LEGAL SEPARATION WITH CHILDREN

STARTING A CASE

YOU CAN USE THIS PACKET IF ALL THIS IS TRUE:

- You want a legal separation.
- You do not have a covenant marriage.
- You or your spouse live in Arizona.
- You and your spouse have at least one child under age 18 or in high school, or the wife is pregnant by the husband.
- Your children will have lived in Arizona for at least the six months before you start your case, or they have lived in Arizona since birth.
- Your spouse is not on active duty with the military.

Arizona Rules of Family Law Procedure: The Arizona Rules of Family Law Procedure describe the procedures and forms required in family law cases. You can read the Rules at the Law Library or online at <http://government.westlaw.com/linkedslice/default.asp?SP=AZR-1000>.

WARNING: Depending on the circumstances of your case, the Arizona Rules of Family Law Procedure may require you to complete procedures and forms not covered in this packet. You are required to read and follow all of the rules. If you do not, the court may impose sanctions on you. At a minimum, you must read and understand Section II, on Pleadings and Motions, Section VII, on Discovery and Disclosure, and Rule 92, on Civil Contempt and Sanctions for Non-Compliance with a Court Order.

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you understand your legal rights and responsibilities. The Self-Help Center has information on finding an attorney.

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, about how to protect your address. See the Self-Help Center packet *Order of Protection* if you need a court to order the other party to stay away from you.

STEP 1: MAKE SURE YOUR SPOUSE WILL NOT OBJECT TO A LEGAL SEPARATION

If so, the court will not grant one. You may file for divorce instead.

STEP 2: READ THE FAMILY COURT SERVICES INFORMATION SHEET

STEP 3: 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.

Converting group health benefits: In *divorce* cases, Arizona law lets an employee's spouse and children convert group health benefits under the employer's plan into their name. If you decide later to convert the legal separation into a divorce, you must serve a Notice of Right to Convert Health Insurance on your spouse when you file divorce papers. This form is in the Self-Help Center divorce packets.

STEP 4: DECIDE ON PARENTING TIME AND LEGAL DECISION-MAKING ABOUT THE CHILDREN

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

Joint Legal Decision-Making: Both parents must want joint legal decision-making and agree on all major issues regarding parenting time, education, religion, and medical decisions, including, but not limited to:

- Enrollment or termination of enrollment in a particular school or school program.
- Advancing or holding back in school.
- Authorizing sex education for the child.
- Arranging or permitting regularly occurring extracurricular activities for the child.
- Beginning or ending the regular practice of a religion.
- Arranging for child care providers for long term and/or after school child care.
- Selecting non-emergency medical, dental, and/or psychological services.

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- Authorizing the child's driver's license.
- Authorizing the purchase of an automobile for the child.
- Authorizing employment for the child.
- Authorizing the child's marriage.
- Authorizing the child's enlistment into the Armed Forces.
- Passport application for the child.
- Authorizing the child's giving blood.

The court will not order joint legal decision-making if the court determines there has been significant domestic violence. Joint legal decision-making does not necessarily mean equal parenting time and does not change either parent's duty to pay child support.

Sole Legal Decision-Making: The parent with sole legal decision-making 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 legal decision-making can usually get the information directly from the medical providers and schools.

Parenting Time: For both joint and sole legal decision-making, come up with a schedule for the child to spend time with each parent. The guide called *Planning for Parenting Time* can help you find a schedule that's right for your family. You can find the guide at the Law Library, or online at http://tinyurl.com/planningforparentingtime. If unsupervised parenting time would endanger the children, you may ask for 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. (The court will fine a parent who falsely says these reasons exist.) 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 WANT JOINT LEGAL DECISION-MAKING: FILL OUT THE JOINT LEGAL DECISION-MAKING AGREEMENT

STEP 6: FILL OUT THE CHILD SUPPORT INFORMATION FORM

Fill in all the blanks to the best of your knowledge.

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

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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. The other party is the Respondent. Fill in as much information as you know.

STEP 10: FILL OUT THE FOLLOWING FORMS

[ ] Confidential Sensitive Data Form
[ ] Petition For Legal Separation With Children
[ ] Summons
[ ] Preliminary Injunction

STEP 11: SCHEDULE A PRE-FILING MEETING

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

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 928-679-7544 to schedule your Pre-Filing Meeting.

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STEP 12: GO TO THE PRE-FILING MEETING

Bring the following, completed according to the instructions:

[ ] Joint Legal Decision-Making Agreement, if applicable
[ ] Notice Regarding Community Debts (blank)
[ ] Domestic Relations Cover Sheet
[ ] Confidential Sensitive Data Form
[ ] Petition for Legal Separation with Children
[ ] Summons
[ ] Preliminary Injunction
[ ] Child Support Information Form

Respondent cannot attend the Meeting with you.

