

A14

DIVORCE – WITHOUT MINOR CHILDREN

The Court Order

To get the Divorce Order

(Forms Packet)

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT THE “*DECREE OF DISSOLUTION OF MARRIAGE* *(Divorce) WITHOUT MINOR CHILDREN*”

What the Decree Means to You. The Decree is the Court Order that legally ends your marriage. The Decree, once the judge or commissioner has signed it, is important because it determines the rights and responsibilities of both you and your ex-spouse. If either party **does not do** what the Decree tells him/her to do, then the other party may ask the court for help. **This is a very important document.** Once it has been signed by the judge, your rights and responsibilities are affected forever.

Failure to do What the Decree Tells You to do Could Get You into Trouble with the Court. This **does not** mean that the court will police you or the other party to make sure you are following the Decree. It **does** mean that you, or your ex-spouse, can request a “**Contempt Order**” or an “**Order to Enforce**” parts of the Decree if you, or your ex-spouse, fail to do what the Decree tells you to do.

Getting Your Divorce Finalized. Before your divorce can become final, a judge or commissioner must sign the Decree. The Decree states how the property (if any) is divided, how the debts and assets (if any) are divided, the amount of spousal maintenance/support (alimony)(if any), and in cases involving minor children, custody, parenting time and the amount of child support, etc.

Divorce by Default. If you have a Default Hearing, you must repeat, as closely as possible, what you requested in your Petition. You cannot request something different in the Decree than what you requested in the Petition. If you try to do this, the judge or commissioner will **not** sign the Decree. If you want to change your requests to the court, you must file an “**Amended Petition.**” It is a good idea to have your Petition handy when you fill out your Decree so you can refer to it as needed.

The Decree. Fill out the Decree **before** you go to your hearing or **before** you give it to the judge to sign. Do **not** fill in the spaces allocated for the judge’s signature and date. If the judge disagrees with anything you have written, he/she may change it before signing the Decree **or** he/she may ask the parties to come to a hearing.

INSTRUCTIONS FOR FILLING OUT THE DECREE: (The section number in front of each paragraph below corresponds with the section number on the Decree. For example: Read Sections 1-3d below. Turn to Sections 1-3d in the Decree. Each section that follows will help you fill out each section of the Decree.) When filling out any court forms, **type or print with black ink only.**

SECTION: Type or print clearly using black ink only.

(A) Write in the name of the Petitioner, the name of the Respondent and the case number in the appropriate spaces provided. These should be written the same as they are written on the Original Petition.

(B) COURT FINDINGS SECTION:

- 1-3d. This section tells you that before the judicial officer signs the Decree, he or she will have determined that the court has the legal power to make the orders in your case. It also confirms that at least one of the parties lived in Arizona for at least 90 days before the Petition for Divorce was filed, and that the parties are unable to get back together and save their marriage. (If you have a trial, you must bring a copy of your marriage license to the trial to show the judge what type of marriage you have.) **Also**, if you served the other party by publication, the court cannot sign a Decree that divides community property and/or debt, or order the other party to pay spousal maintenance/ support (alimony).
- 3e. Mark the first box **only** if you and your spouse did **not** get any property together while you were married and **do not** owe money to anyone for property, goods or services you got while you were married. Otherwise, mark the box that tells the court that the parties **have not** agreed to a division, but all community property will be divided pursuant to the Decree.
- 3f. Mark the first box if the wife is **not** pregnant. Mark the second box if the wife **is** pregnant. Then mark whether the husband is the father. If the husband **is** the father, you **cannot** use these forms for a divorce without children. **YOU MUST USE THE FORMS** for a divorce with children.
- 3g. Mark this box if you have requested spousal maintenance/support (alimony) in the Petition for Divorce **or** if the parties have agreed that one party will pay the other party spousal maintenance/support (alimony).

