

**STATE OF ARIZONA**

**DISSOLUTION OF MARRIAGE PACKAGE**

**WITH MINOR CHILDREN**

**With or Without Property**

**Control Number AZ-006-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:** 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 minor children of said marriage;
  - (c) You and your spouse agree on all terms of the dissolution of marriage;
  - (d) You do NOT have a “covenant marriage” under Arizona law.
  
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 a 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 a 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:** The court will not consider an Application for Default and Notice of Default or hold a trial or hearing on an application for a Decree of Dissolution of Marriage until sixty days after the date of service of process or the date of acceptance of process. **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. **CUSTODY/VISITATION:** The court shall determine custody, either originally or on petition for modification, in accordance with the best interests of the child. The court shall consider all relevant factors, including:
- a. The wishes of the child's parent or parents as to custody.
  - b. The wishes of the child as to the custodian.
  - c. The interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest.
  - d. The child's adjustment to home, school and community.
  - e. The mental and physical health of all individuals involved.
  - f. Which parent is more likely to allow the child frequent and meaningful continuing contact with the other parent.
  - g. Whether one parent, both parents or neither parent has provided primary care of the child.
  - h. The nature and extent of coercion or duress used by a parent in obtaining an agreement regarding custody.
  - i. Whether a parent has complied with chapter 3, article 5 of this title.

In awarding child custody, the court may order sole custody or joint custody. The court in determining custody shall not prefer a parent as custodian because of that parent's sex.

The court may issue an order for joint custody of a child if both parents agree and submit a written parenting plan and the court finds such an order is in the best interests of the child. The court may order joint legal custody without ordering joint physical custody.

The court may issue an order for joint custody over the objection of one of the parents if the court makes specific written findings of why the order is in the child's best interests. In determining whether joint custody is in the child's best interests, the court shall consider the factors listed above, as well as all of the following:

- a. The agreement or lack of an agreement by the parents regarding joint custody.
- b. Whether a parent's lack of agreement is unreasonable or is influenced by an issue not related to the best interests of the child.
- c. The past, present and future abilities of the parents to cooperate in decision-making about the child to the extent required by the order of joint custody.
- d. Whether the joint custody arrangement is logistically possible.

Before an award is made granting joint custody, the parents shall submit a proposed parenting plan that includes at least the following:

- a. Each parent's rights and responsibilities for the personal care of the child and for decisions in areas such as education, health care and religious training.
- b. A schedule of the physical residence of the child, including holidays and school vacations.
- c. A procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved, which may include the use of conciliation services or private counseling.
- d. A procedure for periodic review of the plan's terms by the parents.
- e. A statement that the parties understand that joint custody does not necessarily mean equal parenting time.

If the parents are unable to agree on any element to be included in a parenting plan, the court shall determine that element.

Unless otherwise provided by court order or law, on reasonable request both parents are entitled to have equal access to documents and other information concerning the child's education and physical, mental, moral and emotional health including medical, school, police, court and other records directly from the custodian of the records or from the other parent. **ARS 25-403.**

10. **CHILD SUPPORT:** The court may order either or both parents owing a duty of support to a child, born to or adopted by the parents, to pay an amount reasonable and necessary for support of the child, without regard to marital misconduct. Guidelines for determining the amount of child support have been established by the Arizona State Supreme Court. The amount resulting from the application of these guidelines is the amount of child support ordered unless a written finding is made, based on criteria approved by the Supreme Court, that application of the guidelines would be inappropriate or unjust in a particular case. The Supreme Court guidelines and criteria for deviation from them on all relevant factors, including:

- a. The financial resources and needs of the child.
- b. The financial resources and needs of the custodial parent.
- c. The standard of living the child would have enjoyed had the marriage not been dissolved.
- d. The physical and emotional condition of the child, and the child's educational needs.
- e. The financial resources and needs of the noncustodial parent.
- f. Excessive or abnormal expenditures, destruction, concealment or fraudulent disposition of community, joint tenancy and other property held in common.
- g. The duration of parenting time and related expenses.

If a child reaches the age of majority while the child is attending high school or a certified high school equivalency program, support shall continue to be provided during the period in which the child is actually attending high school or the equivalency program but only until the child reaches nineteen years of age unless otherwise ordered by the

Court. Notwithstanding any other provision of law, a parent paying support for a child over the age of majority pursuant to this section is entitled to obtain all records related to the attendance of the child in the high school or equivalency program. **ARS 25-320**

11. **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**
  
12. **WAITING PERIOD:** The court shall not consider a submission of a motion supported by affidavit or hold a trial or hearing on an application for a decree of dissolution of marriage or legal separation until sixty days after the date of service of process or the date of acceptance of process. **ARS 25-329**

**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 –  
With Children  
(AZ-838D)
2. Family Court Cover Sheet – (AZ-811D)
3. Summons – (AZ-807D)
4. Preliminary Injunction – (AZ-806D)
5. Petition for Dissolution of Marriage (Divorce) with Children –  
(AZ-821D)
6. Notice of Rights to Convert Health Insurance Coverage – (AZ-  
804D)
7. Parent Information Program Order and Notice (AZ-837D)
8. Affidavit Regarding Minor Children – (AZ-827D)
9. Notice Regarding Creditors (AZ-803D)
10. Instructions: Acceptance of Court Papers for Dissolution of  
Marriage –  
(AZ-813D)
11. Acceptance of Service – Family Court – (AZ-808D)
12. Agreement with Creditors (Real Estate Related) (If Needed) –  
(AZ-819D)
13. Agreement with Creditor (Non-Real Estate Related) (If Needed) –  
(AZ-820D)
14. Consent Decree of Divorce of a Non-Covenant Marriage (AZ-  
809D)
15. Parenting Plan for Joint (or Sole) Custody – (AZ-826D)
16. Parents' Worksheet for Child Support Amount – (AZ-828D)
17. Child Support Order – (AZ-829D)
18. Order of Assignment – (AZ-830D)
19. Decree of Dissolution of Marriage – (AZ-831D)
21. Response to Dissolution of Marriage (Non-Covenant) – (AZ-832D)

**Note: Depending upon your county of residence, additional forms may be required that are county-specific. These forms will be available from the Clerk.**



## FORM EXPLANATIONS

All forms included in this package are identified and described below.

