

**STATE OF ARIZONA**

**DISSOLUTION OF MARRIAGE PACKAGE**

**ADULT CHILDREN**

**With or Without Property**

**Control Number AZ-004-D**

This packet contains the following:

1. Information about Dissolution of Marriage
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

**You and your spouse must agree to all terms of the divorce to use this packet.**  
**All forms to be filed with the clerk must be printed on bond paper.**

## INFORMATION ABOUT DISSOLUTION OF MARRIAGE

1. **WHO MAY USE THESE FORMS:** Use this form **ONLY** if you are getting a divorce and there are no children under the age of 18, common to you and your spouse, whether by birth or adoption, **AND** you do **not** have a “covenant” marriage. You may use the forms in this package only when all of the following facts are true:

- (a) Incompatibility between the spouses has caused the irremediable breakdown of the marriage and there is no reasonable expectation of reconciliation;
- (b) There are no minor children of said marriage, and the wife is not now pregnant by the husband or will not be pregnant by the husband before the divorce is over. All children of the marriage are over the age of twenty-one (21) and emancipated;
- (c) You and your spouse have lived in Arizona at least 90 days before you file the Petition, or one of you is a member of the armed forces and has been stationed in Arizona at least 90 days before you file.
- (d) You do **NOT** have a “covenant marriage” under Arizona law or since you were married you have not agreed to change your marriage to a “covenant” marriage.

\*What is a "Covenant Marriage"? As of August 21, 1998, the Arizona Legislature created a new type of marriage called "covenant marriage". To have a covenant marriage, both husband and wife would have to:

- sign papers (essentially a contract) requesting to have a covenant marriage;
- attend pre-marital counseling; **AND**
- 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.

2. **THE BASICS:** Actions for dissolution of marriage in the State of Arizona are filed in the **Superior Court**. The name of the action initiating the dissolution proceeding is the *Petition for Dissolution of Marriage*, while the title of the action granting the dissolution of marriage is referred to as the *Decree of Dissolution*. The party who files the action is the Petitioner, while the other party to the action is the Respondent. **ARS 25-381.10**

3. **RESIDENCY REQUIREMENTS:** At least one of the parties to the action for dissolution of marriage must have resided in the State of Arizona for at least ninety (90) days prior the filing of the action.

**ARS 25-312**

4. **GROUND FOR DISSOLUTION OF MARRIAGE:** The State of Arizona recognizes two distinct types of marriages within the state and each type has its own separate grounds for dissolution of marriage. **The grounds for dissolution of a non-covenant marriage is an irretrievable breakdown of the marriage. This package may only be used to obtain dissolution of marriage for non-covenant marriage.**

A covenant marriage entered into in Arizona may only be dissolved for the following reasons:

- (a) The respondent spouse has committed adultery;
- (b) The respondent spouse has committed a felony and has been sentenced to death or imprisonment;
- (c) The respondent spouse has abandoned the matrimonial domicile for at least one year before the petitioner filed for dissolution of marriage;
- (d) The respondent spouse has physically or sexually abused the spouse seeking the dissolution of marriage, a child, a relative of either spouse permanently living in the matrimonial domicile or has committed acts of domestic violence or emotional abuse;
- (e) The spouses have been living separate and apart continuously without reconciliation for at least two years before the petitioner filed for dissolution of marriage;
- (f) The spouses have been living separate and apart continuously without reconciliation for at least one year from the date the decree of legal separation was entered;
- (g) The respondent spouse has habitually abused drugs or alcohol;
- (h) The husband and wife both agree to dissolution of marriage. **ARS 25-312**

**This package is not for use with covenant marriages.**

5. **LEGAL SEPARATION:** This package contains forms for dissolution of marriage, not for Legal Separation. This information on Legal Separation is provided for your information only. A legal separation cannot be obtained using the forms in this package.

