LEGAL SEPARATION

WITH MINOR CHILDREN
For Petitioner Only

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1

To File for Legal Separation

Part 1: Petition and First Court Papers
(Forms Packet)

For Child Support and/or Spousal Maintenance you may also need the following forms C17.

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SELF-SERVICE CENTER

INSTRUCTIONS:

HOW TO FILL OUT PAPERS FOR A LEGAL SEPARATION— WITH MINOR CHILDREN

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IMPORTANT INFORMATION: If your spouse does **not** want a "Legal Separation", the Court will not order a legal separation. However, the Court can change the "Petition for Legal Separation" into a "Petition for Dissolution of Marriage" (divorce), if you and/or your spouse have lived in Arizona for the last 90 days prior to filing the "Petition for Legal Separation" and your spouse wants a divorce, **not** a legal separation.

DOMESTIC VIOLENCE: Domestic violence can be part of any marriage. Domestic violence against you and/or your minor children, includes physical acts such as hitting, slapping, pushing and kicking. Verbal abuse and threats of violence, directed at you and/or your minor children, with the intent to control you, is also Domestic violence.

Court documents request your address and phone number. If you are a victim of domestic violence, and you do **not** want your address to be known to protect yourself or your minor children from further violence, **you must file a "Petition for an Order of Protection" and ask that your address <u>not</u> be disclosed on court papers. With that Order, you do not need to put your address and phone number on your court papers**. When asked for that information on Court papers, write **"protected"** in that space. You must tell the Clerk of the Court your address and phone number as soon as possible, so the Court can contact you as needed.

FAMILY COURT / SENSITIVE DATA COVER SHEET

(All Forms: TYPE OR PRINT IN BLACK INK)

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

SUMMONS:

- ✓ Fill in the following information on the "Summons": Your name; street address (**if not protected**); city, state and zip code; telephone number; ATLAS number; name of Petitioner (your name); name of Respondent (your spouse's name). You will have an ATLAS number ONLY if you receive, or have received, AFDC or other public benefits for minor children that are common to you and your spouse.
  Then, write in the Name of the Respondent/Defendant in the space provided. **DO NOT** fill out the rest of the form. The Clerk of Court will complete it later.

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PRELIMINARY INJUNCTION:

- ✓ Fill in the following information on the "Preliminary Injunction:" Your name; street address **(if not protected)**; city; state; zip code; telephone number; ATLAS number; name of Petitioner (your name); name of Respondent (your spouse's name). You will have an ATLAS number ONLY if you receive, or have received, AFDC or other public benefits for children that are common to you and your spouse. Then, fill in the description of the parties including name, gender, height, weight, driver's license number, and date of birth for both you and the other party. The Clerk of the Court will date and sign the Preliminary Injunction.

"PETITION FOR LEGAL SEPARATION -- WITH MINOR CHILDREN:"

STEP	INSTRUCTION
1	Use this form ONLY if you want a legal separation and there are minor children involved that are common to you and your spouse. Make sure your form is titled **"PETITION FOR LEGAL SEPARATION -- WITH MINOR CHILDREN".**
2	In the top left corner of the first page, fill out the following: your name (if you are the person filling out the petition); your address **(if not protected)**; your city, state and zip code; your telephone number; and your ATLAS number, if you are receiving, or have received, AFDC from the Arizona Department of Economic Security. (The space for the attorney bar number is required **only** if an attorney represents you. You must provide this information if you are represented.)
3	Fill in **your** name in the space that says "Name of Petitioner." Remember, you will be the **PETITIONER** for the entire case. (This includes any emergency petitions, temporary petitions, and divorce petitions.) In the space that says "Name of Respondent," fill in the name of your spouse. Your spouse will be the **RESPONDENT** for the entire case. (This includes any emergency petitions, temporary petitions, and divorce petitions.)
4	Leave the Case Number _____ blank. When you file your papers, you will receive a case number.

GENERAL INFORMATION:

1 **Information about you, the Petitioner.** Fill in the Petitioner's name, address **(if not protected)**, date of birth, occupation, and length of time in Arizona.

2 **Information about your spouse, the Respondent.** Fill in the Respondent's name, address, (if you know it) date of birth, occupation, and length of time in Arizona.

3 **Information about your marriage.** Fill in the date that you were married, and the city and state where you were married. If you do not know this information, and you were married in Graham County, you may get a copy of your marriage license from the Clerk of the Court Record Center located at 601 West Jackson Street, in Downtown Phoenix. If you were married in another county in Arizona, go to the Clerk of the Superior Court in the county seat where you were married.

4 **Children common to the parties who are less than 18 years of age.** If there are no children under the age of 18 born to, or adopted by, you and your spouse, you should use the "***Petition for Legal Separation of a Non-Covenant Marriage - Without Children"*** Packet. Otherwise, check the second box and provide the name, birth date and current home address including city, state, and zip code for each child born to, or adopted by, you and your spouse.

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5 **Residency requirements.** This verifies to the Court that you, OR your spouse, have lived in Arizona, or been stationed in Arizona while in the Armed Forces, prior to the day you filed the Petition for Legal Separation. Before you file for Legal Separation, this **MUST** be true. **IF IT IS NOT TRUE, YOU CANNOT FILE FOR LEGAL SEPARATION WITH THIS COURT.**

6 **Desire to live separate and apart.** Your marriage must be irretrievably broken (over) or you and/or your spouse must desire to live separate and apart. If this is **not** a true statement, you **cannot** file for Legal Separation.

7 **Domestic violence.** This tells the Court that there was/is domestic violence in the marriage. Domestic violence affects a request for Joint Legal Decision Making (joint custody) (if you intend to ask for Joint Legal Decision Making). If you are not sure what "domestic violence" means, see the first page of these instructions "Domestic Violence." Check the box that applies to your situation.

