

## INSTRUCTIONS

**Protecting Your Address:** If the other party has committed or threatened to commit physical violence against you or your children, and you do not want the other party to know your address: 1) use a post office box on all your court forms or 2) see Rule 7, Arizona Rules of Family Law Procedure. See the Self-Help Center *Arizona Order of Protection Packet* if you need a court to order the other party to stay away from you.

**STEP 1: READ THE CONCILIATION COURT FACT SHEET**

**STEP 2: READ THIS INFORMATION ABOUT GROUP HEALTH BENEFITS**

**Continuing group health benefits:** In many cases, federal law lets an employee's spouse and children temporarily continue group health benefits under the employer's plan after the employee and spouse are legally separated or divorced. To qualify for this extension, you or your spouse must notify the employer of your separation or divorce within 60 days of the court's signing the Decree that ends your case. The beneficiary must pay the entire premium of the continued coverage; the employer makes no contribution.

**STEP 3: READ THE NOTICE ON PARENT INFORMATION CLASS**

**STEP 4: DECIDE ON CUSTODY AND PARENTING TIME**

You will enter this information on the Petition later in these instructions.

**Joint Legal Custody:** Both parents must want joint custody and agree on all major issues regarding parenting time, education, religion, and medical decisions. The court will not order joint custody if the court determines there has been significant domestic violence. Joint legal custody does not necessarily mean equal parenting time and does not change either parent's duty to pay child support.

**Sole Legal Custody:** The parent with sole custody will make the major decisions in the children's lives. Parents still must exchange health care, school, and other important information about the children, and the parent without sole custody can usually get the information directly from the medical providers and schools.

**Parenting Time (Visitation):** For both joint and sole custody, use the MODEL PARENTING TIME PLANS in this packet to develop a parenting time plan appropriate for your family. If unsupervised parenting time would seriously endanger the children, you may request supervised or no parenting time for the other parent. There must be good reasons for these extreme restrictions, such as sexual crimes, child abuse or domestic violence, persistent drug or alcohol abuse, or serious mental or physical problems that make parenting risky or impossible. If you request supervised parenting time, decide who will supervise and who will pay for the supervision if payment is necessary.

**STEP 5: IF YOU AND THE OTHER PARENT WANT JOINT CUSTODY:  
FILL OUT THE PARENTING PLAN JOINT CUSTODY AGREEMENT**

Follow these instructions to list your and the other party's agreements on the Parenting Plan and Joint Custody Agreement.

- (1) Enter each parent's name; street address; city, state, and zip code; and phone number.
- (2) Enter Petitioner's and Respondent's names and the case number if you have one.
- (3) Enter the name of each biological or adopted child under age 18 of you and the other parent.
- (4) Check the box indicating the physical custody you want.
- (5) Enter when the children will be in Father's care. Check the box indicating how the children will be delivered at the start of this period, and enter when and where they will be delivered.
- (6) Enter when the children will be in Mother's care. Check the box indicating how the children will be delivered at the start of this period, and enter when and where they will be delivered.
- (7) If parenting time will be different during summer months or school breaks longer than four days not listed in the "Holiday" section, check the box, and check the box indicating who will have the children during those periods.
- (8) If each parent will have an annual vacation with the children, check the box, and enter the length of the vacation and how many days in advance the parents will work out the details of the vacation.
- (9) If the parents' out-of-state travel with the children will be restricted as listed, check the box, and enter how long parents may travel out-of-state with the children before the restrictions apply.
- (10) For each holiday for which parenting time will be different from the normal schedule, check the box indicating who will have the children during even and odd years.
- (11) If Mother will have the children on Mother's Day and Father on Father's Day, check the box.
- (12) If each parent will have the children on that parent's birthday, check the box.
- (13) If, on three-day holiday weekends, the children will remain with the parent who has them for the weekend, check the box.
- (14) Enter the start and end times of holiday parenting periods.
- (15) Enter any other parenting plan details.
- (16) Check the box indicating the phone access you want. If you check "Other", explain.
- (17) Check the box indicating the religious arrangement you want. If you check "instructed in the following faith", enter that faith.
- (18) Enter when the parents will review the Plan.
- (19) Read the Plan and make sure that you understand everything in it and that everything in it is true. Date and sign. Have the other parent date and sign.

