHILDREN

#### THE COURT FINDS:

1. This case has come before this Court for a final Decree of Legal Separation. The Court has taken all testimony needed to enter a Decree, or the Court has determined testimony is not needed to enter the Decree.
2. This Court has jurisdiction over the parties under the law and the provisions of this Decree are fair and reasonable under the circumstances, and are in the best interests of the minor child(ren) as to legal decision-making (legal custody), parenting time and support.
3. This Court has jurisdiction under A.R.S. § 25-1031 over the children in this matter.

**4. THIS ORDER APPLIES TO THE FOLLOWING CHILDREN:**

Name	Date of Birth
_____	_____
_____	_____
_____	_____

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

**5. THE COURT FURTHER FINDS:**

- A. Residency Requirement.** At the time this action was filed, one of the parties lived in Arizona, or had lived in Arizona while a member of the United States Armed Forces.
- B. Conciliation Court and Non-Covenant Marriage.** The provisions relating to the Conciliation Court either do not apply or have been met. This is not a covenant marriage.
- C. Irretrievably Broken or Separate and Apart.** The marriage is irretrievably broken or the parties desire to live separate and apart. Neither party has objected to a decree of legal separation.
- D. Legal Decision-Making (Legal Custody), Support, Spousal Maintenance, Division of Property and Debt.** Where it has the legal power and where applicable to the facts of this case, this Court has considered, approved, and made Orders relating to issues of legal authority to make decisions concerning the minor child(ren), the child(ren)'s primary residence, parenting time, child support, spousal maintenance (alimony), and the division of property and/or debt.

**E. Property and Debt.**

**1. Community Property and Debt**

- The parties did **not** acquire any community property or debt during the marriage, **OR**
- There **IS** an agreement as to division of community property and debt; all community property and debt is divided pursuant to this Decree
- There is **NO** agreement as to division of community property and debt, but all community property and debt is divided pursuant to this Decree.

**2. Separate Property and Debt**

- The parties did **not** acquire any separate property or debt during the marriage, **OR**
- There **IS** an agreement as to division of separate property and debt; all separate property and debt is divided pursuant to this Decree
- There is **NO** agreement as to division of separate property and debt, but all separate property and debt is divided pursuant to this Decree.

**F. Pregnancy and Paternity**

- Party A is **not** pregnant, **OR**
- Party A **is** pregnant, and Party B  **IS** OR  **IS NOT** a parent of the child.
- Party B is **not** pregnant, **OR**

Party B is pregnant, and Party A  IS OR  IS NOT a parent of the child.

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

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

**G. Spousal Maintenance/Support.**

Party A OR  Party B

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

**H. Parent Information Program.**

1. Party A  has attended the Parent Information Program class as evidenced by the **“Certificate of Completion”** in the Court file.

**OR**

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

2. Party B  has attended the Parent Information Program class as evidenced by the **“Certificate of Completion”** in the Court file.

**OR**

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

**I. CHILD SUPPORT:** The Court finds that Party A and Party B owe a duty to support the child(ren) listed above. The required financial factors and any discretionary adjustment pursuant to the Arizona Child Support Guidelines are as set forth in the Parent’s Worksheet for Child Support are attached hereto and incorporated herein by reference.

**J. Primary Residence:**

**Party A's home** as the primary residence is in the best interest of the child.

**Party B's home** as the primary residence is in the best interest of the child.

Other Adjustments. (If any adjustments to Parenting Time are made, *the Court* must make written findings.)

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**K. Legal Decision-Making Authority for Minor Child(ren).** (Check/complete only if legal decision-making authority (legal custody) is contested or joint legal decision-making authority (joint legal custody) is ordered.)

**Joint Legal Decision-Making.** Party A and Party B will share the legal parental duty of making decisions about health, education, religion and general welfare of the child(ren).

**Sole Legal Decision-Making:**  Party A **OR**  Party B is individually responsible for the legal parental duty of making decisions about health, education, religion and general welfare of the child(ren).

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

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

**Supervised Parenting Time** between the minor children and  Party A **OR**  Party B,

**OR**

**No Parenting Time** by  Party A **OR**  Party B, is in the best interests of the minor child(ren), for the following reasons: (Explain the reasons)

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**M. Domestic Violence.** If the Court enters an order for joint legal decision-making (joint legal custody) for the minor child(ren), check box and explain.