(C) COURT ORDERS SECTION:

1. **THIS SECTION ENDS YOUR MARRIAGE.**
2. **WRITE IN THE FORMER/MAIDEN NAME OF THE HUSBAND OR WIFE, only if** the husband or wife wants to use, and/or be called by, the former/maiden name. (The law does **not** require you to use your former/maiden name.)
3. **ENFORCEMENT OF TEMPORARY ORDERS.** If the court ordered temporary payment of spousal maintenance/support (alimony), debt division, or other temporary relief, fill in the dates of ALL of the temporary orders. This section allows you to enforce nonpayment of those debts.
- 4a. **SPOUSAL MAINTENANCE/SUPPORT(ALIMONY)** Mark this box if **neither party** is requesting spousal maintenance/support (alimony).
- 4b. **MARK THIS BOX IF** you are the Petitioner and you requested spousal maintenance/support (alimony) in your Petition and you have a default hearing. You cannot get spousal maintenance/support (alimony) if the other party was served by publication. Indicate by check mark, who will pay the spousal maintenance/support (alimony) and who will receive the spousal maintenance/support (alimony). Put in the amount and the date the spousal maintenance/support(alimony) will end. Generally, spousal maintenance/support (alimony) is taxable income to the person receiving it and tax deductible for the person paying it. **Check with the IRS for specific rules and regulations.**
- 5a-b. **COMMUNITY PROPERTY AND DEBT.** Mark these boxes to have each party pay their own debts, debts that are unknown to the other party.
- 5c. By marking this box, you are telling the court that you **do not** have to pay for bills your spouse incurred **after** you separated. Write the approximate date you separated on the line provided.
- 5d. Mark this box if you want to divide the community property and debt, even if you have already divided most of your property. You can give the court this information on **“EXHIBIT A: Property and Debts,”** which you must attach to the Decree if you mark this box. Instructions for Exhibit A are included at the end of this instruction.

- 5e. This states that you and your spouse get to keep property, your separate property, or property that was a gift or an inheritance to you. You can also keep any personal items, clothing, and any other property you own that is not considered community property. You can give the court this information on “**Exhibit A: Property and Debt**,” which you must attach to the Decree if you mark this box. Instructions for Exhibit A are included at the end of this instruction.
- 5f. This means either spouse can record the Decree if there is a transfer of title to real estate, such as land or a house. This section also requires each spouse to sign documents to transfer other property, like titles to vehicles, bank accounts, etc..
- 5g. Mark this box to tell the court whether the parties will file joint or separate tax returns for previous years if taxes have not been paid. For this calendar year, and future calendar years, neither you, nor your spouse, can file joint tax returns **with each other**. According to the IRS, “State law governs whether you are married, divorced, or legally separated. If you are divorced under a final decree by the last day of the year, you are considered unmarried for the whole year.” See a lawyer or accountant for advice if you are not sure which box to check **OR** call the IRS at 1-800-829-4477 **OR** visit their INTERNET website at <http://www.irs.ustreas.gov>
6. **FINAL APPEAL ORDER.** This Decree/Order/Judgment is a final order and may be appealed.

(D) SIGNATURES SECTION:

- Do not sign or date the Decree, the Judge/Commissioner must do this.
- If you have a Default Hearing, you, the Petitioner, must also promise to mail a copy of the Decree to the Respondent, after the Judge has signed it.

(E) “EXHIBIT A: PROPERTY AND DEBT”: If you have questions about whether your property is community property or separate property, or whether your debt is community debt or separate debt, you should see a lawyer for help.

1. **Division of Community Property.** If you marked the box on the Decree to indicate you have **no** community property or debts, **STOP**. You have completed your Decree. If you **have** community property or debt, **check this box** and complete this form.
2. **List of Community Property.** Describe the property, then mark the box showing which party is being given the property. Mark the box stating "award each party the personal property in his/her possession." If you had to use a separate sheet to list more property, mark the box that states "continued on reverse side or see attached list." Be as specific as possible in describing your property.
3. **Retirement Benefits.** Decide what you want to do about these assets. Generally, each spouse is entitled to a half interest in the pension or retirement or deferred compensation benefits of the other spouse, based upon the length of time the parties were married. This is very complicated, and very important to both spouses. If you are entitled to any interest in your spouse's retirement assets, you may be required to file a “**Qualified Domestic Relations Order**.” This is a very important document. The court and the Self-Service Center do not have this document. See a lawyer for help. Check the box that describes what you asked for in the Petition or what the parties have agreed to.