8 **Pregnancy**. If the wife **is NOT** pregnant at this time, check the first box and go to paragraph 10. If the wife **is** pregnant, check the second box. Fill out the date the baby is due, and fill in any information regarding the parents of the unborn child.

9 **Spousal maintenance/support** is the term used to describe money paid by one spouse to the other spouse as part of a divorce, annulment, or legal separation. You may know the term as alimony. Spousal maintenance/support is designed as a safety net for a spouse who cannot provide for his/her needs **or** a spouse who meets other requirements listed on the Petition under paragraph 8. The idea behind spousal maintenance/support is that accomplishments during your marriage, including increases in earning potential and living standards, are shared, and earned, by **BOTH** parties to a marriage. Look at paragraph 8 to see if spousal maintenance/support applies to you or your spouse. If spousal maintenance/support applies, check the box that most applies to your situation. If none of the boxes apply, or if you do not want spousal maintenance/ support, check the first box that says neither party is entitled to spousal maintenance/support. Check as many boxes as apply to your situation. **Spousal maintenance/support is paid separately from child support and is not a substitute for, or a supplement to, child support.**

INFORMATION ABOUT PROPERTY AND DEBT: The information you give in paragraphs 10 and 11 tells the Court about your property and debts, and how you think your property and debts should be divided. Community property is any property you and your spouse purchased during your marriage, or paid for during the marriage, no matter who uses the property or who paid the money. Unless property was a gift or inheritance, all property acquired during the marriage is community property, and both you and your spouse are entitled to approximately an equal share of this property. Community debts or bills are any debts or bills you and your spouse acquired during your marriage, no matter who incurred the debt. If you have questions, or have a lot of community property or debt, you should speak with an attorney **BEFORE** filing your Petition and other papers.

You should also know that the Judge will order that the community property rights and liabilities acquired by marriage will end with regard to all property, income, debts and/or liabilities received or incurred after the entry of a "Decree of Legal Separation", **unless** both parties agree to the contrary.

10(a) **Property acquired during the marriage. Community property**. If you and your spouse do not have any property from the marriage, check the first box. If you and your spouse have property together, check the second box. If you checked the second box, you must tell the Court what property should go to you and what property should go to your spouse. Generally, the Court will divide the property 50-50, 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 put some thought into what you think would be a fair division before filling out this section. If you and your spouse cannot decide which spouse should receive what property, the Court will order that the property be sold and any money received, divided between you and your spouse.

First, list the property that you want the Court to award to you, the Petitioner, and list the property that you want the Court to award to your spouse, the Respondent. Put a check in the box that matches the property you want to go to which person. You should describe the property in as specific detail as possible for identification purposes. You can use the brand name and model where applicable, and serial numbers.

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TYPES OF PROPERTY:

a) **Real Property (property, land or home).** Check who you want to get the property. You can ask the Court to give you the property, to give the property to your spouse, or to sell the property and divide the proceeds. You should write the complete address of the property under "Real estate located at." Most property has a legal description such as "LOT 77, PINE TREE ACRES, according to Book 111 of Maps," which appears on your deed papers. **USE THIS LEGAL DESCRIPTION.** A cemetery plot is considered real property.

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

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

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

e) **Pension/retirement fund/profit sharing/stock plans/401K**. You and your spouse each generally have a right to about one-half interest in the other spouse's plan, based upon the number of years you were married. The longer your marriage, the greater your financial interest in your spouse's plan. (Your interest usually includes **up to** 50 percent of the benefits/plan, if you have been married the whole time the plan has existed.) **Check this box if you want to divide your interest in a retirement or profit sharing/retirement/401K plan. If you check this box, you must see an attorney about a document called a Qualified Domestic Relations Order or QDRO. A QDRO is a very specialized legal document that requires professional assistance to prepare.** The Self-Service Center, and the Court, **does not** have Qualified Domestic Relations Order forms.

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

10(b) **Property acquired before marriage. Separate property.** If you did not have, or bring, any property into the marriage, check the first box. If your spouse did not have, or bring, any property into the marriage, check the next box. If you or your spouse brought property into the marriage, check the third and/or fourth box. If you checked the third and/or fourth box, you must tell the Court what property you brought into the marriage and what property your spouse brought into the marriage. List the property that you want the Court to award to you, the Petitioner, and list the property that you want the Court to award to your spouse, the Respondent. Put a check in the box that matches the property you want to go to which person. You should describe the property thoroughly for identification purposes. You can use the brand name and model where applicable, and serial numbers.

11(a) **Debts incurred during the marriage**. If you and your spouse do not owe money on any debts from the marriage, check the first box and go directly to paragraph 11(b). If you and your spouse owe money on any debts from the marriage, check the second box. If you check the second box, tell the Court which debts you should pay and which debts your spouse should pay. The Court will attempt to make a fair division of the debts. If you get property that has a debt on it, you will probably be given the debt as well. Ordering one person to pay all the debts is unusual. Think about what is a fair division of the debts before answering this question. Provide enough information so the Court can properly identify each debt. If you and your spouse have been separated, and have acquired new debts on your own before you filed for legal separation, you may want the Court to order that each of you must pay for any new debts incurred after the date you separated. You can make this request on the last page of your Petition under Letter D "Community Debts."

11(b) **Separate debts. Debts incurred prior to marriage.** If you and your spouse did not owe money or did not bring debts into the marriage, check the first box and GO ON to number 12. If **you** did owe money or if **you** did bring debts into the marriage, check the second box. If your **spouse** owed money or if your **spouse** brought debts into the marriage, check the third box. If either you, or your spouse, owe money on any debts that you or your spouse brought into the marriage, describe the debts, and tell the Court which debts you should pay and which debts your spouse should pay.