Domestic violence has not occurred during this marriage, **OR**

Domestic violence **has** occurred, but

- it was **mutual** (committed by both parties), (see A.R.S. § 25-43.03(D).
- it is otherwise still in the **best interests of the minor child(ren)** to grant joint or sole legal decision-making (joint or sole legal custody) to a party who has committed domestic violence because:

\_\_\_\_\_

\_\_\_\_\_

**N. Drug Or Alcohol Conviction Within Last Twelve Months:**

- Party A** has been convicted of driving under the influence of alcohol or drugs, or was convicted of any drug offense within 12 months of filing the request for legal decision-making (legal custody).
- Party B** has been convicted of driving under the influence of alcohol or drugs, or was convicted of any drug offense within 12 months of filing the request for legal decision-making (legal custody).
- The legal decision-making (legal custody) and/or parenting time arrangement ordered by this Court appropriately protects the minor child(ren).

**THE COURT ORDERS:**

**1. THE PARTIES ARE LEGALLY SEPARATED.**

**2. ENFORCEMENT OF TEMPORARY ORDERS:**

- All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of ALL temporary orders here)

\_\_\_\_\_

are satisfied in full **OR**

- Judgment is awarded against the party with the obligation up to the amount due and owing as of the date of this Decree, with the highest legal interest allowed by law, for the total amount of \$\_\_\_\_\_.

**3. PREGNANCY AND PATERNITY**

- A child who is common to the parties is expected to be born this date: \_\_\_\_\_. The orders below as to legal decision making (legal custody), parenting time, child support, and medical insurance/expenses do **not** include this child; the Court reserves jurisdiction to address these issues regarding this child when the child is born.

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

NAME(S) OF MINOR CHILD(REN)	DATE(S) OF BIRTH
_____	_____
_____	_____
_____	_____
_____	_____

b.  **PATERNITY:**  Party A  Party B is declared to be a parent of the minor children named below, born *before* the marriage:

Children Born BEFORE the Marriage	DATE(S) OF BIRTH
_____	_____
_____	_____
_____	_____

c.  **NAMES / BIRTH CERTIFICATES:** FOR ANY ABOVE-NAMED MINOR CHILD(REN) BORN IN THE STATE OF ARIZONA, the Clerk of Court shall forward a copy of this order to the State Office of Vital Records, which IS ORDERED TO AMEND THE BIRTH CERTIFICATE(S) AS FOLLOWS: (List full name of  Party A or  Party B as appears on his/her Social Security card or other government issued official document and as should appear on the children's birth certificate(s))

1. Add the name: \_\_\_\_\_  
as the parent on the above-named minor child(ren)'s birth certificate(s) if no name is already listed.
2. (Optional) **NAME CHANGE:** The names of one or more of the minor children for whom paternity has been established above shall be changed as follows:

Current Legal Name	New Name (optional)
_____	_____
_____	_____
_____	_____
_____	_____

**4. PRIMARY RESIDENCE, PARENTING TIME, and AUTHORITY FOR LEGAL DECISION-MAKING (Legal Custody)**

**a. PRIMARY RESIDENCE:**

- In accord with the Parenting Plan signed by both parties, NEITHER parent's home is designated as the primary residence, OR
- Party A's home is designated the primary residence for:  
\_\_\_\_\_

Party B's home is designed the primary residence for:

\_\_\_\_\_

**b. PARENTING TIME:**

REASONABLE parenting time rights as described in the Parenting Plan attached as Exhibit B and made a part of this Decree. OR

NO PARENTING TIME to  Party A OR  Party B, OR

SUPERVISED PARENTING TIME to  Party A OR  Party B according to the terms of the Parenting Plan attached as Exhibit B and made part of this Decree.

Supervised parenting time may only take place in the presence of another person, named below or otherwise approved by the Court.

(IF supervised) Name of supervisor: \_\_\_\_\_

THE COST of supervised parenting time will be paid as follows:

paid by the party being supervised.

paid by the party having legal decision-making (legal custody), OR

Shared equally by the parties

RESTRICTIONS on parenting time (if applicable):

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

No Parenting Time or Supervised Parenting Time is in the best interests of the child(ren) because: (Explain)

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

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

1.  SOLE LEGAL DECISION-MAKING AUTHORITY for the minor children is awarded to:

Party A, OR  Party B, subject to parenting time above;

OR

2.  **JOINT LEGAL DECISION-MAKING:** The parties will have joint legal decision-making for the minor children, pursuant to A.R.S. § 25-403.
- Party A and Party B agree to act as joint legal decision-makers regarding the minor child(ren), as set forth in the Parenting Plan signed by both parties and attached to this Decree as **“Exhibit B.”**
  - There having been no significant acts of Domestic Violence by either parent, as defined by Arizona law, A.R.S. § 13-3601. or the Court having found it in the best interests of the minor child(ren), the Court adopts the terms of the Parenting Plan, **which is attached to and made party of this Decree.**
  - The Parenting Plan becomes part of the final Order and this Decree, and carries the same legal weight as any other order of this Court.