**STEP 6: READ THE NOTICE OF RIGHT TO CONVERT HEALTH INSURANCE**

**STEP 7: READ THE NOTICE REGARDING COMMUNITY DEBTS**

**STEP 8: DECIDE HOW TO DIVIDE PROPERTY AND DEBTS**

You will enter this information on the Petition later in these instructions.

**Community Property and Debts:** In general, community property is property (other than a gift or inheritance to one party) that you and your spouse acquire after you were married and before one spouse serves divorce papers on the other. See the Petition for a list of types of community property. One type

of community property is retirement benefits (pension/retirement fund/profit sharing/stock plans/401k). Division of retirement benefits is a complicated area of the law. After the judge divides the retirement benefits, you will have to contact an attorney, accountant, or company representative to get the documents needed to access the retirement monies.

In general, community debts are debts you and your spouse acquire after you were married and before one spouse serves divorce papers on the other, no matter who spent the money. Generally, the court will order a fair division and will not give most or all of the property or debts to one spouse. If you and/or your spouse still owe money on a piece of property, the court will probably give that debt to the same spouse who gets that property. You may ask that real property be sold and the proceeds divided between you and your spouse. Community property and debts you fail to list on the Petition will be considered still owned or owed by both you and your spouse.

**Separate Property and Debts:** In general, separate property is property you or your spouse acquire before you were married, after one spouse serves divorce papers on the other, or as an inheritance or gift to one party. Separate property may become commingled community property in some circumstances.

In general, separate debts are debts you or your spouse acquire before you were married or after one spouse serves divorce papers on the other.

The court usually will confirm that your separate property and debts are yours and your spouse's separate property and debts are your spouse's.

#### **STEP 9: FILL OUT THE DOMESTIC RELATIONS COVER SHEET**

You are the Petitioner. Your spouse is the Respondent. Fill in as much information as you know.

#### **STEP 10: FILL OUT THE CONFIDENTIAL SENSITIVE DATA FORM**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name.
- (3) Enter the other party's name.
- (4) Enter the name, birthdate, and social security number of yourself, the other party, and each biological or adopted child of you and the other party who is under 18 or 18 and in high school.

#### **STEP 11: FILL OUT THE PETITION FOR DIVORCE WITH CHILDREN**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your and your spouse's names.
- (3) Enter your name, address, birthdate, phone number, and job title. Enter the number of years and/or months you have lived in Arizona in a row to date. If you don't live in Arizona now, check the box indicating whether you lived in Arizona at some time during your marriage.
- (4) Enter your spouse's name, address, birthdate, phone number, and job title. Enter the number of years and/or months your spouse has lived in Arizona in a row to date. If your spouse doesn't live in Arizona now, check the box indicating whether your spouse lived in Arizona at some time during your marriage.
- (5) Enter the date and location (city and state or country) of your marriage.