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12 **Tax Returns:** Decide what you want to do about any income tax refund you may be entitled to, and how you want to pay your taxes in the future. If you have questions, you should see a lawyer, an accountant, and/or contact the Internal Revenue Service (IRS).

13 **Written Custody Agreement**. Check this box **ONLY** if you and your spouse have a written agreement regarding spousal support, division of property and/or /debts, custody, parenting time and child support that **both you and your spouse have actually signed BEFORE** you filed the Petition for Legal Separation. If you have only discussed these issues and do not have a written agreement, **do NOT** check this box.

OTHER STATEMENTS TO THE COURT. You are telling the Court that you believe the following statements are true:

14 **The conciliation requirements do not apply or have been met.** This means that you do not think marriage counseling through the Court will help you get back with your spouse.

15 **This Court has the power to decide legal decision making (child custody) issues.** This means one of the following things:

1. Arizona is the domicile, or home state, at the time you file the documents. Home state means the state where the minor child lived with his/her parents, a parent, or a person acting as parent for at least six months in a row, prior to filing a Petition for Legal Separation. If the child is less than six months old, the state where the child lived since birth, with any persons mentioned above.

2. It is in the best interest of the minor child(ren), that this Court hears this case, because the minor child(ren), and his or her parents, or the child(ren), and at least one parent, has a significant connection with this state, and there is substantial evidence available in this state concerning the minor child(ren)'s present or future care, protection, training and personal relationships.

3. The minor child is physically present in this state and the minor child and has been abandoned, or it is necessary in an emergency to protect the minor child because he/she has been subjected to, or threatened with, mistreatment or abuse or is otherwise neglected or dependent.

4. It appears that no other state would hear this case or another state has declined to hear this case on the basis that Arizona is the better place to decide the custody ("legal decision making" in Arizona) of the minor child.

If you have questions about what this means, you should see a lawyer for help.

REQUESTS TO THE COURT.

This section requests that the Court grant you, and your spouse, a legal separation and tells the Court other requests you are making:

A **Legal separation**. This is your request to legally separate the parties. If you have questions about the advantages and/or disadvantages of filing for legal separation as compared to divorce, you should see a lawyer for help.

B **Spousal Maintenance/Support.** This tells the Court that you, or your spouse, should pay money to the other spouse on a monthly basis to help with living expenses. Check the first box if neither you, nor your spouse, are going to pay spousal maintenance/support. Check the second box if either you, or your spouse, will be paying spousal maintenance/support. Then check the box to say who will be paying spousal maintenance/support. You can check a box only if you checked the same box in the spousal maintenance/support, Section, paragraph 8.) If you request spousal maintenance/support, choose what you believe to be a reasonable monthly amount, and tell the Court how long the money should be paid. Base the amount of any spousal maintenance/support request, on the receiving party's need, and the income of the spouse paying this money. Spousal maintenance/support is not a substitute for, or a supplement to, court ordered child support.

C **Community property.** This tells the Court that your division of the property is fair, and that the Court should divide the property as requested, by you, in your Petition.

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D **Community debt.** This tells the Court that your division of the debt is fair, and that the Court should divide the debts as requested by you in your Petition. **If you have been separated from your spouse for enough time that you or your spouse may have additional debts, write the date of separation on the line provided, if you want each spouse to pay the debts incurred after you separated.**

E **Separate property.** This states that you will keep the property you owned before the marriage and that your spouse will keep the property he/she owned before the marriage.

F **LEGAL DECISION MAKING (CHILD CUSTODY) AND PARENTING TIME:**

F.1. **Sole Legal Decision Making (custody) of minor children and parenting time**. If you want sole legal decision making, check the box that applies, including the parenting time you are asking for. Tell the Court whether you want custody of the minor children to go to you (the Petitioner) or your spouse (the Respondent).

Parenting time: Check only one box. You can ask that the non-custodial parent (the parent having physical custody of the minor child less than 50% of the time) have one of the following types of parenting time.

PARENTING TIME: Check only one box. You can ask that the non-custodial parent (the parent having physical custody of the minor child less than 50% of the time) have one of the following types of parenting time. If you want to know more about legal decision making and parenting time, refer to "**Planning for Parenting Time: Arizona's Guide for Parents Living Apart**". The ***Guide*** is available for purchase at all Superior Court Self-Service Center locations, **or** may be viewed online and downloaded for **free** from the state courts' web page.

Supervised parenting time to the non-custodial parent. You should request supervised parenting time if the non-custodial parent cannot adequately care for the minor children without another person present. You may request this if the person who does not have legal decision making abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for a minor child without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the minor child.

No parenting time to the non-custodial parent. You should mark this option only if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the minor child's physical and emotional health, or if there is a criminal Court Order stating no contact between the minor child and the non-custodial parent. You may use this as a last resort to protect the minor child.

OR

F.2. **Joint Legal decision Making (Custody):** If you are asking for joint legal decision making, you must file a Parenting Plan that contains a Joint Legal Decision Making Agreement signed by both parents, which the Court must approve. Remember, there can be no significant domestic violence to request joint legal decision making (custody).

G **Child support:** Tell the Court who you think should pay child support. The person who has custody of the minor child(ren), or who has physical care of the minor child(ren) more than 50% of the time, is the person who should receive the support. The other spouse, often called the "non-custodial" parent, must pay the support. The income of the parties generally determines the amount of the support according to court guidelines. You must check only one box.

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H **Insurance and health care expenses for child(ren):** Check only one box. Tell the Court which parent should provide insurance for the minor child(ren). Whichever parent has the most affordable insurance plan available through work generally should pay for insurance. Adjustments can be made to child support to reflect the costs of insurance for the minor child(ren).