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

[ ] Money to make copies. The Law Library copy machine takes change and $1 bills.
[ ] The fee of $361 (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 *Getting Help With a Filing Fee*.)

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Flowchart of the Court Process

Petitioner files Petition

Petitioner starts the case by filing a Petition

Petitioner serves Petition

Petitioner gives a copy of the Petition and other court forms to Respondent through a legal method called "service"

Respondent files a Response

If Respondent disagrees with something in the Petition, Respondent has 20 days from service (30 days if served outside of Arizona) to file a Response

The court may schedule a conference

Either party asks for a trial date

The case ends at a trial

OR

Parties file a Consent Decree

If the parties agree on everything, they may file a Consent Decree

The case ends when the court signs the Consent Decree

OR

Respondent doesn't participate at all

Respondent fails to file a Response on time and won't sign a Consent Decree

Petitioner files for default and a hearing

The case ends at a default hearing

How Long Does It Take? Divorce or Legal Separation: at least 60 days. Unmarried parents: at least 30 days.

Where Can I Find Forms? The Law Library has forms for all of these steps.
928-679-7540, 877-806-3187, www.coconino.az.gov/lawlibrary

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FAMILY COURT SERVICES

Service	When Can I Ask for It?	How Much Does it Cost?	How Do I Ask for It?
Reconciliation/Separation Counseling	Before or during a divorce or legal separation	• 1st session free • 2 more sessions at $32 per session for a couple or $24 per session for an individual	See the Law Library packet *Asking for Family Court Services*
Family Mediation The parents meet with a neutral mediator to come to agreements about legal decision-making and parenting time.	Before or during a court case involving children	Free	
	After a court case involving children	$100 per party	
Family Evaluation A mental health professional evaluates the family and recommends a legal decision-making and parenting time arrangement to the court.	During a court case involving children	Free	
	After a court case involving children	Fee set by the evaluator	
Property or Support Mediation The parties meet with a neutral mediator to come to agreements about child support, spousal support, or dividing property and debt.	Before a divorce or legal separation	$270 per party	Call the Alternative Dispute Resolution Coordinator at 928-679-7508.
	During or after a divorce or legal separation		See the Law Library packet *Asking for Family Court Services*

Questions? Call the Law Library at 679-7540 or 877-806-3187.

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Petitioner's Name: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

Respondent's Name: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

COCONINO COUNTY SUPERIOR COURT

_____ Case Number: *(leave blank)* DO_____
Petitioner's Name on the Petition that started this case

JOINT LEGAL DECISION-MAKING AGREEMENT

_____
Respondent's Name

AGREEMENT:

We agree on everything in this document, which is about the following children:
_____ _____ _____

JOINT LEGAL DECISION-MAKING:

Joint Legal Decision-Making: We will have joint legal-decision making about the children.

Primary Residence:
[ ] Children will live mostly with Petitioner.
[ ] Children will live mostly with Respondent.
[ ] Children will live equally with Petitioner and Respondent.

PARENTING TIME:

We agree on the Parenting Time Plan listed in [ ] the Petition [ ] the Response [ ] the Consent Decree [ ] other document: _____, filed with the court on this date: _____

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ACCESS TO RECORDS AND INFORMATION:

Under Arizona law (A.R.S. 25-403.06), unless otherwise provided by court order or law, on reasonable request, we are entitled to equal access to documents and other information concerning the children'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 party. The court could impose sanctions against a person who does not comply with this law.

EDUCATION:

We will make major educational decisions together. We both may participate in school conferences, events, and activities and consult with teachers and other school personnel.

HEALTH CARE:

We will make major medical/dental decisions together. We both may authorize emergency medical/dental treatment for the children and shall notify each other about that treatment immediately. We both may consult with the children's health practitioners. We will cooperate on health matters concerning the children and keep each other reasonably informed, including about the names, addresses, and phone numbers of all medical/dental care providers.

PROTECTING CHILDREN FROM CRIMINAL OFFENDERS:

We will notify the other party immediately if we know that a convicted or registered sex offender, or a person who has been convicted of a dangerous crime against children, may have access to the children. We will notify the other party by first class mail, return receipt requested, or by email.

"Dangerous crime against children" means any of the following committed against a child under age 15: Second degree murder.

- Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
- Sexual assault.
- Molestation of a child.
- Sexual conduct with a minor.
- Commercial sexual exploitation of a minor.
- Sexual exploitation of a minor.
- Child abuse as prescribed in § 13-3623, subsection A, paragraph 1.
- Kidnapping.
- Sexual abuse.
- Taking a child for the purpose of prostitution as prescribed in § 13-3206.
- Child prostitution as prescribed in § 13-3212.
- Involving or using minors in drug offenses.
- Continuous sexual abuse of a child.
- Attempted first degree murder.
- Sex trafficking.

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- Manufacturing methamphetamine under circumstances that cause physical injury to a minor.
- Bestiality as prescribed in § 13-1411, subsection A, paragraph 2.
- Luring a minor for sexual exploitation.
- Aggravated luring a minor for sexual exploitation.
- Unlawful age misrepresentation.

IN ADDITION, WE WILL:

- Inform each other in advance of address and/or phone number changes.
- Notify each other in writing before relocating a child out-of-state or over 100 miles within Arizona, if both parties live in Arizona, as required by Arizona law (A.R.S. 25-408).
- Use the Parenting Time Plan order most recently in place until other arrangements are made if either party moves out of the area without the children and returns later.
- Inform each other promptly of emergencies and other important events involving the children.
- Consult with each other and agree about extra activities that affect the children's access to either party.
- Consider each other as care-providers for the children before making other childcare arrangements.
- Not use the children to convey information or change the Parenting Time Plan.
- Encourage love and respect between the children and the other party, and do nothing that might hurt the other party's relationship with the children.

DISPUTES:

We will make our best effort to cooperate consistent with the children's best interests and amicably resolve any disputes. If we are unable to reach an agreement about proposed changes, disputes, or alleged breaches of this Agreement, we may request mediation through the court or a private mediator of our choice. While a dispute is being resolved, we will continue to follow this Agreement.

Date: _____ Petitioner's Signature: _____

Date: _____ Respondent's Signature: _____

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CHILD SUPPORT INFORMATION FORM

Don't file this form with the court.

It's essential to fill in ALL the blanks.

The Attorney will use this information to complete your child support forms at your Pre-Filing Meeting. If you're missing information, your child support forms might not be correct.

How many children age 12 or older do you and the other party have together? _____
What's the month and year of the youngest child's birthday? _____

How many children from other relationships live with the Petitioner? _____
How many children from other relationships live with the Respondent? _____

How many hours a week will the children spend with the Petitioner, according to the parenting time you're asking for? _____
How many hours a week will they spend with the Respondent? _____

Has a court ordered the other party to pay past-due alimony or child support from other relationships? [ ] Yes [ ] No
If Yes, how much per month? _____

On what date did you and the other party start living apart? _____
Do you want the other party to pay you child support for the months you've lived apart?
[ ] Yes [ ] No
[ ] Petitioner [ ] Respondent has voluntarily paid the other party $_____ to support the children since you started living apart.

	Petitioner	**Respondent**
Monthly gross income:	$_____	$_____
Monthly court-ordered child support each party pays from other relationships:	$_____	$_____
Monthly court-ordered alimony each party pays from other relationships:	$_____	$_____
Monthly court-ordered alimony each party receives from other relationships:	$_____	$_____

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	Petitioner	Respondent
Monthly health insurance paid for the children only *(Don't include what you pay for yourself. Your Human Resources Department can give you the right amount.)*:	$_____	$_____
Monthly payment for work-related childcare:	$_____	$_____
Monthly payment for a child's extraordinary educational needs based on the parties' agreement or a court order:	$_____	$_____
Monthly payment for a gifted or handicapped child's special needs:	$_____	$_____

Information About the Party Who Should Pay Child Support:

This information lets the court order this party's employer to witthold child support. If you're missing information, it might take longer to get child support. You can get this information from that party's Human Resources Department.

Social Security Number of the Party Who Should Pay Child Support: _____

Current Employer: _____
Payroll Mailing Address: _____
City: _____ State: _____ Zip: _____
Phone Number: _____ Fax Number: _____

Previous Employer (if known): _____
Payroll Mailing Address: _____
City: _____ State: _____ Zip: _____
Phone Number: _____ Fax Number: _____

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Case Number: _____

NOTICE REGARDING COMMUNITY DEBTS (ARS 25-318)

In your property settlement agreement or decree of dissolution or legal separation, the court may assign responsibility for certain community debts to one spouse or the other. Please be aware that a court order that does this is binding on the spouses only and does not necessarily relieve either of you from your responsibility for these community debts. These debts are matters of contract between both of you and your creditors (such as banks, credit unions, credit card issuers, finance companies, utility companies, medical providers and retailers).