4. **Real Property.** Mark this box if you own a home or any other real estate together. IT IS VERY IMPORTANT THAT YOU WRITE IN THE CORRECT ADDRESS AND THE LEGAL DESCRIPTION OF EACH PIECE OF PROPERTY. Mark the box showing which spouse gets which property, **OR** that the property is to be sold and the proceeds divided. If you used your own earnings to pay for property owned by your spouse, see a lawyer.
5. **Community Debt.** Mark this box if the parties have community (or joint) debt. Describe the debt, including the creditor and the amount owed. Then mark the box showing which party is going to pay for the debt. If you had to use a separate sheet to list more debts, or if you continued to list debts on the reverse side of the page, check the box to indicate that to the judge. (Mark the next box if you both agree that each spouse will pay his/her own debt, debts incurred, and owed, prior to the marriage)
6. Mark this box if you want to divide the debt(s) that were incurred by a spouse, but were not listed to be paid by the spouse who incurred the debt(s). Remember, even though the Decree orders either spouse to pay community debts, that does not mean a creditor cannot pursue collection from the other spouse, even after the divorce is final.
7. **Separate Property.** If you checked box 5(e) on the Decree, and you and/or your spouse have separate property, describe the separate property, its value, and who the property belongs to.
8. **Separate Debt.** If you checked box 5(e) on the Decree and you and/or your spouse have separate debt, identify the creditor, the amount owed, and who is responsible for paying the separate debt.

PROCEDURES: HOW TO GET YOUR DECREE SIGNED BY THE JUDGE

Make three copies of the Decree. Take the documents to your court default hearing or to your trial for the Judge to review and sign if he/she approves them. If you are filing a "**Consent Decree**" follow the *Procedures* document in the Consent Decree packet (DR71p).

SELF-SERVICE CENTER

“DECREE OF DISSOLUTION OF MARRIAGE (Divorce)-- WITHOUT MINOR CHILDREN”

CHECKLIST

Use the forms and instructions in this packet **ONLY** if the following factors apply to your situation:

- ✓ You, **or** your spouse, filed a “*Petition for Dissolution of Marriage (Divorce) Without Minor Children,*” **AND**
- ✓ You and your spouse have no minor children in common, by birth or adoption, **AND** the wife is **not** pregnant by the husband, **AND**
- ✓ You are ready to complete the court papers to get a Divorce Decree, **AND**
- ✓ You are going to a default hearing, **or** you have filed the papers to get a default divorce without a hearing **or** you are going to trial.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website.

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

FOR CLERK'S USE ONLY

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

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

_____ (A)
(Petitioner)

Case Number: _____

DECREE OF DISSOLUTION OF MARRIAGE (Divorce) WITHOUT MINOR CHILDREN

(Respondent)

THE COURT FINDS: (B)

1. This case has come before this court for a final ***“Decree of Dissolution of Marriage (Divorce) Without Minor Children.”*** The court has taken all testimony needed to enter a final Decree, or has determined testimony is not needed to enter the final Decree.
2. This court has jurisdiction over the parties under the law, and the provisions of the Decree are fair and reasonable under the circumstances.

SERVICE BY PUBLICATION:

If Respondent was served by publication and was not personally served, this court cannot make legal orders, with respect to issues of community property or debt, or spousal maintenance/support. The court reserves jurisdiction until personal service is made upon Respondent to consider the maintenance/ support of spouse, the disposition of community property or debts, and any other relief requested in the Petition or orders deemed necessary by the court.

3. THE COURT FINDS:

- (a) That the marriage of the parties is not a “covenant” marriage.
- (b) At the time this action was filed, one of the parties lived in Arizona for more than 90 days, or had lived in Arizona, while a member of the United States Armed Forces, for more than 90 days.
- (c) The provisions of A.R.S. § 25-381.09 relating to Conciliation Court either do not apply or have been met.
- (d) The marriage is irretrievably broken (the marriage is over).

(e) Where it has the legal power to do so and where it is applicable to the facts of this case, this court has considered, approved, and made orders relating to the issue of spousal maintenance/support, and the division of property and/or debts.

- The parties did **not** acquire any community property or debts 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 property and/or debt, but all community property and/or debt is divided pursuant to this Decree.

(f) Wife **is not** pregnant; **OR**,
 Wife **is** pregnant, and the other party (husband) **IS** or **IS NOT** the father of the child.

(g) The Petitioner, **OR**
 The Respondent

Lacks enough property, including property given to him/her as part of this divorce, to provide for his/her reasonable needs, and is unable to support himself/herself through an appropriate job, or he/she is providing the primary care to a child(ren) of young age or is of a condition that he/she should not be required to look for work outside of the home, or lacks earning ability necessary to support himself/herself, or contributed significantly to the educational opportunities of the other spouse, or had a marriage of long duration and is of an age which may severely limit the possibility of getting a job in order to support himself/herself.