I **Tax exemption:** Decide how you and your spouse will declare the tax dependency exemptions, for which minor children, for which years. Federal tax law also determines this for you. If you are not sure, see a lawyer or an accountant for help.

J **Other Orders:** Tell the Court anything else you may want ordered that has not been covered in your Petition.

OATH OR AFFIRMATION AND VERIFICATION OF PETITIONER: Sign this form in front of a notary public. By doing so, you are telling the Court that everything contained in the Petition is true.

AFFIDAVIT REGARDING MINOR CHILDREN: Fill out this form completely and accurately. Provide all information requested, including that about court cases involving the minor children and where the children have lived for the past five (5) years (or since birth if younger than five).

ORDER and NOTICE REGARDING THE PARENT INFORMATION PROGRAM: This is an important document. You and the other parent must attend and complete a class in the Parent Information Program. It was designed to help you. The purpose of the Parent Information Program is to give parents information about the impacts that legal separation, the changes in the family unit, and court involvement have on children involved in a legal separation, paternity, or custody case. This Order and Notice applies to all parents who file an action for dissolution of marriage or legal separation, or any paternity proceeding, in which a party has requested that the court determine legal decision making or parenting time on or after January 1, 1997, and to all other domestic relations cases if ordered by the Court. **Make sure you read this notice and serve this order and notice on the other party.**

NOTICE REGARDING CREDITORS: This is an important document that tells you and your spouse that you are responsible for community debts to creditors even though the Court order or decree says that only one of you (either you or your spouse) are responsible. This notice must be served on your spouse. In addition, read this notice to find out how to obtain information from your creditors about account balances.

OTHER IMPORTANT PAPERS IN THIS PACKET: Before you get an order from the judge you must complete the court papers on what you want the judge to order about legal decision making (custody) and access (parenting time), and for child support. The court papers you need, with guidelines and/or instructions, are included in packet 4. These court forms, and those prepared by the other party, are what the judge will use when it is time to sign the order about legal decision making, parenting time, and support. You can complete the papers about legal decision making, parenting time and support now, and serve or provide copies to the other party. Or, you can complete the papers before the final court hearing date. Family Court Clerk Services of the Clerk of the Court will help you with Child Support calculations for the Worksheet.

NEXT STEP: After you fill out all of the forms in this packet, read the form called Procedures: How to File Legal Separation with Children Papers with the Court.

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PROCEDURES: HOW TO FILE PAPERS FOR LEGAL SEPARATION WITH MINOR CHILDREN WITH THE COURT

STEP 1: **Complete the "Family Court Cover Sheet/ Sensitive Data Sheet". (Do not copy this document)**

Make 2 copies of the following documents after you have filled them out:

- ***"Summons"***
- ***"Preliminary Injunction"***
- ***"Petition for Legal Separation with Minor Children"***
- ***"Affidavit of Minor Children"***
- ***"Order and Notice for the Parent Information Program"***
- ***"Notice Regarding Creditors"***

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

SET 1 - ORIGINALS FOR THE CLERK OF THE COURT:

- ***"Family Court Cover Sheet / Sensitive Data Sheet" DO NOT COPY OR SERVE THIS FORM***
- ***"Summons"***
- ***"Preliminary Injunction"***
- ***"Petition for Legal Separation With Minor Children"***
- ***"Affidavit of Minor Children"***
- ***"Order and Notice for the Parent Information Program"***

SET 2 - COPIES FOR SPOUSE:

- ***"Summons"***
- ***"Preliminary Injunction"***
- ***"Petition for Legal Separation With Minor Children"***
- ***"Affidavit of Minor Children"***
- ***"Order and Notice for the Parent Information Program"***
- ***"Notice Regarding Creditors"***

SET 3 - YOUR COPIES:

- ***"Summons"***
- ***"Preliminary Injunction"***
- ***"Petition for Legal Separation With Minor Children"***
- ***"Affidavit of Minor Children"***
- ***"Order and Notice for the Parent Information Program"***
- ***"Notice Regarding Creditors"***

STEP 3: **GO TO THE COURT TO FILE YOUR PAPERS:**

The court is open from 8:00 a.m. – 5:00 p.m., Monday-Friday. **You should go to the court at least two hours before it closes**. You may file your court papers at:

GRAHAM COUNTY CLERK OF THE COURT
800 WEST MAIN STREET
SAFFORD, ARIZONA 85546

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FILE: **Go to the Clerk of the Court filing counter at any of the locations listed.**

FEES: A list of current fees is available from the Self Service Center and from the Clerk of Court's website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of the Court. Deferral Applications are available at no charge from the Self-Service Center.

PAPERS: Hand all three (3) sets of your court papers to the Clerk along with the filing fee.

MAKE SURE YOU GET BACK THE FOLLOWING FROM THE CLERK:

- ✓ Your Set of Copies
- ✓ Your Spouse's Set of Copies

STEP 4: **Read the packet called "Service of Court Papers" that applies to your situation at the Self-Service Center to find out how to serve the other party. Once the other party is served with the court papers make sure you immediately file the affidavit, waiver or acceptance of service with the Clerk of the Court.**

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PETITION AND PAPERS FOR LEGAL SEPARATION WITH MINOR CHILDREN

CHECKLIST

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

- ✓ You want to file for legal separation because:
  - ✓ You and your spouse desire to live separate and apart, ***or***
  - ✓ Your marriage is irretrievably broken (can't be fixed) **but** you are **not** ready to file for divorce;

  (Note: You do *not* have to file for legal separation before filing for divorce); **AND**

Warning: If *the other party* does not want a Legal Separation, the Court may change the Petition for Legal Separation into a Petition for Divorce *if* *you and/or your spouse have lived in Arizona for the last 90 days prior to filing the Petition for Legal Separation.*

- ✓ You do **not** have a "covenant" marriage, or since you were married you have **not** agreed to *change* your marriage to a "covenant" marriage (These papers will ***not*** work for a covenant marriage.)***** **AND**
- ✓ You or your spouse either live in Arizona or are a member of the armed services stationed in Arizona; **AND**
- ✓ You and your spouse have minor children with each other OR the wife is pregnant by the husband **AND**
- ✓ The minor children have resided (lived) in Arizona at least 6 months before you will file the Petition for Legal Separation or you talked to a lawyer who advised you that even so you could pursue the case in Arizona.

