

CONSENT DECREE

FOR DIVORCE OR LEGAL SEPARATION WITH CHILDREN

YOU CAN USE THIS PACKET IF ALL THIS IS TRUE:

- You or the other party filed a Petition for divorce or legal separation.
- You and the other party agree on all terms of the divorce or legal separation.
- You and the other party have at least one child under age 18, or the wife is pregnant by the husband.
- You do not have a covenant marriage.
- You and the other party have completed the Parent Information Class.
- You want to conclude your case.

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you're doing the right thing. The Self-Help Center has information on finding an attorney.

INSTRUCTIONS

1	If you want joint legal decision-making, fill out the Joint Legal Decision-Making Agreement If a Joint Legal Decision-Making Agreement has already been filed and you agree on everything in it and both signed it, skip this step.
2	Fill out the child support forms If a Parent's Worksheet, Child Support Order, and Income Withholding Order have already been filed and you agree on everything in them, skip this step. Otherwise, fill out new versions of these forms listing your and the other party's agreements. You can find the forms at the Law Library, or online at http://coconino.az.gov/DocumentCenter/View/1827
3	Fill out these forms <ul style="list-style-type: none">• Stipulation To Proceed By Consent Decree• Consent Decree
4	If either party is a client of Child Support Services, get the Attorney General's signature on the Consent Decree You can reach them at: Assistant Attorney General Child Support Services 1701 N. 4 th St. Flagstaff, AZ 86004 928-527-0924
5	Check that both parties' certificates of completion of the Parent Education Class have been filed with the court If either party's certificate has not been filed, file it with these forms.

<p>6</p>	<p>Get your filing fee together</p> <p>If the Respondent has never paid an appearance fee in this case, they must pay the fee beside your case type:</p> <p>Divorce or Legal Separation: \$289 Paternity and Parenting Time: \$284 Parenting Time: \$219</p> <p>The court takes cash, cashier’s checks, or money orders payable to “Clerk of Superior Court”.</p> <p>For help with the fee, see the Law Library packet <i>Getting Help With a Filing Fee</i>.</p>
<p>7</p>	<p>File the forms with the court</p> <p>File the original and two copies, all single-sided. The Clerk will give you back your copies with the filing date stamped on them.</p> <ul style="list-style-type: none"> • Stipulation to Proceed by Consent Decree • Consent Decree • Joint Legal Decision-Making Agreement, if it applies • Parent’s Worksheet for Child Support Amount, if it applies • Child Support Order, if it applies • Income Withholding Order, if it applies • Certificate of completion of parent information class for both spouses, if it applies <p>File in person or by mail.</p> <p>Clerk of Superior Court 200 N. San Francisco St. Flagstaff, AZ 86001</p> <p>If you file by mail, include a self-addressed stamped envelope.</p>
<p>8</p>	<p>Wait for the court to contact you</p> <p>If the court approves your Consent Decree, the court will sign it and mail a copy to both parties.</p> <p>If the court does not approve your Consent Decree, the court will contact both parties to tell you what to do next.</p>

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: _____

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.

- 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: _____

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

Petitioner: _____ Case Number: DO _____

**STIPULATION TO PROCEED BY
CONSENT DECREE OF:**

- PARENTING TIME, LEGAL
DECISION-MAKING, AND CHILD
SUPPORT
- AND PATERNITY

- DIVORCE
- LEGAL SEPARATION
- WITH MINOR CHILDREN
- WITHOUT MINOR CHILDREN

Respondent: _____

We agree on all the terms of this case as listed on the proposed Consent Decree, and we agree to proceed by consent. If this is a divorce or legal separation, at least 60 days have passed since the Petition was served on Respondent.

Child Support: *(Leave blank if there are no children in your case.)* We agree on the child support listed in:

- The Petition
- The Response
- The Consent Decree
- The document called: _____
that was filed on this date: _____

Sign in front of a notary. Notaries are at the Self-Help Center in the Courthouse and at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

OATH AND VERIFICATION:

I have read this Stipulation. It is true and complete to the best of my knowledge.

Petitioner's Signature: _____

State of Arizona)

)

County of _____)

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

Seal: Notary Public: _____

Notary Expiration Date: _____

I have read this Stipulation. It is true and complete to the best of my knowledge.