THE COURT ORDERS: (C)

1. The marriage of the parties is dissolved and the parties are restored to the legal status of single persons.

2. **NAMES:**

The name of the Wife or The Husband, whose complete married name is :

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

3. **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) _____ shall be 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, together with the highest legal interest allowed by law.

4. **SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):**

- (a) Neither party shall pay spousal maintenance/support (alimony) to the other party; **OR**,
 - (b) Petitioner, **OR**
 Respondent
- Is ordered to pay Respondent, **OR** Petitioner the sum of \$_____ per month spousal maintenance/support **BEGINNING THE FIRST DAY OF THE MONTH** after this Decree is signed. Each payment shall be made by the first day of each month thereafter and shall continue until the receiving party is remarried, deceased or for a period of _____ months. All payments shall be made through the Support Payment Clearing House by an Income Withholding Order, until all required payments have been made under this Decree. Payments made shall be included in the receiving spouse's taxable income and may be tax deductible from the paying spouse's income, subject to IRS Rules and Regulations.

5. **PROPERTY AND DEBTS:**

- (a) Petitioner is ordered to pay all debts unknown to Respondent.
- (b) Respondent is ordered to pay all debts unknown to Petitioner.
- (c) Each party is ordered to pay his/her debts which he/she incurred since the date of the parties' separation on _____ (date).
- (d) Other orders and relief relating to the division of community property and/or debts which are contained in Exhibit A, is attached and incorporated into and made a part of this Decree.
- (e) Each party is assigned his/her separate property and debts as contained in Exhibit A, which is attached and incorporated into and made a part of this Decree.
- (f) 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.

- (g) For previous calendar years, the parties shall file, subject to IRS Rules and Regulations,
 - joint federal and state income tax returns, and hold the other harmless from half of all additional income taxes and costs, if any, and each party shall share equally in tax refunds, if any,
 - OR**
 - separate federal and state income tax returns.

AND

- This calendar year and continuing thereafter, each party shall file separate tax returns.

AND

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

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

DONE IN OPEN COURT this _____ day of _____, _____. **(D)**

JUDGE OR COURT COMMISSIONER

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

Respondent's Name: _____

Mailing Address: _____

City, State Zip Code: _____

By: _____

EXHIBIT A: PROPERTY AND DEBTS (E)

1. DIVISION OF COMMUNITY PROPERTY: (Be very specific in your description of the property)

- Award each party the personal property in his/her possession, or:
- The community property is awarded to each party as follows:

2. LIST OF COMMUNITY PROPERTY

AWARD TO:

	Petitioner	Respondent
<input type="checkbox"/> Household furniture/furnishings. (Be specific.) _____ _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Appliances. (Be specific.) _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> DVD/VCR/DVR. (Be specific) _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> TV. (Be specific) _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Personal Computer. (Be specific) _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Stereo. (Be specific) _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Cash, bonds of \$ _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continued on attached list.		

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.)

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:

OR

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

4. DIVISION OF REAL PROPERTY: Section A is for one piece of property. Section B is for another piece of property. If you own more than two pieces of property, check the box and attach another sheet of paper with the information requested in Sections A and B.

A. Real property located at (address) _____ and which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

Awarded to Petitioner or Respondent as his/her sole and separate property.

OR

Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to Petitioner.

_____ % or \$ _____ to Respondent.

B. Real property located at (address) _____ and which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

Awarded to Petitioner or Respondent as his/her sole and separate property.

OR

Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to Petitioner.

_____ % or \$ _____ to Respondent.

More than two pieces of property are involved. See attached sheet listing the same information as in Sections A and B.

5. DIVISION OF COMMUNITY DEBTS: (You should see a lawyer about how to divide secured and unsecured debts.)

The community debts shall be divided as follows:

Creditors	Amount Owed	Petitioner	Respondent
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

Continued on attached list.

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.

The separate property is awarded to each party as follows:

Description	Value	Petitioner	Respondent
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

8. SEPARATE DEBT:

The separate debts shall be the responsibility of the person as described below.

Creditors	Amount owed	Petitioner	Respondent
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

Continued on attached list.