***WHAT IS A "COVENANT MARRIAGE"? To have a covenant marriage, both husband and wife would have had to:**

1. **Sign papers (essentially a contract) requesting a covenant marriage;**
2. **Attend pre-marital counseling; *AND***
3. **Your marriage license would say "Covenant Marriage."**

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

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.

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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 GRAHAM COUNTY

_____
Petitioner

_____
Respondent

Case No. _____

ATLAS No. _____

FAMILY COURT / SENSITIVE DATA COVERSHEET WITH CHILDREN
(CONFIDENTIAL RECORD)

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

A. Personal Information:	**Petitioner**	**Respondent**
Name		
Gender	☐ **Male or** ☐ **Female**	☐ **Male or** ☐ **Female**
Date of Birth (Month/Day/Year)		
Social Security Number		

WARNING: DO NOT INCLUDE MAILING ADDRESS ON THIS FORM IF REQUESTING ADDRESS PROTECTION

Mailing Address		
City, State, Zip Code		
Contact Phone		
Email Address		
Current Employer Name		
Employer Address		
Employer City, State, Zip Code		
Employer Telephone Number		
Employer Fax Number		

B. Child(ren) Information:

Child Name	Gender	Child Social Security Number	Child Date of Birth

C. Type of Case being filed - Check only one category.

Check only if no other category applies

Interpreter Needed: ☐ **Yes** ☐ **No**

☐	**Dissolution (Divorce)**	☐	**Paternity**	**If yes, what language?**
☐	**Legal Separation**	☐	***Legal Decision Maker (Custody)/Visitation**	
☐	**Annulment**	☐	***Child Support**	☐ **Register Foreign Order**
☐	**Order of Protection**	☐	**Other**	

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Person Filing: _____
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 GRAHAMCOUNTY

_____
Name of Petitioner

Case No.: _____

SUMMONS

And

_____
Name of Respondent

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

FROM THE STATE OF ARIZONA TO: _____
Name of Respondent

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

2. **If you do not want a judgment or order taken against you without your input, you must file an *"Answer"* or a *"Response"* in writing with the court, and pay the filing fee. If you do not file an *"Answer"* or *"Response"* the other party may be given the relief requested in his/her Petition or Complaint. To file your *"Answer"* or *"Response"* take, or send, the *"Answer"* or *"Response"* to the:**

GRAHAM COUNTY CLERK OF THE COURT
800 WEST MAIN STREET
SAFFORD, ARIZONA 85546

Mail a copy of your *"Response"* or *"Answer"* to the other party at the address listed on the top of this Summons.

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

4. **You can get a copy of the court papers filed in this case from the Petitioner at the address listed at the top of the preceding page, from the Clerk of the Superior Court's Customer Service Center at:**

GRAHAM COUNTY CLERK OF THE COURT
800 WEST MAIN STREET
SAFFORD, ARIZONA 85546

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

6. **Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least ten (10) judicial days before your scheduled court date.**

7. **Requests for an interpreter for persons with limited English proficiency must be made to the office of the judge or commissioner assigned to the case at least ten (10) judicial days in advance of your scheduled court date.**

SIGNED AND SEALED this date _____

HEIDI TORRIO, CLERK OF COURT

By_____
Deputy Clerk

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Person Filing: _____
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

_____
Name of Petitioner

Case Number:_____

PRELIMINARY INJUNCTION

AND

_____
Name of Respondent

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. **DESCRIPTION OF THE PARTIES:**

Petitioner:

Name:_____ Gender: ☐ Male ☐ Female

Height:_____ Weight:_____

Driver's License (**last 4 nos**.)_____

Date of Birth:_____

Respondent:

Name:_____ Gender: ☐ Male ☐Female

Height:_____ Weight:_____

Driver's License (**last 4 nos**.)_____

Date of Birth:_____

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this _____ day of _____,_____.

Clerk of the Superior Court

By:_____, Deputy Clerk

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Person Filing: _____
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

_____
Petitioner

_____
Respondent

Case Number: _____

ATLAS Number: _____
(if applicable)

PETITION FOR LEGAL SEPARATION WITH MINOR CHILDREN

STATEMENTS MADE TO THE COURT, UNDER OATH OR AFFIRMATION:

GENERAL INFORMATION:

1. INFORMATION ABOUT ME, THE PETITIONER

Name: _____

Address _____

Date of Birth _____

Job Title: _____

I have lived in Arizona for ____ years and/or ____ months

2. INFORMATION ABOUT, MY SPOUSE, THE RESPONDENT:

Name: _____

Address _____

Date of Birth _____

Job Title: _____

Respondent has lived in Arizona for ____ years and/or ____ months

3. INFORMATION ABOUT MY MARRIAGE:

Date of Marriage: _____

City and state, or country where we were married: _____

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4. 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 PETITION PACKET TO GET A LEGAL SEPARATION WITHOUT CHILDREN.

☐ The following child(ren) is (are) under age 18 and were born to or adopted by my spouse and me: (Attach extra pages if necessary).