Since your creditors are not parties to this court case, they are not bound by court orders or any agreements you and your spouse reach in this case. On request, the court may impose a lien against the separate property of a spouse to secure payment of debts that the court orders that spouse to pay.

You may want to contact your creditors to discuss your debts as well as the possible effects of your court case 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. Within thirty days after receipt of a request from a spouse who is a party to a dissolution of marriage or legal separation action, which includes the court and case number of the action, creditors are required by law to provide information as to the balance and account status of any debts for which the requesting spouse may be liable to the creditor. You may wish to use the following form, or one that is similar, to contact your creditors:

CREDITOR NOTIFICATION

Date: _____

Creditor's Name: _____
Street Address: _____
City, State, Zip: _____

To whom it may concern:

I am a party to Case Number DO_____ in the Coconino County Superior Court.

Within thirty days after receipt of this notice, you are requested to provide the balance and account status of any debt identified by account number for which the requesting party may be liable to you.

Your Name: _____
Street Address:_____
City, State, Zip: _____

Sincerely,

_____
Your Signature

SUPERIOR COURT OF COCONINO COUNTY, ARIZONA

DOMESTIC RELATIONS COVER SHEET - CASE NUMBER DO _____

Please print or type the following information

TYPE OF ACTION: (Check One)

[ ] Dissolution: [ ] With Children / [ ] Without Children
[ ] Separation: [ ] With Children / [ ] Without Children
[ ] Move a Case to This Court From Another State
[ ] Annulment
[ ] Paternity/Maternity
[ ] Custody (Unmarried Parents)
[ ] Order of Protection

PETITIONER

Name _____
Mailing Address _____
City, State, Zip _____
Phone Number _____
Email _____
Gross Monthly Income: _____
Date of Birth _____ [ ] Male [ ] Female
[ ] White [ ] Hispanic [ ] Black [ ] Native American
[ ] Native Hawaiian/Pacific Islander [ ] Asian [ ] Other

RESPONDENT

Name _____
Mailing Address _____
City, State, Zip _____
Phone Number _____
Email _____
Gross Monthly Income: _____
Date of Birth _____ [ ] Male [ ] Female
[ ] White [ ] Hispanic [ ] Black [ ] Native American
[ ] Native Hawaiian/Pacific Islander [ ] Asian [ ] Other

PETITIONER'S ATTORNEY

Name _____
Mailing Address _____
City, State, Zip _____
Phone Number _____

RESPONDENT'S ATTORNEY

Name _____
Mailing Address _____
City, State, Zip _____
Phone Number _____

MINOR CHILDREN

Name _____ DOB _____
Name _____ DOB _____
Name _____ DOB _____
Name _____ DOB _____

Names and DOB of any OTHER minor children of the petitioner and/or respondent, who are not involved in this case.

_____

Are any of the children named above parties in a [ ] Juvenile Delinquency, [ ] Dependency or [ ] Guardianship?

_____

Have there been any other cases (excluding minor traffic offenses) in any court involving members of this family? If so, provide the case number. Please ask the Clerk to look up the case number for you if you do not know it.

_____

Has anyone listed on this cover sheet been named in a Order of Protection or Injunction Against Harassment? If yes, please identify.

_____

What Court granted the Protection Order?

_____

Where did you get the forms you are filing today? [ ] Self -Help Center [ ] Online [ ] Attorney [ ] Bookstore
[ ] Other: _____

FLAP Attorney Initials _____

Name of Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

_____ Case Number *(leave blank)*: DO_____
Petitioner's Name

CONFIDENTIAL SENSITIVE DATA FORM

_____
Respondent's Name

NOT FOR PUBLIC RECORD
(OMIT SOCIAL SECURITY DATA ON OTHER FORMS)

A. Personal Information:

	Name	Date of Birth	Social Security Number
Petitioner:			
Respondent:			
Child:			
Child:			
Child:			
Child:			

OPTIONAL

B. Financial Account Numbers (including credit cards, financial institution records, investments, debts):

Financial Institution	Type of Account	Name(s) on Account	Account #

C. Pension and Retirement Accounts (including IRAs, 401Ks):

Financial Institution	Type of Account	Name(s) on Account	Account #

D. Life Insurance Policies:

Financial Institution	Type of Account	Name(s) on Account	Account #

Petitioner's Name: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

COCONINO COUNTY SUPERIOR COURT

In re the marriage of:

_____
Petitioner (My name)

_____
Respondent (My spouse's name)

Case Number *(leave blank)*: DO_____

PETITION FOR LEGAL SEPARATION WITH CHILDREN

Including Affidavit Regarding Minor Children

I STATE THE FOLLOWING UNDER OATH:

The Parties and the Marriage:

My Name: _____
Street Address: _____ City, State, Zip: _____
Birthdate: _____ Phone Number: _____ Job title: _____
Number of months/years in a row to date I have lived in Arizona: _____
If not living in Arizona now, I [ ] lived [ ] did not live in Arizona at some point during our marriage.