- (6) Check the box indicating whether the wife is pregnant. If yes, enter the baby's due date, and check the box indicating whether the husband is believed to be the father.
- (7) For each biological or adopted child under age 18 of you and your spouse, enter the name and birthdate, and list the addresses where the child lived over the last five years, the years they lived there, and who they lived with.
- (8) If you and your spouse have a biological or adopted child who is 18 and in high school, enter the child's name and birthdate, and list the addresses where the child lived over the last five years, the years they lived there, and who they lived with.
- (9) Check the box indicating whether you have participated in a court case about the custody or parenting time of any of the children (including dependency and guardianship). If yes, enter the child's name, the case number, the court's name, the date of any child custody determination, and a summary of any court orders. If you don't know all the details, call the court where the case occurred and get the case number and court's address.
- (10) Check the box indicating whether another court case involving any of the children, but not about custody or parenting time, could affect this case, including cases about child support, enforcement of court orders, domestic violence, protective orders, adoption, terminating parental rights, and criminal matters. If yes, enter the child's name, case number, and court name, and check the box indicating what the case is about. If you check "other", explain.
- (11) Check the box indicating whether someone other than you or the other parent has physical custody or claims rights of legal or physical custody or visitation with any of the children. If yes, enter the child's name, other person's name and address, and nature of the claim.
- (12) Check the box indicating whether Arizona Child Support Enforcement has been involved in establishing spousal maintenance for you or the other parent or paternity or child support for any of the children. If yes, enter the child's name if applicable, the court's name, and the case number.
- (13) If you and the other parent want joint custody, check the box.
- (14) If you want one parent to have sole custody, check the box. Check the box indicating who should have sole custody.
- (15) If you checked sole custody and you want the non-custodial parent to have parenting time, check the box, and enter the details of the parenting time plan.
- (16) If you checked sole custody and you want restrictions on the parenting time you described above, check the box. Enter why unrestricted parenting time would endanger the children. Enter the name of the person who will supervise parenting time. Enter the restrictions. Check the box indicating whether the cost of supervision will be paid by the parent being supervised, by the custodial parent, or equally by both parents.
- (17) If you checked sole custody and you want the non-custodial parent to have no parenting time, check the box. Enter why parenting time would endanger the children.
- (18) Spousal support is paid by one spouse to another when the other meets at least one requirement listed. Check the box indicating whether the court should order spousal support. If so, check the box indicating who should receive the support, enter the amount to be paid monthly, and check the box next to each requirement that spouse meets. If you want the support to end before the receiving party is remarried or deceased, enter the date the support will end.
- (19) For each piece of community real property, if any, enter the address and legal description on the deed (example: "Lot 77, Pine Tree Acres, According to Book 111 of Maps"), enter the equity (value minus debts), and check the box indicating who it should go to.
- (20) For each community bank account, if any, enter the name on the account and account description (for example, "savings" or "money market"), enter the balance, and check the box indicating who it should go to.

- (21) For each community motor vehicle, if any, enter the make, model, lienholder, and last four digits of the vehicle identification #; enter the value for which it could be sold; and check the box indicating who it should go to.
- (22) For each community retirement benefit, if any, enter name on the account and fund name, enter the value, and check the box indicating who it should go to.
- (23) If you and your spouse have already divided all community property that you have not yet listed on the Petition, and you want a court order confirming that division, check the box and list only any requested exceptions. If you and your spouse have *not* yet divided all remaining community property, do not check the box, but, for each piece of property, enter the description, enter the value for which it could be sold, and check the box indicating who it should go to. Use thorough and specific descriptions (for example, “blue and white living room sofa”). Use brand and model names and serial numbers wherever possible.
- (24) For each community debt, if any, enter the name on the account, creditor, and description (for example, “credit card”); enter the amount owed; and check the box indicating who it should be assigned to.
- (25) For each piece of separate property, if any, enter the description, enter the value for which it could be sold, and check the box indicating who it should go to.
- (26) For each separate debt, if any, enter the name on the account, creditor, and description (for example, “credit card”); enter the amount owed; and check the box indicating who it should be assigned to.
- (27) Enter how you want to file your taxes in the years before the judge signs the Decree. If you have questions, you should see a lawyer or accountant or contact the Internal Revenue Service (IRS).
- (28) If you changed names when you got married and you want your former name restored, enter the former name.
- (29) Enter any other orders you want the court to issue.

**STEP 12: FILL OUT THE DECREE OF DISSOLUTION OF MARRIAGE WITH CHILDREN**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your and your spouse’s names and your case number if you already have one.
- (3) Check the box indicating whether the wife is pregnant. If yes, enter the baby’s due date, and check the box indicating whether the husband is believed to be the father.
- (4) For each biological or adopted child of you and your spouse, enter the name and birthdate.
- (5) If you and the other parent want joint custody, check the box.
- (6) If you want one parent to have sole custody, check the box. Check the box indicating who should have sole custody.
- (7) If you checked sole custody and you want the non-custodial parent to have parenting time, check the box, and enter the details of the parenting time plan.
- (8) If you checked sole custody and you want restrictions on the parenting time you described above, check the box. Enter why unrestricted parenting time would endanger the children. Enter the name of the person who will supervise parenting time. Enter the restrictions. Check the box indicating whether the cost of supervision will be paid by the parent being supervised, by the custodial parent, or equally by both parents.
- (9) If you checked sole custody and you want the non-custodial parent to have no parenting time, check the box. Enter why parenting time would endanger the children.
- (10) Spousal support is paid by one spouse to another when the other meets at least one requirement listed. Check the box indicating whether the court should order spousal support. If so, check the



box indicating who should receive the support, enter the amount to be paid monthly, and check the box next to each requirement that spouse meets. If you want the support to end before the receiving party is remarried or deceased, enter the date the support will end.