Child's Name: _____
Birthdate: _____
Address: _____
Length of Time at Address: _____

Child's Name: _____
Birthdate: _____
Address: _____
Length of Time at Address: _____

Child's Name: _____
Birthdate: _____
Address: _____
Length of Time at Address: _____

Child's Name: _____
Birthdate: _____
Address: _____
Length of Time at Address: _____

5. RESIDENCY REQUIREMENT. When I file this document with the Court, either ☐ I **or** ☐ my spouse live or are stationed while a member of the Armed Forces, in Arizona. **(WARNING: If this statement is not true, you cannot file for legal separation until it becomes true.)**

6. DESIRE TO LIVE SEPARATE AND APART. My marriage is irretrievably broken (my marriage is over) or I and/or my spouse desire to live separate and apart. (This must be a true statement or you cannot file for a Petition for Legal Separation.)

7. DOMESTIC VIOLENCE. (*If you intend to ask for joint legal decision-making authority (custody)* there must have been no "significant" domestic violence in your marriage. A.R.S. 25-403.03. Check the box that makes a true statement):
Significant domestic violence ☐ ***has*** **OR** ☐ ***has not*** occurred during this marriage.

8. PREGNANCY.

☐ Wife is not pregnant, OR

☐ Wife is pregnant

The baby is due on _____ (date), (and, check one box below):

☐ The Petitioner and Respondent are the parents of the child, OR

☐ Petitioner is not the parent of the child, OR.

☐ Respondent is not the parent of the child.

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9. SPOUSAL MAINTENANCE (ALIMONY). (Check the box that applies to you):

☐ Neither party is entitled to Spousal Maintenance (alimony), **OR**

☐ Petitioner **OR** ☐ Respondent is entitled to Spousal Maintenance because: (Check one or more of the box(es) below that apply. At least one reason 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(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
- ☐ Person lacks earning ability in the labor market adequate to support himself or herself; and,
- ☐ Person contributed to the educational opportunities of the other spouse or had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself or herself.

INFORMATION ABOUT PROPERTY AND DEBTS:

10(a) PROPERTY ACQUIRED DURING THE MARRIAGE. (Check one box)

☐ My spouse and I did not acquire community property during the marriage, **OR**

☐ My spouse and I acquired community property during our marriage, and we should divide it as follows: (List the property and the value of the property, and check the box to tell the Court who should get the property.)

WARNING: You must be specific. You must describe the property that should go to you and then check the box, and describe the property that should go to your spouse, and check the box. For example, under household furnishings you could say, blue and white living room sofa, and then check the box to say whether it should go to you or to your spouse. Never list an item and then check both the Petitioner box and the Respondent box.

DESCRIPTION OF PROPERTY/ VALUE OF PROPERTY:	**You, Petitioner**	**Your Spouse** (Respondent)	**Value**
☐ Real estate at:_____	☐	☐	$_____
Legal Description:_____			
☐ Real estate at:_____	☐	☐	$_____
Legal Description:_____			

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DESCRIPTION OF PROPERTY/ VALUE OF PROPERTY:	You, Petitioner	Your Spouse (Respondent)	Value
☐ Household furniture and appliances:			
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
☐ Household furnishings:			
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
☐ Other items:			
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
☐ Pension/retirement fund/profit sharing / stock plan/401K:			
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

DESCRIPTION OF PROPERTY/	You, Petitioner	Your Spouse (Respondent)	Value
☐ Motor vehicles:			
Make _____	☐	☐	$_____
Model_____ Year_____			
VIN _____			
Lien Holder_____			
Make _____	☐	☐	$_____
Model _____ Year_____			
VIN_____			
Lien Holder_____			

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10(b) PROPERTY ACQUIRED BEFORE MARRIAGE. (Check all boxes that apply.)

☐ I do not have any property that I brought into the marriage (separate property).

☐ My spouse, the Respondent does not have any property that he or she brought into the marriage. (separate property).

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

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

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

DESCRIPTION OF PROPERTY	You, Petitioner	Your Spouse, (Respondent)	Value
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

11(a) DEBTS INCURRED DURING THE MARRIAGE. (check one box)

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

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

_____

_____

_____

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DESCRIPTION OF DEBT	You, Petitioner	Your Spouse, (Respondent)	Amount
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

11(b) SEPARATE DEBTS. (Check all boxes that apply.)

☐ My spouse and I do not have any debts that were incurred prior to the marriage, **OR**

☐ I have separate debt that I incurred prior to the marriage which should be paid by me as described below:

☐ My spouse has separate debt that he or she incurred prior to the marriage which should be paid by my spouse as described below:

DESCRIPTION OF DEBT	You, Petitioner	Your Spouse, (Respondent)	Amount
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____
_____	☐	☐	$_____

12. TAX RETURNS.

After the Judge or Commissioner signs the Order of Legal Separation, the parties will file state and federal taxes as follows:

_____

_____

_____

_____

13. WRITTEN AGREEMENT. CHECK ONLY IF TRUE:

☐ My spouse and I have a written agreement signed by both of us about the maintenance of a spouse, division of property/debt, where the children will live, authority for legal decision-making concerning the children (legal custody), parenting time, and child support, and I have attached a copy of the written agreement.

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OTHER STATEMENTS TO THE COURT UNDER OATH OR AFFIRMATION: You must tell the court the truth. Lying to the court is a crime and the court can punish you for lying. To file for legal separation, you must be able to tell the Court that the following statements are true. If the statements are not true, you cannot file for legal separation until the statements are true. Check the box in front of each statement if the statement is true. If you do not understand what the statements mean, read the instructions that go along with the Petition for Legal Separation.