My Spouse's Name: _____
Street Address: _____ City, State, Zip: _____
Birthdate: _____ Phone Number: _____ Job title: _____
Number of months/years in a row to date my spouse has lived in Arizona: _____
If not living in Arizona now, my spouse [ ] lived [ ] did not live in Arizona at some point during our marriage.

The Marriage: Date of Marriage: _____
City and state or country where we were married: _____
Our marriage is irretrievably broken or I and/or my spouse desire to live separate and apart. The conciliation provisions have been met or do not apply. We do not have a covenant marriage.

Military Service: My spouse is not in military service.

Residency: I live in Arizona.

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Minor Children of the Marriage:

Pregnancy: [ ] Yes [ ] No: Wife is pregnant. Baby is due on _____
[ ] Yes [ ] No: The other spouse is believed to be the Father.

[ ] *(Leave this checkbox blank)* The FLAP Attorney advised me that having children born or conceived during the marriage to a Father other than my spouse may complicate my case and that I could ask for a paternity order or see an attorney on my own for advice and options.

Minor Children: The following children, who are under 18 and are my spouse's and my biological or adopted children, will have lived in Arizona for at least the six months before I file this Petition or have lived in Arizona since birth.

CHILD'S NAME: _____ Birthdate: _____
Where this child lived, dates lived there, and with whom the child lived, over the last 5 years:

Address	Dates	With whom

CHILD'S NAME: _____ Birthdate: _____
Where this child lived, dates lived there, and with whom the child lived, over the last 5 years:

Address	Dates	With whom

CHILD'S NAME: _____ Birthdate: _____
Where this child lived, dates lived there, and with whom the child lived, over the last 5 years:

Address	Dates	With whom

18-Year-Old High School Student: The following child, who is 18 and in high school and is my spouse's and my biological or adopted child, will have lived in Arizona for at least the six months before I file this Petition or has lived in Arizona since birth.

CHILD'S NAME: _____ Birthdate: _____
Where this child lived, dates lived there, and with whom the child lived, over the last 5 years:

Address	Dates	With whom

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Address	Dates	With whom

[ ] Yes [ ] No: I have participated, as a party or witness or in any other way, in another court case, described below, about the custody, legal decision-making, or parenting time of a child named above.
CHILD'S NAME: _____ Case Number: _____
Court Name: _____
Date the court signed the legal decision-making order: _____
What that order says: _____
CHILD'S NAME: _____ Case Number: _____
Court Name: _____
Date the court signed the legal decision-making order: _____
What that order says: _____

[ ] Yes [ ] No: Another court case, described below, involving a child named above, but not about custody, legal decision-making, or parenting time, could affect this case.
CHILD'S NAME: _____ Case Number: _____
Court Name: _____
The case is about: [ ] child support [ ] enforcement of court orders [ ] domestic violence
[ ] a protective order [ ] adoption [ ] terminating parental rights [ ] a criminal matter [ ] other:
_____
CHILD'S NAME: _____ Case Number: _____
Court Name: _____
The case is about: [ ] child support [ ] enforcement of court orders [ ] domestic violence
[ ] a protective order [ ] adoption [ ] terminating parental rights [ ] a criminal matter [ ] other:
_____

[ ] Yes [ ] No: Someone other than me or the other party has physical custody or claims rights of legal or physical custody or visitation with a child named above, as described below.
CHILD'S NAME: _____ Other Person's Name: _____
Other Person's Address: _____
Nature of the Claim: _____
CHILD'S NAME: _____ Other Person's Name: _____
Other Person's Address: _____
Nature of the Claim: _____

Child Support Enforcement: [ ] Yes [ ] No: Arizona Child Support Enforcement has been involved in establishing spousal maintenance for me or the other party or paternity or child support for any child named above, as described below. If yes, I will deliver a copy of this document to CSE on the day I file it.
CHILD'S NAME: _____
Name of court: _____ Court case number: _____
CHILD'S NAME: _____
Name of court: _____ Court case number: _____

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I ASK THE COURT TO ORDER THE FOLLOWING:

Legal Separation: Order that my spouse and I are legally separated.