- (11) For each piece of community real property, if any, enter the address and legal description on the deed (example: "Lot 77, Pine Tree Acres, According to Book 111 of Maps"), enter the equity (value minus debts), and check the box indicating who it should go to.
- (12) For each community bank account, if any, enter the name on the account and account description (for example, "savings" or "money market"), enter the balance, and check the box indicating who it should go to.
- (13) For each community motor vehicle, if any, enter the make, model, lienholder, and last four digits of the vehicle identification #; enter the value for which it could be sold; and check the box indicating who it should go to.
- (14) For each community retirement benefit, if any, enter name on the account and fund name, enter the value, and check the box indicating who it should go to.
- (15) If you and your spouse have already divided all community property that you have not yet listed on the Petition, and you want a court order confirming that division, check the box and list only any requested exceptions. If you and your spouse have *not* yet divided all remaining community property, do not check the box, but, for each piece of property, enter the description, enter the value for which it could be sold, and check the box indicating who it should go to. Use thorough and specific descriptions (for example, "blue and white living room sofa"). Use brand and model names and serial numbers wherever possible.
- (16) For each community debt, if any, enter the name on the account, creditor, and description (for example, "credit card"); enter the amount owed; and check the box indicating who it should be assigned to.
- (17) For each piece of separate property, if any, enter the description, enter the value for which it could be sold, and check the box indicating who it should go to.
- (18) For each separate debt, if any, enter the name on the account, creditor, and description (for example, "credit card"); enter the amount owed; and check the box indicating who it should be assigned to.
- (19) Enter how you want to file your taxes in the years before the judge signs the Decree. If you have questions, you should see a lawyer or accountant or contact the Internal Revenue Service (IRS).
- (20) If you changed names when you got married and you want your former name restored, enter the former name.
- (21) Enter any other orders you want the court to issue.

**STEP 13: READ THE PETITION AND DECREE AND MAKE SURE THAT YOU UNDERSTAND EVERYTHING IN THEM AND THAT EVERYTHING IN THEM IS TRUE**

**STEP 14: FILL OUT THE SUMMONS**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name.
- (3) Enter the other party's name.
- (4) Enter the other party's name.

**STEP 15: FILL OUT THE PRELIMINARY INJUNCTION**

Read the Preliminary Injunction and make sure you understand it.

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name.
- (3) Enter your spouse's name.
- (4) Enter your name, driver's license number, birthdate, gender, weight, and height.
- (5) Enter your spouse's name, driver's license number, birthdate, gender, weight, and height.

**STEP 16: FILL OUT THE CHILD SUPPORT INFORMATION FORM**

**STEP 17: SCHEDULE A PRE-FILING MEETING**

YOU MUST READ AND FOLLOW ALL OF THE INSTRUCTIONS BEFORE THIS STEP BEFORE YOU SCHEDULE YOUR PRE-FILING MEETING.

At this free court service, an attorney will meet with you one-on-one to do the following:

- Make sure you have everything you need to start your case
- Explain what steps you need to take after you start your case
- Help you prepare child support forms, if you have children

Call 928-773-4952 to schedule your Pre-Filing Meeting.

**STEP 18: GO TO THE PRE-FILING MEETING**

Bring the following, completed according to the instructions:

- Notice on Parent Information Class
- Parent Information Class Registration Form (blank)
- Parenting Plan and Joint Custody Agreement, if applicable
- Notice of Right to Convert Health Insurance
- Notice Regarding Community Debts (blank)
- Domestic Relations Cover Sheet
- Confidential Sensitive Data Form
- Petition for Divorce with Children
- Decree of Divorce with Children
- Summons
- Preliminary Injunction
- Child Support Information Form

If you want to start your case immediately after your Pre-Filing Meeting, also bring the following:

- Money to make copies
- The filing fee of \$226 (The Clerk's Office accepts cash, money orders, and cashier's checks payable to "Clerk of Superior Court". If you can't afford the fee, see the Self-Help Center packet *Filing Fee Deferral at the Start of Your Case.*)