Respondent's Signature: _____

State of Arizona)

)

County of _____)

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

Seal: Notary Public: _____

Notary Expiration Date: _____

REQUIRED FORMS:

You must have filed all these forms with the court before you can get a Consent Decree:

- *Parent’s Worksheet for Child Support Amount*
- *Child Support Order*
- *Income Withholding Order*
- *Each party’s Certificate of Completion of the Parent Education Class*

Petitioner: _____
 Mailing Address: _____
 City, State, Zip: _____
 Phone Number: _____
 Email: _____
 Representing Self

Respondent: _____
 Mailing Address: _____
 City, State, Zip: _____
 Phone Number: _____
 Email: _____
 Representing Self

COCONINO COUNTY SUPERIOR COURT

In re the marriage of _____ Case Number: DO_____

Petitioner: _____

CONSENT DECREE OF:

- LEGAL SEPARATION
- DIVORCE
WITH MINOR CHILDREN

Respondent: _____ ATLAS Number: _____

THE PARTIES STATE:

We each have paid an appearance fee or been granted a fee deferral. We agree upon the terms of this Decree. We agree to proceed by consent. We believe that no duress or coercion is involved in these agreements. We understand we each may retain legal counsel of our choice. We understand we are waiving the right to trial. We believe the division of property in this Decree is fair and equitable.

At least 60 days have passed since the Petition was served on Respondent, or Respondent waived formal service in a Joint Petition and Response. We do not have a covenant marriage. Listed below are our biological or adopted children together and/or whether the wife is pregnant by the husband. We understand the effect this Decree would have on any protective orders between us. We understand that protective orders will not change unless the court changes them.

THE COURT FINDS:

This case has come before the court for a Consent Decree. The court has taken all testimony needed, or determined testimony is not needed, to enter a final Decree. The court has jurisdiction over the parties under the law; the provisions of the Decree are fair and reasonable under the circumstances; and the parenting time, legal decision-making, and child support provisions are in the children’s best interest. The parties have met the Consent Decree requirements.

The Parties and the Marriage:

The conciliation provisions have been met or do not apply.

For a Consent Decree of Legal Separation: The parties’ non-covenant marriage is irretrievably broken, or at least one party desires to live separate and apart. At least one party lived in Arizona, or was stationed in Arizona while a member of the armed services, on the date the Petition was filed. Respondent does not object to a decree of legal separation.

For a Consent Decree of Divorce: The parties’ non-covenant marriage is irretrievably broken. At least one party lived in Arizona for at least the 90 days before the date the Petition was filed.

Minor Children:

Pregnancy: Yes No: Wife is pregnant. Baby is due on _____
 Yes No: Husband is believed to be the father.

Minor Children: Arizona is the home state for the following children who are under 18 and are the parties’ biological or adopted children:

Name: _____ Birthdate: _____
Name: _____ Birthdate: _____
Name: _____ Birthdate: _____

Parent Education Class:

The parties have attended the Parent Education Class as evidenced by the certificates of completion in the court file, or attendance has been waived by the Court.

THE COURT ORDERS:

For a Consent Decree of Legal Separation: The parties are legally separated.

For a Consent Decree of Divorce: The parties’ marriage is dissolved.

Legal Decision-Making About the Children:

Joint Legal Decision-Making: The parties are awarded joint legal decision-making about the children as set forth in the Joint Legal Decision-Making Agreement signed by the parties and filed with the Court. The Court adopts the terms of the Agreement. The Agreement has become part of the Decree and carries the same legal weight as the Decree. No significant domestic violence has occurred between the parties.

Sole Legal Decision-Making: Petitioner or Respondent is awarded 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:

The Court Orders 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: _____

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

Other scheduling arrangements:

During Summer school breaks, parenting time will be:

- the same as always
- with Petitioner or Respondent
- at both households according to this schedule:

- The parties each are entitled to an annual _____-week vacation with the children. The parties 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 notifying the other party ahead of time.

The parties 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
Spring Vacation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Easter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Passover	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mother's Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Father's Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 th of July	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fall Break	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Halloween	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thanksgiving Weekend	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hanukkah	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Winter Break: Week 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Winter Break: Week 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children's Birthdays	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 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.

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

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

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

Disagreements: If the parties have disagreements about this Parenting Plan in the future – such as about changes, violations, or moving with the children – they’ll make their best effort to cooperate and come to agreements in the children’s best interest. If they can’t agree, they have the option to ask for mediation through the court or a private mediator of their choice. While they’re trying to come to an agreement, they will continue to follow this Parenting Plan.

Other: _____

The Court Orders 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.

The Court Orders 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: Child support shall be paid as stated in the Child Support Order issued on or about this date: *(leave blank)* _____. The child support obligation shall continue until the children have reached age 18 and graduated from high school or have reached 19 and have not graduated from high school. The paying party must apply to the court to terminate child support payments.