Legal Decision-Making About the Children:

[ ] **Joint Legal Decision-Making:** Award the parties joint legal decision-making about the children as stated in the Joint Legal Decision-Making Agreement we signed. No significant domestic violence has occurred between the parties.

[ ] **Sole Legal Decision-Making:** Award [ ] Petitioner or [ ] Respondent sole legal decision-making about the children. Joint legal decision-making is not in the children's best interest because *(you must fill in this blank if you ask for sole legal decision-making)*:

_____
_____
_____
_____

Children's Primary Residence:

[ ] Children will live mostly with Petitioner.
[ ] Children will live mostly with Respondent.
[ ] Children will live equally with Petitioner and Respondent.

Parenting Time:

[ ] **Order This Parenting Time Plan:**

The children will be in Petitioner's care at these times:

_____
_____
_____
_____

At the start of Petitioner's time with the children, [ ] Respondent will drop them off or [ ] Petitioner will pick them up at this time: _____
at this location: _____

The children will be in Respondent's care at these times:

_____
_____
_____
_____

At the start of Respondent's time with the children, [ ] Petitioner will drop them off or [ ] Respondent will pick them up at this time: _____
at this location: _____

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While we understand the court may enforce this drop-off and pick-up schedule, we will be reasonably flexible about it.

Other scheduling arrangements:

[ ] During summer months or school breaks longer than four days not listed in the holiday schedule below, the children will be in [ ] Petitioner's or [ ] Respondent's care.

[ ] We each are entitled to an annual _____-week vacation with the children. We will work out the details of the vacation at least _____ days in advance.

[ ] Neither party will travel with the children outside Arizona for longer than _____ days without the prior written consent of the other party or order of the court.

We will inform each other of plans to travel out of the area with the children and of addresses and phone numbers where we and children can be reached during travel.

Holidays:

	Even Years		Odd Years	
	Petitioner	Respondent	Petitioner	Respondent
New Year's Eve	[ ]	[ ]	[ ]	[ ]
New Year's Day	[ ]	[ ]	[ ]	[ ]
Spring Vacation	[ ]	[ ]	[ ]	[ ]
Easter	[ ]	[ ]	[ ]	[ ]
Passover	[ ]	[ ]	[ ]	[ ]
Mother's Day	[ ]	[ ]	[ ]	[ ]
Father's Day	[ ]	[ ]	[ ]	[ ]
4th of July	[ ]	[ ]	[ ]	[ ]
Halloween	[ ]	[ ]	[ ]	[ ]
Veteran's Day	[ ]	[ ]	[ ]	[ ]
Thanksgiving	[ ]	[ ]	[ ]	[ ]
Hanukkah	[ ]	[ ]	[ ]	[ ]
Christmas Eve	[ ]	[ ]	[ ]	[ ]
Christmas Day	[ ]	[ ]	[ ]	[ ]
Winter Break	[ ]	[ ]	[ ]	[ ]
Children's Birthdays	[ ]	[ ]	[ ]	[ ]

[ ] Each party will have the children on that party's birthday.

[ ] On three-day weekends, which include Martin Luther King Day, President's Day, Memorial Day, Labor Day, and Columbus Day, the children will remain in the care of the party who has them for the weekend.

Holiday times will begin and end as follows: _____

Phone access:

[ ] Each party may contact the children by phone during the children's normal waking hours.

[ ] Other: _____

Religion:

[ ] Each party may take the children to a place of worship of that party's choice while the children are in that party's care.

[ ] The children may be instructed in the following faith: _____

[ ] Religious arrangements do not apply to this Plan.

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Communicating with each other: We will communicate with each other about the children [ ] by phone [ ] by email [ ] by text [ ] in person at least every _____ days.

We may change the parenting plan by written agreement only, except in an emergency.

Reviewing the plan: We will review this Plan every _____ months and ask the court for any necessary or desired changes.

Other: _____

[ ] **Order Supervised Parenting Time:**

Unsupervised parenting time would endanger the children's physical, mental, moral, or emotional health because:

_____

_____

_____

Parenting time may take place only in the presence of another person, named as follows:

_____

Other restrictions on parenting time:

_____

_____

_____

The cost of supervised parenting time, if any, will be paid [ ] by the party being supervised or [ ] by the custodial party or [ ] equally by both parties.

[ ] **Order No Parenting Time:**

Even supervised parenting time with the other party would endanger the children's physical, mental, moral, or emotional health because:

_____

_____

_____

Child Support:

Leave the Child Support section blank. The attorney at the Pre-Filing Meeting will help you with this.