A legal separation is different than dissolution of marriage. A legal separation is a court determination of the rights and responsibilities of a husband and wife arising out of the marital relationship. A decree of legal separation **does not terminate the marital status** of the parties, and the parties are **not** free to marry again. For more information, see, **ARS 25-313, ARS 25-904.**

6. **WAITING PERIOD:** There is a sixty-four (64) day waiting period from the date the Respondent was served with the summons and Petition before the court will allow the filing of the **Stipulation to File Consent Decree and Decree**. *ARS 25-329*
  
7. **DISTRIBUTION OF PROPERTY:** In dissolution of marriage proceedings, the property such as land, house, buildings, and items of personal property owned by the couple is divided between the parties. Debts owed are also allocated to one party or the other, or both. This is accomplished by listing the agreed property and debt divisions in the **Petition and Decree**. You may agree to divide the property any way you like, as long as a basic fairness is maintained, and you both agree to all terms of the division. If you and your spouse cannot agree on all of the terms of the division, the dissolution of marriage transforms into a **contested dissolution of marriage proceeding**, which is outside the scope of this packet.
  
8. **ALIMONY:** Because this is an agreed upon dissolution of marriage proceeding, you and your spouse will decide issues of spousal “alimony”-- the periodic payment of money from one spouse to the other on a temporary or permanent basis. The forms in this no-fault dissolution of marriage package assume that no alimony will be paid and none will be sought-- but you may add provisions for alimony to the Petition if you desire. In a contested case, the court might award alimony. A contested dissolution of marriage proceeding is beyond the scope of this package. **You should consult a local attorney regarding the possibilities concerning alimony if you have questions or foresee conflict regarding this issue.** For more information, see, *ARS 25-319*.
  
9. **NAME CHANGE:** Upon request of a party at any time prior to the signing of the decree for dissolution of marriage, the court shall order the restoration of that party's former or maiden name. *ARS 25-325*

**For more information, see the Arizona Dissolution of Marriage Law Summary.**

## FORMS LIST

**The following forms are included in this package:**

1. Instructions – Petition for Dissolution of Marriage – Divorce – Without Children (AZ-800D)
2. Family Court Cover Sheet – For Use Without Minor Children (AZ-801D)
3. Summons (AZ-807D)
4. Preliminary Injunction (AZ-806D)
5. Petition for Dissolution of Marriage - Without Children (AZ-805D)
6. Notice of Your Right to Convert Health Insurance Coverage (AZ-804D)
7. Notice Regarding Creditors (AZ-803D)
8. Acceptance of Service (AZ-808D)
9. Letter Sending Acceptance of Service of Court Papers For Dissolution of Marriage (AZ-813D)
10. Instructions: Response to a Petition for Dissolution of a Non-Covenant Marriage (AZ-835D)
11. Response to Dissolution of Marriage (Non-Covenant) (AZ-833D)
12. Decree of Dissolution of Marriage (Divorce)- Without Children (AZ-810D)
13. Consent Decree of Dissolution of Marriage – Divorce – Without Children (AZ-809D)

**Note: Depending on your County additional forms may be required that are County-specific. These forms will be available from the Clerk.**



**(AZ-835D)** This contains detailed instructions for completing the Response to Petition for Dissolution (Divorce) without Children. The instructions should be followed for completion of the Response to Petition for Dissolution.

- 11. Response to Dissolution of Marriage (Non-Covenant) (AZ-833D)** – This form is used by the Respondent to either agree with the information contained in the Petition or to dispute some or all of the Petitioner’s allegations.
- 12. Decree of Dissolution of Marriage (AZ-810D)** – When signed by the Judge, this document ends your marriage.
- 13. Consent Decree of Divorce of a Non-Covenant Marriage (AZ-809D)** – This is a statement signed by you and your spouse in which you both agree on everything in the dissolution of the marriage.

## INSTRUCTIONS AND STEPS

**Note:** All forms containing a space for the signature of a Notary Public must be signed by the appropriate party or parties in front of a Notary Public. Make several copies of the documents that you prepare. You and your spouse should each have a copy of every document you file, stamped “filed” by the clerk. **Follow any instructions provided in this packet.**

**STEP 1:** In cooperation with your spouse, fill out the following forms:

- *Family Court Cover Sheet*
- *Summons*
- *Preliminary Injunction*
- *Petition for Dissolution of a Non-Covenant Marriage (Divorce) – Without Children*
- *Notice of Your Rights to Convert Health Insurance Coverage*
- *Notice Regarding Creditors*

**STEP 2:** After completing the above listed documents, make at least two copies of each. Separate your documents into three sets: one set of the originals to file with the court clerk, one set of copies for your spouse, and one set of copies for you.

Take all three sets to the Superior Court. FILE the originals with the clerk. Get your original summons back from the clerk. Ask the clerk to stamp your two sets of copies “Filed.” You must pay your filings fees. Call ahead to determine the amount and acceptable forms of payment. **KEEP YOUR RECEIPT-** you will have to use it later when filing the **Consent Decree of Dissolution (Divorce)**.