Deviation: The Child Support Order lists child support that's different from the amount on the Parent's Worksheet for Child Support Amount. It would be inappropriate or unjust to apply the amount on the Worksheet because:

This deviation is in the children's best interest because:

Children's Insurance and Health Care Expenses: The party ordered to pay shall keep the other party informed of the insurance company name, address, and phone number and provide the other party with all documents necessary to submit insurance claims.

Petitioner is responsible for providing medical dental vision care insurance.

Respondent is responsible for providing medical dental vision care insurance.

Petitioner will pay _____% and Respondent will pay _____% of all reasonable un-reimbursed medical, dental, and health related expenses incurred for the children.

Tax Exemptions: The parties' income tax dependency exemptions are divided as follows. A party required to pay child support shall claim children as income tax dependency deductions only if the party has paid all child support due and owing. If there is unpaid child support owed at the end of the tax year, the non-paying party is entitled to claim all deductions for the tax year.

Petitioner	Respondent	Child's Name	Tax Years
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Spousal Support:

Neither party is entitled to spousal support.

Petitioner or Respondent shall receive \$_____ per month in spousal support from the other party beginning the first day of the month after the Decree is signed because they:

Lack sufficient property, including property apportioned to them, to provide for their needs

Lack earning ability in the labor market that is adequate to be self-sufficient

Are the parent of a child whose age or condition is such that the parent should not be required to seek employment outside the home

Have made a significant financial or other contribution to their spouse's education, training, vocational skills, career, or earning ability, or has significantly reduced their income or career opportunities for their spouse's benefit

Had a marriage of long duration and is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient

Payments shall be made by the first day of each month thereafter and continue until the receiving party is remarried or deceased or until _____. Payments shall be made through the Support Payment Clearinghouse by automatic wage assignment.

Property and Debts:

Community property and debts are divided and separate property and debts are confirmed as follows.

	Value	Petitioner	Respondent
Community Property:			
<u>Real Estate:</u>			
Address: _____	\$ _____	[]	[]
Legal Description: _____			

Address: _____	\$ _____	[]	[]
Legal Description: _____			

<u>Bank Accounts:</u>			
<i>Enter the name on the account and the account description (for example, "savings").</i>			
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
<u>Motor Vehicles:</u>			
Make: _____	\$ _____	[]	[]
Model: _____			
Lienholder: _____			
Last Four Digits of VIN: _____			
Make: _____	\$ _____	[]	[]
Model: _____			
Lienholder: _____			
Last Four Digits of VIN: _____			
<u>Employment Benefits:</u>			
<i>Examples: 401K, retirement accounts, pensions.</i>			
<i>Enter name on the account and the fund name.</i>			
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]

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:			
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]

	Value	Petitioner	Respondent
Other:			
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Community Debts:

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

_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Separate Property:

_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Separate Debts:

_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Each party shall pay all debts unknown to the other party. Each party shall pay his or her debts forward from the date the Petition was served on Respondent. This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfers of title ordered in this Decree, such as for motor vehicles, houses, and bank accounts. The parties shall transfer all real and personal property to the other party as ordered within 10 calendar days after the judge signs the Decree.

Enforcement of Temporary Orders: *(Leave this paragraph blank.)* For obligations ordered to be paid in the temporary orders dated _____ they are satisfied in full or judgment is awarded against the party with the obligation. The amount owing as of the date of this Decree is \$_____. At the legal rate of interest, the total amount currently owing is \$_____.

Names (for Divorce only):

Petitioner's former name is restored to: _____
 Respondent's former name is restored to: _____

Final Appealable Order: No further matters remain pending and this judgment is entered under Rule 78(c).

Other Orders:

Date: _____ Superior Court Judge: _____

APPROVED BY:

Sign in front of a notary, or in front of the Court Clerk when you start your case. The person signing must bring photo ID. Notaries are at most banks or listed in the Yellow Pages. Notaries usually charge a fee.

I have read this Consent Decree, the Child Support Order, and the Income Withholding Order and agree to be bound by their terms and conditions.

Petitioner's Signature: _____

State of Arizona)

)

County of _____)

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

Seal:

Notary Public: _____

Notary Expiration Date: _____

I have read this Consent Decree, the Child Support Order, and the Income Withholding Order and agree to be bound by their terms and conditions.

Respondent's Signature: _____

State of Arizona)

County of _____)

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

Seal: Notary Public: _____

Notary Expiration Date: _____

Date: _____

Petitioner's Attorney's Signature

Date: _____

Respondent's Attorney's Signature

By signing this Decree, the Attorney General's Office gives its written approval for any specified child support amount in this Decree. *(This signature is required only if either party receives TANF benefits or Title IV-D services from the Division of Child Support Services.)*

Date: _____

Attorney General's Office's Signature