The Parent's Worksheet for Child Support Amount dated _____ shows that [ ] Petitioner or [ ] Respondent is obligated to pay monthly child support of $_____.

[ ] Order that support.

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[ ] **Deviation:**
It would be inappropriate or unjust to apply that amount because:
_____
Therefore, free of duress and coercion, I ask the court to order that:
[ ] [ ] I or [ ] the other party pay monthly child support of $_____.
[ ] Neither party pay child support.
This deviation is in the children's best interest because:
_____
I understand that it is up to the court whether to grant this deviation and that the court can change child support at any time if a party asks for a change.

Order that any child support obligation starts on:
[ ] the date the Petition was filed.
[ ] this date: _____. We started living apart on this date: _____
[ ] Petitioner [ ] Respondent has voluntarily paid the other party $_____ to support the children since we started living apart.

Order that any payments be made through the Support Payment Clearinghouse by automatic wage assignment. If there are temporary child support orders, order a judgment for arrears when the judge signs the Decree.

Medical, Dental, Vision Care for Minor Children: Order these expenses divided as follows:
Petitioner is responsible for providing [ ] medical [ ] dental [ ] vision care insurance.
Respondent is responsible for providing [ ] medical [ ] dental [ ] vision care insurance.
Order the parties to pay for all reasonable un-reimbursed medical, dental, and health related expenses incurred for the children in proportion to the parties' respective incomes as set forth in the most recent Parent's Worksheet for Child Support Amount.

Tax Exemptions: Divide our income tax exemptions for dependents as follows:
(This does not include claiming the children for tax credits such as the Earned Income Credit.)

Party Entitled to Claim:			
Petitioner	Respondent	Child's Name	Tax Years
[ ]	[ ]	_____	_____
[ ]	[ ]	_____	_____
[ ]	[ ]	_____	_____
[ ]	[ ]	_____	_____
[ ]	[ ]	_____	_____
[ ]	[ ]	_____	_____

<u>Spousal Support:</u>

[ ] Neither party is entitled to spousal support.
[ ] Award [ ] Petitioner or [ ] Respondent $_____ per month in spousal support from the other party beginning the first day of the month after the Decree is signed because he/she:
[ ] Lacks sufficient property to provide for his or her reasonable needs
[ ] Is unable to support himself or herself through appropriate employment

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[ ] Is the custodian of at least one child whose age or condition is such that the person should not be required to seek employment outside the home

[ ] Lacks earning ability in the labor market adequate to support himself or herself

[ ] Contributed to the educational opportunities of the other spouse

[ ] 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

Order that payments be made by the first day of each month thereafter and continue until the receiving party is remarried or deceased or until _____, whichever is sooner. Order that payments be made through the Support Payment Clearinghouse by automatic wage assignment. If there are temporary spousal maintenance orders, order a judgment for arrearages when the judge signs the Decree.

Property and Debts:

WARNING: If you own any property or owe any debts, or if your spouse does, you must list them.

Order our community property and debts divided and our separate property and debts confirmed as follows.

	Value	Petitioner	Respondent
Community Property:			
Real Estate:			
Address: _____	$_____	[ ]	[ ]
Legal Description: _____			
Address: _____	$_____	[ ]	[ ]
Legal Description: _____			
Bank Accounts:			
Enter the name on the account and the account description (for example, "savings").			
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
Motor Vehicles:			
Make: _____	$_____	[ ]	[ ]
Model: _____			
Lienholder: _____			
Last Four Digits of VIN: _____			
Make: _____	$_____	[ ]	[ ]
Model: _____			
Lienholder: _____			
Last Four Digits of VIN: _____			

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	Value	Petitioner	Respondent
Employment Benefits:			
Examples: 401K, retirement accounts, pensions.			
Enter name on the account and the fund name.			
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]

Other Community Property:

[ ] My spouse and I have already divided all remaining property, and I ask the court to confirm that division, except as follows.

	Value	Petitioner	Respondent
Household Furniture and Appliances:			
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
Other:			
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]

Community Debts:

Enter the name on the account, creditor, and description (for example, "credit card").

_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]

Separate Property:

_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]

Separate Debts:

_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]
_____	$_____	[ ]	[ ]

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I Request the Following Other Orders:

_____
_____
_____
_____
_____

I request any other orders that the court deems appropriate.

OATH AND VERIFICATION:

I have read this Petition. All the statements in it are true, correct, and complete to the best of my knowledge and belief.