## 5. CHILD SUPPORT, including INSURANCE COVERAGE:

- a.  The Child Support Order, \_\_\_\_\_ is attached hereto and incorporated by reference. (Date of Order)

**Party A, OR**  **Party B** shall pay child support to the other party in the amount of \$\_\_\_\_\_ per month **PAYABLE THE FIRST DAY OF THE MONTH** after the date this Decree is signed by the judge until further order of the Court.

This Court cannot make a legal order, without personal service of the Petition for Dissolution, with respect to issues of child support, or medical, dental and vision care insurance for the minor child(ren). The court reserves jurisdiction to enter further orders at such time as the Court acquires personal jurisdiction over the responding party.

## 6. SPOUSAL MAINTENANCE/SUPPORT:

- a.  **Neither party shall pay spousal maintenance/support (alimony) to the other party,**
- OR**
- b.  **Party A, OR**  **Party B** is ordered to pay the other party the sum of \$\_\_\_\_\_ per month spousal maintenance/support **BEGINNING THE FIRST DAY OF THE MONTH** after the date this Decree is signed. Each payment shall be made by the first day of each month after that and shall continue until the receiving party is remarried or deceased **or** until (date) \_\_\_\_\_.

All payments shall be made through the Support Payment Clearinghouse PO Box 52107, Phoenix, Arizona 85072-7107 by income withholding order until all required payments have been made under this Decree. All spousal maintenance payments are governed by the applicable federal and state tax laws. It shall terminate upon the death of either party or remarriage of receiving party.



**7. PROPERTY, DEBTS AND TAX RETURNS:**

- a.  Party A is ordered to pay all debts unknown to Party B, **AND**
- Party B is ordered to pay all debts unknown to Party A, **AND**
- Each party is ordered to pay his or her debts from the following date,  
\_\_\_\_\_, **FORWARD.**
- b.  Other orders and relief relating to property or debt are contained in Exhibit A, which is attached and incorporated into this Decree.
- c.  Each party is assigned his or her separate property. Party A must pay his/her separate debt, and Party B must pay his/her separate debt.
- d.  This Decree can be used as a transfer of title and can be recorded.
- Parties shall sign all documents necessary to complete all transfer of title ordered in this Decree, such as motor vehicles, houses, and bank accounts.
  - The parties shall transfer all real and personal property as described in Exhibit A to the other party on or before \_\_\_\_\_ by 5:00 p.m.

If the party required to transfer the property has not transferred the property to the party entitled to receive the property on or before the date and time listed above, the party entitled to receive the property is entitled upon application to a Writ of Assistance or Writ of Execution to be issued by the Clerk of the Court commanding the sheriff to put him or her in possession of the property.

- e.  **For previous calendar years**, pursuant to IRS (Internal Revenue Service) rules and regulations, the parties will file:
- joint** federal and state income tax returns and hold the other harmless from half of any additional income taxes and other costs, and each will share equally in any refunds,
- OR**
- separate** federal and state income tax returns.
- f.  **For this calendar year and continuing thereafter**, each party will file separate federal and state income tax returns.

**8. FINANCIAL INFORMATION EXCHANGES:** The parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every twenty-four months. Each party shall give the other party all necessary documentation to file all tax returns.

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

Parent entitled to claim	Name of minor child	in Tax Year
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> Party A <input type="checkbox"/> Party B	_____	_____
<input type="checkbox"/> <b>Pattern shall repeat for subsequent years.</b>		

A party required to pay child support is only entitled to claim minor child(ren) as an income tax dependency exemption **if** that parent has paid all of the child support due and owing *for the year that party is entitled to the exemption.*

**10. MINOR CHILDREN TO WHOM THIS DECREE DOES NOT APPLY:** It is ordered that  Party A **OR**  Party B has no legal obligation or right to the minor child(ren) listed below born during the marriage but **not** common to the marriage. These minor children include: (Use additional paper if necessary)

Name	Birth Date
_____	_____
_____	_____
_____	_____
_____	_____

**Child expected to be born this date:** \_\_\_\_\_

**11. OTHER ORDERS.** (Leave blank for Judicial Officer.) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

**(E) DONE IN OPEN COURT:**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**JUDGE OR COURT COMMISSIONER**

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

**Name:** \_\_\_\_\_  
**Mailing Address:** \_\_\_\_\_  
**City, State, Zip Code:** \_\_\_\_\_  
**By Party A:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

**EXHIBIT A: PROPERTY AND DEBTS** (Refer to section “F” in instructions)

1. **DIVISION OF COMMUNITY PROPERTY** (property acquired during the marriage)

- Award each party the personal property in his/her possession.
- Community property is awarded to each party as follows:

2. **LIST OF COMMUNITY PROPERTY** (Be very specific in your description of the property.)