14. ☐ **TRUE** **The conciliation requirements under Arizona law either do not apply or have been met.**

15. ☐ **TRUE** **This court has jurisdiction to decide legal decision-making authority (custody) matters under Arizona law.**

REQUESTS TO THE COURT

A. LEGAL SEPARATION: An order of legal separation.

B. SPOUSAL MAINTENANCE/SUPPORT: ☐ **Order neither party to pay spousal maintenance OR** ☐ **Order spousal support to be paid by** ☐ **Petitioner, or** ☐ **Respondent in the amount of $**_____ per month beginning with the first day of the month after the Judicial Officer signs the Decree and continuing until the person receiving spousal maintenance is remarried or deceased, or for a period of _____months. These payments, and a fee for handling, will be paid through the Support Payment Clearinghouse.

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

D. COMMUNITY DEBTS: Order each party to pay community debts as requested in the 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 separation on (date): _____.

E. SEPARATE PROPERTY: Award each party his or her separate property.

F. PRIMARY RESIDENTIAL PARENT, PARENTING TIME, AND AUTHORITY FOR LEGAL DECISION MAKING (CUSTODY): Declare which parent shall be designated as "Primary Residential Parent" for each minor child as follows:

☐ Declare **Mother** as primary residential parent for the following named children:

_____

☐ Declare **Father** as primary residential parent for the following named children:

_____

subject to parenting time, as follows:

F.1. PARENTING TIME: Award parenting time as follows:

☐ **Reasonable parenting time** rights to the non-primary residential parent, **OR**

☐ **Supervised parenting time** between the children and ☐ Mother OR ☐ Father, **OR**

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☐ **No parenting time** rights to the ☐ Mother **OR** ☐ Father.

Supervised or no parenting time is in the best interests of the child(ren) because: *

_____

_____

_____

☐ Explanation continues on attached pages made part of this document by reference.

a. Name this person to supervise: _____

b. Restrict parenting time as follows: _____

_____

_____

c. Order cost of supervised parenting time (if applicable) to be paid by:

☐ Mother

☐ Father, **OR**

☐ Shared equally by the parties.

F.2. AUTHORITY FOR LEGAL DECISION MAKING (CUSTODY)**: Award legal authority to make decisions concerning the child(ren) as follows:**

☐ **AWARD SOLE AUTHORITY FOR LEGAL DECISION-MAKING to**: ☐ **Mother** ☐ **Father**

OR

☐ **AWARD JOINT AUTHORITY FOR LEGAL DECISION MAKING to BOTH PARENTS.**
Mother and Father will agree to act as joint legal decision makers concerning the minor child(ren) and will submit a Parenting Plan and Joint Legal Decision Making Agreement signed by the both parties. (For the court to order "joint" legal decision making, there must have been no "significant" domestic violence according to Arizona law, A.R.S. § 25-403.03)

G. CHILD SUPPORT: Order that child support will be paid by: ☐ Mother **OR** ☐ Father in a reasonable amount as determined by the Court under the Arizona Child Support Guidelines. (I will attach the Child Support Order to the Decree). Support payments will begin on the first day of the first month following the entry of the decree. These payments, and a fee for handling, will be paid through the Support Payment Clearinghouse and collected by automatic Income Withholding Order.

H. MEDICAL, DENTAL, VISION CARE FOR MINOR CHILDREN: Order that:

☐ **Mother** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

☐ **Father** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

Mother and Father will pay for all reasonable unreimbursed medical, dental, and health-related expenses incurred for the child(ren) in proportion to their respective incomes as described in the Parents' Worksheet, which I will submit with the Decree.

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I. TAX EXEMPTION: Order that the parties will claim the income tax dependency exemption for the minor child(ren) on federal and state income tax returns as allowed by federal and state tax laws and as follows. Parent entitled to claim exemption for each child is entered as "**M**" for Mother and "**F**" for Father.

Parent entitled to claim		Name of Child	Starting Tax Year:
☐ **M**	☐ **F**	_____	☐ Every Year ☐ Every Other
☐ **M**	☐ **F**	_____	☐ Every Year ☐ Every Other
☐ **M**	☐ **F**	_____	☐ Every Year ☐ Every Other
☐ **M**	☐ **F**	_____	☐ Every Year ☐ Every Other
☐ **M**	☐ **F**	_____	☐ Every Year ☐ Every Other

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

_____

_____

_____

_____

UNDER OATH OR BY AFFIRMATION

I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

_____ Date

_____ Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by

(date)

_____.

(notary seal)

_____ Deputy Clerk or Notary Public

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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**

SUPERIOR COURT OF ARIZONA
IN GRAHAM COUNTY

_____
Name of Petitioner

_____
Name of Respondent

Case Number: _____

ATLAS Number: _____
(if applicable)

AFFIDAVIT REGARDING MINOR CHILDREN

NOTICE: This *"Affidavit Regarding Minor Children"* is required for all legal decision making (custody) cases. If you are asking to modify an existing Arizona legal decision making (custody) order, it is only required if the children have lived outside the state at some time in the last 5 years.

Fill out this Affidavit completely, and provide accurate information. Use additional paper if necessary. You must give copies of this Affidavit and all other required documents to the other party, and to the judge.

1. CHILDREN OF THE PARTIES WHO ARE UNDER 18 YEARS OLD. The following child(ren) are under age 18 and were born to, or adopted by, me and the other party.

Name:_____ Name:_____

Birthdate:_____Age:_____ Birthdate:_____Age:_____

Name:_____ Name:_____

Birthdate:_____Age:_____ Birthdate:_____ Age:_____

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2. INFORMATION REGARDING WHERE THE CHILDREN UNDER 18 YEARS OLD HAVE LIVED FOR THE LAST 5 YEARS (or since birth, if younger than 5).