1.                           **Instructions – Petition for Dissolution of Marriage – Divorce – With Children (AZ-838D)**  
This contains detailed instructions for completing the Petition and initial court papers required to obtain a Dissolution of Marriage – Divorce – With Children. The instructions should be followed for completion of the Petition for Dissolution.
2.                           **Family Court Cover Sheet (AZ-811D)** – This is an information sheet for the Court’s use.
3.                           **Summons (AZ-807D)** – This form formally notifies your spouse of the filing of the action for dissolution of marriage.
4.                           **Preliminary Injunction (AZ-806D)** – Rules prohibiting certain conduct by you and your spouse during the pendency of the dissolution of marriage.
5.                           **Petition for Dissolution of Marriage (Divorce) with Children (AZ-821D)** – This form contains the legal details of your request to the court for your marriage to be dissolved, and contains your agreement with your spouse on how all joint property, assets and debts are to be divided.
6.                           **Notice of Rights to Convert Health Insurance Coverage (AZ-816D)** – Information for your spouse regarding continued health insurance coverage during and after the dissolution of marriage proceeding.
7.                           **Parent Information Program Order and Notice (AZ-837D)** - This is a court order which requires parents to attend and complete the Parent Information Program Class. 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.
8.                           **Affidavit Regarding Minor Children (AZ-827D)** – This form is used to inform the Court of any minor children of the marriage and to state whether there has been any prior litigation regarding custody of the children. It is further used to inform the Court of any other person(s) with an interest in the custody proceedings.
9.                           **Notice Regarding Creditors (AZ-803D)** You are required by law to file this form and serve it on your spouse. It contains information about you and your spouse’s joint debts.

10.                   **Instructions: Acceptance of Court Papers for Dissolution of Marriage (AZ-813D)** This includes the instructions for acceptance of service and other options for service of process that may be used.
  
11.                   **Acceptance of Service (AZ-808D)** – This form must be signed by your spouse and filed with the court after the Petition for Dissolution and related documents have been delivered to your spouse. This avoids the formal requirements of confirming service of process.
  
12.                   **Agreement with Creditors (Real Estate Related) (AZ-819D)** – This form is used to reach agreements with creditors regarding whether the real estate related debt in question is a joint liability, whether one party has been released from the debt, or whether the debt has been retired.
  
13.                   **Agreement with Creditors (Non-Real Estate Related) (AZ-820D)** – This form is used to reach agreements with creditors regarding whether the non-real estate related debt in question is a joint liability, whether one party has been released from the debt, or whether the debt has been retired.
  
14.                   **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 to the dissolution of the marriage.
  
15.                   **Parenting Plan for Joint (or Sole) Custody (AZ-826D)** A Parenting Plan is a form used to detail the parenting time, or visitation, agreement agreed upon by both parties. This is simply to be used as a model and may be altered to fit your own personal circumstances.
  
16.                   **Parents’ Worksheet for Child Support Amount (AZ-828D)** – This form is used to calculate the amount of child support to be paid by the parties.
  
17.                   **Child Support Order (AZ-829D)** – This form is used to order a party to pay child support in an amount determined by the Court.
  
18.                   **Order of Assignment (AZ-830D)** – This form orders an employer to withhold a specified amount from the earnings of a person subject to a child support order.
  
19.                   **Decree of Dissolution of Marriage (AZ-831D)** – When signed by the Judge, this document ends your marriage.
  
20.                   **Response to Dissolution of Marriage (Non-Covenant) (AZ-832D)** – 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.



## 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.

**STEP 1:** Complete the following forms. Follow the instructions for completing forms provided in this packet:

- *Family Court Cover Sheet*
- *Summons*
- *Preliminary Injunction*
- *Petition for Dissolution of Non-Covenant Marriage – With Children*
- *Notice of Right to Convert Health Insurance Coverage*
- *Parent Information Program Order and Notice*
- *Affidavit of Minor Children*
- *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* and *Acceptance of Service* back from the clerk. Ask the clerk to stamp your set of copies as well as your spouse’s set of copies “Filed.” You must pay your filings fees. Call ahead to determine the amount and acceptable forms of payment. KEEP YOUR RECEIPT.

**STEP 3:** Follow the instructions provide in this packet relating to acceptance of service. Deliver or mail your spouse’s set of copies to your spouse, along with the **Acceptance of Service**. 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.

If your spouse **does agree** with all of the terms of the dissolution, he or she need not complete the *Response to Dissolution of Marriage (Non-Covenant)*

**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 **Consent 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: PARENT INFORMATION PROGRAM:** Parents must attend and complete the Parent Information Program Class. 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. If you filed for a divorce or legal separation *with children*, both spouses must attend the Parent Information Program and file a "**Certificate of Completion**" with the Clerk of the Court.

Complete all forms including the Parenting Plan for Joint Custody, Parents Worksheet for Children, and the Order of Assignment (if child support or alimony payments are involved)

**STEP 8:** 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-006-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.