My Signature: _____

State of Arizona)
)
County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____
Notary Expiration Date: _____

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Petitioner's Name: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

Petitioner's Name: _____ Case Number: DO_____

SUMMONS

Respondent's Name: _____

THE STATE OF ARIZONA TO *(enter Respondent's name)*: _____

YOU ARE SUMMONED and required to appear and defend within the time applicable in this action in this court. If served in Arizona, you shall appear and defend within 20 days of service on you of the Summons and Petition, excluding the day of service. If served outside of Arizona, you shall appear and defend within 30 days of service on you of the Summons and Petition, excluding the day of service. Direct service is complete when made. Service by publication is complete 30 days after the first publication.

If you fail to appear and defend within the time applicable, judgment by default may be rendered against you for the relief demanded in the Petition.

In order to appear and defend, you must file a Response in writing with the clerk of this court, accompanied by the necessary filing fee, within the time required, and you must serve a copy of any Response on the Petitioner.

A copy of the pleading being served may be obtained from the Clerk of Superior Court, Coconino County Courthouse, 200 N. San Francisco St., Flagstaff, AZ 86001.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least three (3) working days in advance of a scheduled court proceeding.

If this is an annulment, divorce, or legal separation, either party can ask the court for counseling or mediation to try to reconcile or to come to agreements about the case outside of court. You can find a form at the Law Library.

Leave this blank. This is for the court to fill in.

SIGNED AND SEALED this date: _____

Clerk of Superior Court

By Deputy Clerk: _____

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

Petitioner's Name: _____ Case Number: DO_____

Respondent's Name: _____

PRELIMINARY INJUNCTION

WARNING: This is an official order from the court. It affects your rights. Read it 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 Coconino County. It has the same force and effect as an order signed by the judge. You and your spouse must obey this order. It 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 explained it. Read the explanation and 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), Annulment, or Legal Separation is filed with the Court, and until the judge signs the Decree, or until further court order, you and your spouse shall not do any of the following things:

a. Hide earnings or community property from your spouse, AND
b. Take out a loan on the community property, AND
c. Sell the community property or give it away to someone, UNLESS you have your spouse's or the court's written permission. The law allows for situations in which you may need to transfer joint or community property as part of the every day running of a business; or in which the sale of community property is necessary to meet the necessities of life, such as food, shelter, or clothing; or to pay court fees and attorney fees associated with this action. If this applies to you, you should see a lawyer for help, AND
d. Harass or bother your spouse or the children, AND
e. Physically abuse or threaten your spouse or the children, AND
f. Take children common to your marriage out of Arizona for any reason unless you and your spouse have a written agreement or court order beforehand.

g. Remove or cause to be removed your spouse or the parties' children from any existing insurance coverage, including medical, hospital, dental, automobile, and disability insurance. Parties shall maintain all insurance coverage in full force and effect.

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

1(a). **RESTRICTIONS ON PROPERTY OF THE MARRIAGE:** Neither party shall transfer, encumber, use as collateral on a loan, conceal, sell, or otherwise dispose of any of the parties' joint, common, or community property, unless 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 parties' written consent or the court's permission.

1(b). **REQUIREMENTS OF BEHAVIOR:** Neither party shall molest, harass, disturb the peace of, or commit assault or battery on the other party's person or the parties' natural or adopted children.

1(c). **RESTRICTIONS ABOUT YOUR CHILDREN:** Neither party shall remove any natural or adopted child of the parties then residing in Arizona from the court's jurisdiction without advance written consent of the parties or the court's permission.

1(d). **RESTRICTIONS ABOUT INSURANCE:** Neither party shall remove or cause to be removed the other party or the parties' children 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 Petitioner when the Petition was filed with the court. It is effective against the other party when it is served on the other party. It shall remain in effect until further court order or the entry of a Decree of Dissolution, Annulment, or Legal Separation.

3. **ORDER TO PETITIONER:** You must serve a copy of this order on Respondent with a copy of the Petition, the Summons, and other required court papers.

4. **WARNING:** This is an official court order. If you disobey it, 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 in 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 Court. If any changes are made to this order and you have filed a certified copy with your local law enforcement agency, you must notify them of the changes.

6. **DESCRIPTION OF THE PARTIES:**

Petitioner:

Name: _____ Gender: [ ] Male [ ] Female

Last Four Digits of Driver's License #: _____ Weight: _____

Date of Birth: _____ Height: _____

Respondent:

Name: _____ Gender: [ ] Male [ ] Female

Last Four Digits of Driver's License #: _____ Weight: _____

Date of Birth: _____ Height: _____

Leave this blank. This is for the court to fill in.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this date: _____

Clerk of Superior Court By Deputy Clerk: _____