**STEP 3:** Deliver or mail your spouse’s set of copies to your spouse, along with the **Acceptance of Service** and **Acceptance of Court Papers For Dissolution Of Marriage**. Instruct your spouse to sign the **Acceptance of Service** in front of a Notary Public and return it to you. Return with the original summons and the signed, notarized **Acceptance of Service** to the court clerk and FILE them.

**STEP 4:** If you disagree with some of the terms of the Petition for Dissolution, you must file a Response stating your side of the story and how you want to handle everything else about the marriage. This will make your case a contested matter. Even if you originally file a Response, you and your spouse can still agree to decide on something or everything and file court papers for a Consent or Stipulation. Mediators can help you with this, and the Self Service Center of the Family Court has a list of mediators, and how much they charge to help you. If



you file a Response and do not settle everything with your spouse, you must be sure to file the court papers you will need to set the case for trial.

**STEP 5:** If you decide with your spouse how you want to handle everything and you are in agreement with your spouse on **everything** in the Petition, fill out the **Consent Decree of Dissolution of Marriage (Divorce)**. This is often the best way to proceed if you and your spouse believe the marriage is over, and you can talk about how you both want to handle the divorce. You must each initial each provision and each sign the document in front of a Notary Public.

In agreement with your spouse, fill out the **Decree of Dissolution of Marriage (Divorce)**. You must each sign the document in front of a Notary Public.

**STEP 6:** You must wait 64 days from the day the Respondent was personally served with the divorce Petition for Dissolution and related documents before filing the **Consent Decree of Dissolution of Marriage (Divorce)**.

When the 64 days have passed, go to the courthouse and FILE the two documents. Bring two copies and the original of each document, your filing fee payment receipt and two 9"x12" envelopes, stamped (make sure you put at least 2 stamps on each), and self-addressed, one to you and one to your spouse.

Your spouse (or you for him/her) may or may not have to pay an additional filing fee at this time. The various courts vary on enforcing the second filing fee in an uncontested divorce. You must show your FILING FEE RECEIPT(S) to the clerk in order to prove payment of fees.

**STEP 7:** The Judge will review the papers, and, if all is in order, will grant your divorce without a hearing. The review process should take about 4-6 weeks. The Judge will have the **Decree** filed with the clerk. The clerk will send you and your spouse a copy of the signed decree in the envelopes provided. This is your notification that the dissolution of marriage is now final. The dissolution is not final until the Judge signs the **Decree**.

### NOTE ABOUT COMPLETING THE FORMS

The forms in this packet may contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible. If they do not become visible, then they were not included in this form package.

To complete the forms click on the gray shaded areas and type. You may also change other words in the document if the document is not locked. The separation agreement is a good example of a document that is not locked and allows you to make modifications outside the gray shaded areas.

Some forms may be locked which means that the content of the forms cannot be changed while the form is locked. You can only fill in the information in the fields. If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields. After any required changes re-lock the document, then click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

## **LAW SUMMARY**

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/AZ/AZ-008-D.htm>

## DISCLAIMER

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THESE FORMS WERE PREPARED FOR STATEWIDE USE. HOWEVER, SOME COUNTIES OR JUDGES MAY REQUIRE CERTAIN MODIFICATIONS TO THE FORMS FOR USE IN YOUR PARTICULAR COUNTY AND MAY REQUIRE SPECIAL FORMS NOT INCLUDED. CHANGES REQUIRED BY PARTICULAR JUDGES IS NOT UNCOMMON EVEN IF THE FORMS HAD BEEN PREPARED BY YOUR ATTORNEY. REGARDLESS, YOU SHOULD BE ABLE TO USE THESE FORMS AND INSTRUCTIONS, WITH ANY REQUIRED MODIFICATIONS, TO MAKE IT THROUGH THE PROCESS. IF YOU NEED TO MAKE CHANGES, OR IF SPECIAL FORMS ARE REQUIRED IN YOUR COUNTY, YOU CAN MAKE THE CHANGES AND REFILE, OR OBTAIN THE SPECIAL FORMS EITHER FROM THE CLERK OR A CLOSED DIVORCE FILE WHICH YOU CAN USE AS AN EXAMPLE.