Child's Name:_____ Dates: From_____ To_____

Address:_____ Lived with:_____

City, State:_____ Relationship to Child:_____

Child's Name:_____ Dates: From_____ To_____

Address:_____ Lived with:_____

City, State:_____ Relationship to Child:_____

Child's Name:_____ Dates: From_____ To_____

Address:_____ Lived with:_____

City, State:_____ Relationship to Child:_____

3. COURT CASES IN WHICH I HAVE BEEN A PARTY/WITNESS THAT INVOLVED THE LEGAL DECISION MAKING (CUSTODY) AND/OR PARENTING TIME OF THE MINOR CHILD(REN). (Check one box.)

☐ I have or ☐ I have **not** been a party/witness in court in this state or in any other state that involved the legal decision making (custody) and/or parenting time of the child(ren) named above. (If so, explain on separate paper. If not, go on.)

Name of each child:_____

Name of Court:_____ Court Location:_____

Court Case Number:_____ Current Status:_____

How the child is involved:_____

Summary of any Court Order:_____

4. INFORMATION REGARDING PENDING COURT CASES RELATED TO THE LEGAL DECISION-MAKING AUTHORITY (CUSTODY) OF THE MINOR CHILD(REN). (Check one box.)

☐ I do have or ☐ I do not have information about a legal decision making (custody) court case

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relating to any of the children named above that is pending in this state or in any other state. (If so, explain. If not, go on.)

Name of each child:_____

Name of Court:_____ Court Location:_____

Court Case Number:_____ Current Status:_____

How the child is involved:_____

Summary of any Court Order:_____

5. LEGAL DECISION-MAKING (CUSTODY) OR PARENTING TIME CLAIMS OF ANY PERSON. (Check one box.)

☐ I do know or ☐ I do not know a person other than the Petitioner or the Respondent who has physical custody or who claims legal decision-making (custody) or parenting time rights to any of the children named in this Affidavit. (If so, explain below. If not, go on.)

Name of each child:_____

Name of person with the claim: _____

Address of person with the claim:_____

Nature of the claim:_____

OATH OR AFFIRMATION AND VERIFICATION

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

_____ _____

Signature Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by

(date)

_____.

(notary seal) _____

Deputy Clerk or Notary Public

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SUPERIOR COURT OF ARIZONA
IN GRAHAM COUNTY

_____
Name of Petitioner

Case Number _____

_____
Name of Respondent

ORDER AND NOTICE TO ATTEND PARENT INFORMATION PROGRAM CLASS

THIS IS AN OFFICIAL COURT ORDER. IF YOU FAIL TO OBEY THIS ORDER, THE COURT MAY FIND YOU IN CONTEMPT OF COURT.

THE COURT FINDS:

This case involves minor child(ren) and is an action for:

- ☐ Dissolution of Marriage;
- ☐ Legal Separation, or
- ☐ Paternity with a Request to Determine Legal Decision-Making Authority (Custody) or Parenting Time or Child Support;
- ☐ Request to Determine Legal Decision-Making Authority (Custody) or Parenting Time or Support.

THE COURT ORDERS pursuant to ARS §25-352:

1. **ATTEND CLASS**. You must attend and complete the Parent Information Program Class.

2. **WITHIN 45 DAYS**. Both the Petitioner and the Respondent **must** complete this class within 45 days from the date the Respondent is served with, or accepts service of, the Petition/Complaint. The Respondent must register for and complete the course whether or not a "***Response***" or "***Answer***" to the Petition/Complaint is filed.

3. **PAY THE CLASS FEE**. Each party must pay the class fee to the Program Provider.
   *If the court fees in your Family Court case have been deferred or waived, you are eligible to have the PIP program fees deferred or waived, respectively. You must provide documentation of your deferral or waiver to the PIP program provider at the time you register for the class.

4. **FILE CERTIFICATE OF COMPLETION**. Both the Petitioner and the Respondent must each file a "***Certificate of Completion***" with the Clerk of the Court immediately after completing the class and prior to receiving the final judgment/order/decree in the case.

5. **FAILURE TO ATTEND CLASS**. If you file a Petition/Complaint or ***"Response"*** or ***"Answer"*** and do **not** complete the Parent Information Program Class, the judge **may not** sign your papers and you **may not** get the things you asked the court to give you. You may also be denied the right to seek modification and/or enforcement of the decree/judgment/order until completion of the class. If you are the party required to file a Response/Answer and choose not to file a "***Response***" or "***Answer***", and do not complete the Parent Information Program Class, **you may be denied** the right to seek modification and/or enforcement of the decree/judgment/order until completion of the class.

PRESIDING SUPERIOR COURT JUDGE

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For Clerk's Use Only

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**

SUPERIOR COURT OF ARIZONA
IN GRAHAM COUNTY

_____
Name of Petitioner

Case Number:_____

NOTICE REGARDING CREDITORS

_____
Name of Respondent

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

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

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

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

The following page contains a sample form you *may* choose to mail to creditors to get information about debts owed by you or your spouse. It is not a required form. DO NOT FILE THE *NEXT* PAGE WITH THE COURT.

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Case No. _____

REQUEST FOR ACCOUNT INFORMATION FROM CREDITORS

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

DATE:_____

CREDITOR'S NAME:_____

CREDITOR'S ADDRESS:_____

Regarding: Superior Court of Arizona in Graham County

Case Name:_____

Case Number:_____

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

INFORMATION ABOUT DEBTORS/SPOUSES:

Your Name:_____

Your Address:_____

_____

Your Phone Number:_____

Your Spouse's Name:_____

Your Spouse's Address:_____

INFORMATION ABOUT THE ACCOUNT:

Account Number(s):_____

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

Sincerely,

Your name:_____

Your signature:_____

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