		<b>AWARD TO</b>	
		<b>Party A</b>	<b>Party B</b>
<input type="checkbox"/>	<b>Household furniture / furnishings:</b> (Be specific.)		
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>

		<b>Party A</b>	<b>Party B</b>
<input type="checkbox"/>	<b>Appliances:</b> (Be specific.)		
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>

		<b>Party A</b>	<b>Party B</b>
<input type="checkbox"/>	<b>Video: TV /DVD /VCR:</b> (Be specific.)		
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>

		<b>Party A</b>	<b>Party B</b>
<input type="checkbox"/>	<b>Audio: Stereo/ Radio:</b> (Be specific.)		
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>

**AWARD TO:**

**Party A                      Party B**

**Computers and Related Equipment:** (Be specific.)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

                       
                        
                     

**Party A                      Party B**

**Other Electronics** (Be specific.)  
 \_\_\_\_\_  
 \_\_\_\_\_

                       
                     

**Party A                      Party B**

**Motor Vehicles:**  
 Year, Make, Model: \_\_\_\_\_  
 Last 4 digits of VIN # \_\_\_\_\_  
  
 Year, Make, Model: \_\_\_\_\_  
 Last 4 digits of VIN # \_\_\_\_\_  
  
 Year, Make, Model: \_\_\_\_\_  
 Last 4 digits of VIN # \_\_\_\_\_

                       
  
                        
  
                     

**COMMUNITY PROPERTY**

**AWARD TO:**

**Party A                      Party B**

Cash, bonds of \$ \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Other: \_\_\_\_\_

                       
                        
                        
                        
                     

**Continues on attached page.**

**3. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION**

**(WARNING. You should see a lawyer about your retirement, pension, deferred compensation, 401k plans and/or benefits. If you do not see a lawyer regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. Only a lawyer can help you prepare these documents.)**

Neither party has a retirement, pension, deferred compensation, 401K Plan and/or benefits.

**OR**

Award each party his/her interest in any and all retirement benefits, pension plans, or other deferred compensation described as:

\_\_\_\_\_

**OR**

Each party **WAIVES AND GIVES UP** his/her interest in any and all retirement benefits, pension plans, or other deferred compensation of the other party:

**4. DIVISION OF REAL PROPERTY (Land and Buildings) Section A is for one piece of property. Section B is for another, separate property.**

**A. Real property located at (address)\_\_\_\_\_.**

The **legal description** of this property, **as quoted from the DEED to the property\* is:**

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

**\* If you do not provide a correct legal description, you may have to come back to Court to amend the Decree to include the correct legal description.**

**The real property ("A") described above is awarded as the sole and separate property of:**

**Party A** or  **Party B** **OR**

**Shall be sold and the proceeds divided as follows:**

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Party A.

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Party B.

**B. Real property located at (address)\_\_\_\_\_.**

The **legal description** of this property, **as quoted from the DEED to the property\* is:**

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

**\* If you do not provide a correct legal description, you may have to come back to Court to amend the Decree to include the correct legal description.**

The real property ("B") described above is awarded as the sole and separate property of:

Party A or  Party B

OR

Shall be sold and the proceeds divided as follows:

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Party A.

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Party B.

Continues on attached page.

5. **DIVISION OF COMMUNITY DEBT** (Debts incurred during the marriage) (You should see a lawyer about how to divide secured and unsecured debts.)

Community debts shall be divided as follows:

Amount to be paid by Party A

Amount to be paid by Party B

Creditor Name	Amount Owed	Amount to be paid by Party A	Amount to be paid by Party B
a.	\$	\$	\$
b.	\$	\$	\$
c.	\$	\$	\$
d.	\$	\$	\$
e.	\$	\$	\$
f.	\$	\$	\$
g.	\$	\$	\$
h.	\$	\$	\$
i.	\$	\$	\$
j.	\$	\$	\$

Continues on attached page.

6.  Any debts or obligations incurred by either party before the date of separation, that are not identified in the list above or attached, shall be paid by the party who incurred the debt or obligation and that party shall indemnify and hold the other party harmless from such debts.

7. **SEPARATE PROPERTY.** (Property acquired before the marriage or by gift or bequest to one party.)  
**Property recognized as the separate property of the Party A or Party B, is assigned below:**

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

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

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

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

Continued on attached page(s) made part of this document by this reference.